

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 5, 2010**

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 5, 2010 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 Weisenberg present.

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.

### **2010 ANNUAL APPOINTMENTS & DESIGNATIONS**

**CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Johnson-Thompson) to appoint Commissioner Douglas as the Chairperson of the Lawrence County Commissioners for 2010. Motion Carried.

**VICE-CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Weisenberg-Douglas) to appoint Commissioner Johnson as the Vice-Chairperson of the Lawrence County Commissioners for 2010. Motion Carried.

**BOARD OF ADJUSTMENTS:** Moved-Seconded (Johnson-Ewing) to appoint Connie H. Douglas, Bob Ewing, Daryl Johnson, Tommy Thompson, and Terry W. Weisenberg as the Board of Adjustment for 2010. Motion Carried.

**LEGAL NEWSPAPERS:** Moved-Seconded (Thompson-Ewing) to designate the B.H. Pioneer and the Lawrence County Journal as the legal newspapers for 2010. Motion Carried.

**SHERIFF'S OFFICE POSITIONS:** Moved-Seconded (Ewing-Weisenberg) To restate the full time positions in the Lawrence County Sheriff's office for 2010 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 (Ewing-Thompson) 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.

**VETERAN SERVICE OFFICER:** Moved-Seconded (Johnson-Douglas) To appoint William Locken as the Veteran Service Officer for a four year term to expire 1-2014. Motion Carried.

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

**AIRPORT BOARD:** Moved-Seconded (Weisenberg-Thompson) to appoint Commissioner Johnson as representative and Terry Weisenberg as alternate for 2010. Motion Carried.

Moved by Thompson to appoint Michael Rath for a five-year term to end 1-2015. Motion died due to lack of second. Moved-Seconded (Ewing-Thompson) to appoint Richard Krogstad for a five-year term to end 1-2015. Aye- Ewing and Thompson. Nay- Douglas, Weisenberg and Johnson. Motion failed. Moved by Weisenberg to nominate Neil Clark. Motion died due to lack of second.

Moved-Seconded (Johnson-Thompson) to appoint Michael Rath for a five-year term to end 1-2015. Motion Carried. Aye-Johnson, Thompson and Douglas. Nay- Ewing and Weisenberg.

**EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN:** Moved-Seconded (Ewing-Weisenberg) to appoint Chairman Douglas for 2010. Motion Carried.

**ENVIRONMENTAL REVIEW / TIMBER COMMITTEE:** Moved-Seconded (Johnson-Thompson) To appoint Bill Coburn, Paul Schipke and Dean Rasmuson to the Timber Committee for a three year term to expire 1-2013. Motion Carried

**EXTENSION BOARD:** Moved-Seconded (Johnson-Ewing) To appoint Commissioner Thompson to the Extension Board for a one-year term to expire 1-2011. Motion Carried.

Moved-Seconded (Johnson-Douglas) To appoint Robin Dirksen, Druse Kellogg, Stephanie Crowley, Joanne Goodrich, Roxie Tetrault and Richard Sleep for a one-year term to expire 1-2011. Motion Carried.

**FAIR BOARD:** Moved-Seconded (Ewing-Johnson) To appoint Commissioner Thompson to the Fair Board for 2010. Motion Carried.

Moved-Seconded (Johnson-Ewing) to appoint Reata Weyrich for a (3) year term to expire 1-2013. Motion Carried.

**HOUSING & REDEVELOPMENT COMMISSION:** Moved-Seconded (Ewing-Thompson) to appoint Matt Pike to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2014. Motion Carried.

**INSURANCE COMMITTEE:** Moved-Seconded (Johnson-Ewing) to appoint Commissioner Douglas for 2010. Motion Carried.

**INVASIVE SPECIES MANAGMENT:** Moved-Seconded (Weisenberg-Thompson) To appoint Commissioner Ewing for 2010. Motion Carried.

Moved-Seconded (Johnson-Thompson) To table the decision for the Invasive Species Management Board until a list of candidates and recommendation is received from the Invasive Species Management Board. This is for a three-year term to expire on 1-2013. Motion Carried.

**MENTAL ILLNESS BOARD:** Moved-Seconded (Weisenberg-Johnson) to appoint Barbara Hansen for a three-year term to expire on 1-2013 and Susan Pisani as the alternate for a term to expire 1-2013. Motion Carried.

**PLANNING & ZONING BOARD:** Moved-Seconded (Weisenberg-Thompson) to appoint Commissioner Johnson for 2010. Motion Carried.

Moved-Seconded (Thompson-Douglas) to appoint and Commissioner Ewing as alternate for 2010. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Thompson-Johnson) To appoint Commissioner Ewing, and Commissioner Weisenberg for 2010. Motion Carried.

Moved-Seconded (Thompson-Ewing) To appoint Kendall Aldinger to the Public Defender Board for 2010. Motion Carried. Aye-Ewing, Johnson, Thompson and Douglas. Nay-Weisenberg.

**B.H. COUNCIL OF LOCAL GOVERNMENTS:** Moved-Seconded (Ewing-Thompson) to appoint Commissioner Weisenberg as Representative and Commissioner Johnson as Alternate for 2010. Motion Carried.

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Moved-Seconded (Ewing-Douglas) to appoint Commissioner Johnson, Commissioner Weisenberg, Marlene Barrett, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2010. Motion Carried.

**LIBRARY BOARD:** Moved-Seconded (Weisenberg-Thompson) to appoint Commissioner Douglas for 2010. Motion Carried.

**SPEARFISH ECONOMIC DEVELOPMENT BOARD:** Moved-Seconded (Ewing-Thompson) to appoint Commissioner Johnson to the Spearfish Economic Development Board for 2010 and Commissioner Douglas as the alternate for 2010. Motion Carried.

**STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES:** Moved-Seconded (Weisenberg-Johnson) to appoint Chairperson Douglas, and Emergency Management Director, Paul Thomson for 2010. Motion Carried.

**MULTIPLE USE COMMITTEE:** Moved-Seconded (Thompson-Douglas) to appoint Commissioner Weisenberg to the Multiple Use Committee for 2010. Motion Carried.

**WESTERN SD COMMUNITY ACTION:** Moved-Seconded (Ewing-Johnson) to appoint Ida Marie Snorteland for 2010. Motion Carried.

**WESTERN SD JUVENILE SERVICES CENTER COMPACT:** Moved-Seconded (Johnson-Ewing) To appoint Commissioner Thompson to a three-year term to expire 1-2013. Motion Carried.

**LEAD OPERA HOUSE:** Moved-Seconded (Ewing-Johnson) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2010. Motion Carried.

**BH CENTRAL RESERVATIONS:** Moved-Seconded (Thompson-Ewing) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2010. Motion Carried.

**BLACK HILLS VISION:** Moved-Seconded (Ewing-Douglas) to appoint Commissioner Weisenberg to the Black Hills Vision Board for 2010. Motion Carried.

**AG COMMITTEE:** Moved-Seconded (Johnson-Thompson) to appoint Bob Ewing and Douglas Pavel to the AG Committee for a three year term to expire 1-2013. Motion Carried.

**WILDLIFE RECREATION & TOURISM:** Moved-Seconded (Weisenberg-Thompson) to appoint Eric Hunt and Barbara Jean Atchison to the Wildlife Recreation & Tourism Committee for a three year term to expire 1-2013. Motion Carried.

**SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER:** Moved-Seconded (Weisenberg-Ewing) to adopt the special rule of order requiring three members approval to pass a motion for 2010 and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

**2010 WAGES & SCALES:** Moved-Seconded (Weisenberg-Ewing) to accept the following 2010 longevity pay policy, Per Diem, wage scales, and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective January 3, 2010. 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.

**PERDIEM:** Sheriff Deputies-\$6.00 per day, for a maximum of 5 days a week. Correctional Officers-\$1.00 per each day physically worked.

**CELL PHONE PER DIEM:** Greg Dias-75.00; Randy McGruder-50.00; Rick Wisser-75.00; Dick Birk-50.00; Steve Ryan-50.00; Bob McCormick-50.00; Norm Burleson-50.00; Rick Frerichs-50.00; Ki Caserio-50.00; Amber Vogt-60.00; Jeff Schroeder-50.00; Paul Thomson-136.00; Rene Larson-68.00; Darlene Piekkola-70.00; Scott Sandvig-50.00; Brett Runge-50.00; Carmen Symonds-50.00; Tim Hodson-50.00; Rick Mowell-126.00; Joe Harmon-126.00; Brian Dean-126.00; Randall Rosenau-126.00; Paul Hansen-126.00; Marty Goetsch-126.00; Tavis Little-104.00; Joe Leveque-104.00; Rob Ruffato-104.00; Brooke Leighty-104.00; Larry Gabriel-126.00; Rick Hagerty-126.00; Seth Brennen-104.00; Ryan Cook-104.00; Bob Williams-104.00; Dave Heck-50.00.

**2010 WAGES (per SDCL 6-1-10): 2010 WAGES (per SDCL 6-1-10):** Commissioners: Douglas, Connie-11,050.67; Ewing,Bob-11,050.67; Tommy Thompson-11,050.67; Johnson,Daryl-11,050.67; Weisenberg,Terry-11,050.67; Barrett,Marlene-51,997.73; Outka,Bruce-60,990.73. Auditor: Atkinson,Connie-60,148.98; McGruder,Brenda-19.39; Millard, Robin-14.17; Nelson,Melody-16.20; Sargent,Debbie-15.69. Treasurer: Tridle,Debora-55,281.70; Adams, Julia-14.17; Atkinson,Sally-17.55; Brownlow,Carleen-14.17; Haupt,Janice-16.44; Marshall, Laurie-14.17; Peck,Ina-15.98. Computer: Dias,Gregory-71,518.30; Leatherman, Debra-16.17; McGruder,Randall-23.79; Wisser, Ricky-20.09. States Attorney: Fitzgerald, John-75,780.38; Baumann,Michelle-19.87; Fox, Teryl M.-13.42; Lopez,Amber-58,961.04; Silvernail,Janice-16.63; Stoflet,Margie-17.12; Yapp,Brenda-52,245.61. Public Defender: Witcher,Eric-64,939.69; Pike,Matthew-\$54,356.33; Schuchmann, Bernard-50,216.85; Smith,Molly-20.26; Turnbow,Jamie-\$18.99. Maintenance: Frerichs,Richard-24.27; Carr,Zoe-13.80; Caserio,Clifford-18.67; Lee,Laura-11.63; Mattson,Robert-12.25; Varland,Robyn-11.43. Director of Equalization: Piekkola,Darlene-65,062.94; Bridenstine,Nancy-16.60; Carrico,Linda-16.49; Ehnes,Tamera-14.24; Hodson,Timothy-17.85; Runge,Brett-18.55; Sandvig,Scott-20.84; Symonds,Carmen-17.85; Woodle,Sharon-16.76; Writer,Jason-18.59. Register of Deeds: Green Sheree-49,159.15; Blaha, Marie-12.25; Feterl,Florence-15.99; Hansen,David-17.35; Podoll, Keri-15.60. Veterans Service Officer: Locken,William-30,544.21. Sheriff: Mowell, Richard-67,603.31; Harmon,Joe-59,446.60; Alfson, Kristan-16.73; Black,Sue-17.65; Dragoo,Shelley-16.73; Greeley,Laurie-16.78; Hamilton,Marian-17.24; Schumacher,Kristy-16.80; Steffen,Peggy-16.73; White,Richard-\$16.82; Asheim,Roger-16.45; Cook,Ryan-21.59; Davis,Judy-18.18; Dean,Brian-24.31; Fitzgerald,Sara-15.92; Gabriel,Larry-18.83; Goetsch,Martin-22.92; Hagerty,Richard-18.12; Hansen,Paul-22.41; Hulm, Andrew-16.45; Jansevics,Jake-14.23; Langenfeld, Larry-16.45; Leighty, Brooke-21.54; Leveque,Victor-22.18; Little,Tavis-22.42;

Mykleby, Geraldine-\$15.92; Nelson,Kesha-17.42; Rakow, Julie-14.17; Ruffatto,Robert-21.54; Shafer,Mike-16.45; Thompson,Colin-16.45; Utecht,Jerome-14.23; Vrem,Laurie-15.68; Walker,John-16.45; Williams,Robert-21.54; Allen, Dawn-17.45; Berndt,Wendy-16.78; Brady,Daniel-16.73 Brennan, Seth-21.63; Brotsky, Cody-16.07; Cook, Ashlee-16.73; Cortez, Frank-13.89; Culver,Kim-16.82; Fish,Kevin-16.73; Harris,Katrina-16.73; Harris, Nicole-16.07; Harter, Ralph-16.07; Herdt, Eric-16.07; Kellogg,Susan-17.46; Kotak,Joe-13.54; McCarty, Michael-16.07; McLain, Michael-17.39; Mehia, Felix-16.73; Patino, Dora-16.73; Rosenau,Randall-23.40; Smith, Jordan-16.40; Walker, Misti-12.33; Williams,Robert C.-17.57. Coroner: Gould, Gary-100.00 call; Isburg,Damon-100.00 call; Pedneau, Darin-100.00 call. Emergency Management: Thomson,Paul-56,015.61; Larson,Rene-\$16.00. E911: Sandvick,Thomas-20.35; Highway: Birk,Richard-\$67,445.05; Agena,Timothy-20.07; Barrett,Tim-19.65; Bey,John-24.57; Burleson, Norman-19.84; Dahl,Dennis-20.60; Eide,Curtis-20.56; Engel,Paul-19.63; Fystro,Terry-20.56; Grenstiner,Edwin-20.92; Harper,Jeffrey-19.61; Heying,Bradley-20.04; Keller,Robert-19.63; Larimore,Mark-19.56; Lensegrav, Richard-20.13; McCormick,Robert-24.93; Patino,Mark-19.76; Ryan,Steve-24.77; Silvernail,Dennis-20.52; Skavang, Robert-19.56; Vandenberg,Maria-14.64; Wright,Bonnie-19.30. Airport: Harmon,James-16.52; 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-17.48; Frawley, Mary-12.25; McGuinness,Sherry-12.25; Rahja,Carol-12.25; Frerichs, Amy-per diem; Rombough,Debra-per diem; Weed: Heck,David-48,040.12; Breske, Joshua-11.85; Nicholes, Josheph-12.36; Redden, Joshua-12.36; Boyer,Jerry-40.00 meeting; Rahja, Robert-40.00 meeting; Sleep,Richard-40.00 meeting; Sophusson,Marvin-40.00 meeting; Watson, Donna-40.00 meeting. Planning&Zoning: Vogt,Amber-43,320.74; Schulz,Sherryl-15.92; Schroeder, Jeffery-16.36; 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>2010 BASE</i>	<i>SDCL #</i>
<b>AUDITOR</b>	\$ 31,111.00	SDCL 7-7-9.1
<b>TREASURER</b>	\$ 31,111.00	SDCL 7-7-9.1
<b>REGISTER DEEDS</b>	\$ 31,111.00	SDCL 7-7-9.1
<b>STATES ATTORNEY</b>	\$ 61,900.00	SDCL 7-7-12
<b>SHERIFF</b>	\$ 39,900.00	SDCL 7-12-15

**RESOLUTION #10-01 / ELECTION OFFICIALS COMPENSATION:** Moved-Seconded (Weisenberg-Johnson) to approve the following Resolution #2010-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2010-01 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 5th day of January 2010. For the Board, Connie Douglas, Chairman. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #10-02 POLLING PLACES & PRECINCTS:** Moved-Seconded (Johnson-Thompson) to approve the following resolution setting the polling places and precincts in 2010. 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 5th day of January 2010. For the Board, Connie Douglas, Chairman. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #10-03 TO ESTABLISH OFFICIAL DEPOSITORIES:** Moved-Seconded (Weisenberg-Ewing) to approve the following Resolution #10-03 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 2010: Wells Fargo-South Dakota 721 Main St. Deadwood, SD; First Interstate 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 2010. Dated this 5<sup>th</sup> day of January 2010. For the Board of County Commissioners: Connie Douglas, Chairman Attest: Connie Atkinson, Auditor

Moved-Second (Ewing-Weisenberg) To deny the request from Bank West in Pierre, SD as they are not located in Lawrence County. Motion Carried.

**MINUTES:** Moved-Seconded (Johnson-Ewing) to approve the minutes of December 29, 2009 County Commission meeting and the Board of Adjustment minutes of December 29, 2009. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Johnson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of December 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)-\$41,676.68; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,480.18; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,533,091.22, Money Market \$526,271.26; Bank Balance-\$2,475,477.33; Total \$10,782,106.67.

**FUEL QUOTES:**

Only one fuel quote was submitted as of December 31, 2009: Whitewood Diesel 600 Gallons: CBH Oil Co. 2.159\*. (\*represents lowest quote). (prices per gallon).

**ABATEMENTS:**

**OLSON:** Moved-Seconded (Ewing-Douglas) to approve the abatement for Curt and Robin Olson on parcel #28500-00703-244-00 because the pole barn was assessed twice. Motion Carried.

**RATH:** Moved-Seconded (Ewing-Thompson) to approve the abatement for Tobias Rath on the 1991 Schult Mobile home VIN:10413641 because the mobile home was moved on 10-3-2009. Motion Carried.

**INVESTMENT REPORT:** Deb Tridle presented the Investment Report as of December 31, 2009.

**TOUR JAIL FACILITY:** The Board toured the Jail facility.

**COMMUNITY WILDFIRE PROTECTION PLAN & TITLE III:** Bill Coburn and Rob Mattox were present to discuss the Community Wildfire Protection Plan and Title III funds. Coburn recommended the Board look into funding the Firewise Community Program with the Title III funds in the future.

**RETAIL ON-SALE LIQUOR LICENSE TRANSFER:** A public hearing was held on an application for transfer of a Retail (On-Sale) Liquor License. No public input was voiced and the hearing was closed. Moved Seconded (Ewing-Thompson) to approve the following transfer of RETAIL (ON-SALE) LIQUOR LICENSE - *PREVIOUS LICENSE:* DAKOTA RESORTS MANAGEMENT GROUP INC., DEER MOUNTAIN SKI AREA, Deadwood, SD, Mineral Survey 1158, S13, T4N, R2E. *TRANSFER TO:* MYSTIC MINER F&B, L.L.C / MINE SHAFT TAVERN: 11187 Deer Mountain Road, Lead, SD 57754 Mystic Miner Tract, formerly known in part as: MS1208 thru 1216; MS1210 connecting, Havana Lodes 1-10, Lawrence County, SD. 26500-01210-000-20. Motion Carried

**RETAIL ON-OFF SALE WINE LICNESE:** A public hearing was held on an application for Retail (On-Off Sale) Wine License. No public input was voiced and the hearing was closed. Moved Seconded (Weisenberg-Johnson) to approve the following Retail On-Off Sale Wine License for CROW PEAK BREWING COMPANY, LLC: a consolidation of Lot Y-1 and Z-1, of Lot Y and Z of lot 8, located in NE1/4NE1/4, S4, T6N, R2E., Lawrence County 20100-00602-040-58. Motion Carried.

**MINERAL RIGHTS:** Donnie Quaschnick was present to discuss the return of Mineral Rights on his property, parcel #08000-00303-110-30. Bruce Outka stated the County does own the mineral rights to this parcel. Outka reviewed the process necessary to declare the property surplus and offer for sale. Mr. Quaschnick withdrew his request.

**ITEMS FROM COMMISSIONERS:**

Moved-Seconded (Weisenberg-Ewing) To send a letter supporting the nomination of Shelby Wayne Williams from Lead/Deadwood High School to the Naval Academy in Annapolis Maryland. Motion Carried.

**AIRPORT:** The Board requested that a tour of the Airport be arranged for the County Commission.

**COMMISSION CORRESPONDENCE:** Chairman Douglas stated that all correspondence that the Commissioners ask Marlene Barrett, Commissioners Assistant, to mail out on behalf of the Commissioners and on County Commission letterhead be brought to a Commission Meeting for Board signature.

**AGENDA:** Chairman Douglas asked that all appointments for the Commission Meetings be approved by the Chairman before added on to allow time to research the issue.

**COUNTY CREDIT CARD POLICY:** The Board asked Bruce Outka, Deputy States Attorney and Connie Atkinson, Auditor to prepare a proposed Credit Card Policy for the Commission review.

**BILLS:** Moved-Seconded (Ewing-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:** MOWELL,RICHARD-\$8,580.00; A&B BUSINESS EQUIP-\$528.89; BH CHEMICAL COMPANY-\$449.31; BH POWER-\$522.30; BEST BUSINESS PROD-\$20.80; BRADY PLUIMER-\$972.00; BUTLER MACHINERY CO-\$1,119.68; BUTTE ELECTRIC COOP-\$215.56; CBH COOPERATIVE-\$1,241.43; CENTRAL PARTS-\$6,430.34; CONOCOPHILLIPS FLEET-\$53.36; D WARE-\$1,250.00; DAYS INN-\$48.50; DEADWOOD, CITY OF-\$900.03; KNOLOGY-\$269.49; LC CONSERVATION DIST-\$5,000.00; LC JOURNAL-\$635.21; LAWSON PRODUCTS-\$275.94; LEAD, CITY OF-\$45.23; LEAD-DEADWOOD REG HOSPITAL-\$5,225.00; MONTANA-DAKOTA UTIL-\$5,881.63; NH ALCOHOL & DRUG SERVICES-\$12,000.00; NDWCA-\$90.00; PENNINGTON CO AUDITOR-\$82.00; QWEST-\$94.67; SD ASSOCIATION OF COUNTY-\$195.00; SD MUNICIPAL LEAGUE-\$76,100.00; SD PUBLIC ASSUR ALLIANCE-\$24,497.20; SERVALL TOWEL & LINEN-\$145.09; SPEARFISH AMBULANCE SERVICE-\$5,225.00; SPEARFISH AUTO SUPPLY-\$37.55; VOELKER & ADAMS-\$1,078.70; WEST RIVER INTERNATIONAL-\$14.23;**WITNESS & JURORS:**

BANTAM,E-\$61.10; BANTON,D-\$59.62; BIZA,T-\$61.84; FAHRNI,J-\$58.14; FRASIER,D-\$64.80; GOEHNER,M-\$58.88; KAISER,S-\$59.62; RICHTER,E-\$61.10

**ADJOURN:** 10:24 a.m. there being no further business it was Moved-Seconded (Ewing-Douglas) to adjourn. Motion Carried.

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

\_\_\_\_\_  
Connie H. Douglas, Chairperson

ATTEST:

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Brenda McGruder, Deputy Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 26, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 26, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Daryl Johnson, Tommy Thompson and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of January 5, 2010 County Commission meeting. Motion Carried.

**AIRPORT ORDINANCE & INSURANCE:** Bruce Outka discussed the need for the Airport ordinance to be updated. Moved-Seconded (Thompson-Douglas) to appoint Daryl Johnson, Bruce Outka and a member of the airport board to a subcommittee to review the airport ordinances. Motion Carried. Marlene Barrett discussed the Airport liability insurance. She stated that 3 quotes were received and after review we stayed with the local agent at a savings of \$450.00.

**INVASIVE SPECIES MANAGMENT:** Moved-Seconded (Weisenberg-Thompson) to follow the recommendation of the Invasive Species board and appoint Marv Sophusson and Dan Hefner for a three year term. Motion Carried.

**APPLE SPRINGS ROAD DISTRICT:** Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the following Order Declaring Apple Springs Road District Incorporated. Motion Carried. ORDER DECLARING APPLE SPRINGS ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Apple Springs Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on January 19, 2010. 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 5 (five) voting for and the number of 1 (one) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: 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. 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 Apple Springs Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 26th day of January, 2010. Connie H. Douglas, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor.

**APPLE SPRINGS WATER WORKS SANITARY DISTRICT:** Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Chairperson to sign the following Order Declaring Apple Springs Water Works Sanitary District Incorporated. Motion Carried. ORDER DECLARING APPLE SPRINGS WATER WORKS SANITARY DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Apple Springs Water Works Sanitary District to determine whether or not a Water Works Sanitary District should be incorporated. WHEREAS, this vote was held on January 19, 2010. 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 6 (six) voting for and the number of 0 (zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: 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 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 Apple Springs Water Works Sanitary District is hereby incorporated pursuant to SDCL 31-12A. DATED this 26th day of January, 2010. Connie H. Douglas, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2008 taxes levied for in 2009 was \$31,239,728.54 and the total unpaid as of 12-31-09 was \$523,603.18 which represents a 1.68% delinquency. Moved-Seconded (Weisenberg-Johnson) to accept the Delinquent Taxes Report of 2009 levied and unpaid taxes as reported by the Auditor. Motion carried.

**COMBINED ELECTION AGREEMENT:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Combined Election Agreement with City of Spearfish, Spearfish School District and Butte County. Motion Carried.

**FUEL QUOTES:**

The following fuel quotes were submitted as of January 21, 2010: Spearfish Diesel 3200 Gallons: (prices per gallon) CBH Coop. 2.188\*, Southside Oil – \$2.31; (\*represents lowest quote). Unleaded 500 Gallons: (prices per gallon) CBH Coop. \$2.394; Southside Oil - \$2.38\*; (\*represents lowest quote). The following fuel quotes were submitted as of January 21, 2010: Whitewood Diesel 450 Gallons: (prices per gallon) CBH Coop. 2.188\*, Southside Oil – \$2.31; (\*represents lowest quote).

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to update the board on County Road issues.

**RECOVERY ZONE BONDS:** Moved-Seconded (Johnson-Douglas) to bring the proposed Resolution Establishing Recovery Zone Bonds for the Spearfish School District off the table. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the following LAWRENCE COUNTY RESOLUTION NO. 2010-04. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2010-04 A RESOLUTION ESTABLISHING RECOVERY ZONE BONDS PROCEDURES, CREATING A VOLUME CAP ALLOCATION REGISTER FOR RECOVERY ZONE BONDS AND ALLOCATING A PORTION OF THE COUNTY'S RECOVERY ZONE ECONOMIC DEVELOPMENT BOND VOLUME CAP TO SPEARFISH SCHOOL DISTRICT: WITNESETH: WHEREAS Lawrence County, South Dakota was suballocated \$1,547,000 for Recovery Zone Economic Development Bonds volume cap; WHEREAS, the Notice 2009-50 provides that a County receiving volume cap allocation under §1400U-1(a)(3)(A) may issue bonds for use by a ultimate beneficiary or may suballocate the allocation to ultimate beneficiary who is an eligible issuer; and WHEREAS, it is in the best interest of Lawrence County to allocate to the ultimate beneficiary, Spearfish School District (the "District"), and have the District issue its own Recovery Zone Economic Development Bonds. NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: 1. Recovery Zone Allocation Procedures. The County Commission does hereby adopt the Recovery Zone Allocation Procedures, a copy of which shall be, and is on file with the County Auditor. 2. Creating of Volume Cap Allocation Register. The County Auditor is directed to establish a Volume Cap Allocation Register

to separately keep track suballocation of Recovery Zone allocation for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds under IRC §§ 1400U-2 and 1400U-3. 3. Recovery Zone Findings. Prior to allocating volume cap to an ultimate beneficiary of ultimate issuer, the County must find that the ultimate beneficiary or ultimate issuer, or both, are in an area which has significant poverty, unemployment, rate of home foreclosures or general distress. The County Commission finds that the School District has significant poverty, unemployment and general distress as more fully set forth in the Recovery Zone Study on file with the County Auditor. The findings made in the Recovery Zone Study for Spearfish School District, on file with the County Auditor, are hereby adopted. 4. Allocation of Recovery Zone Economic Development Bond volume cap. Lawrence County pursuant to 26 USCA § 1400U-1(a)(3)(A) allocates its Recovery Zone Economic Development Bond volume cap as follows:

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Recovery Zone Economic Development Bonds Allocation     \$1,547,000  
Amount:

Eligible Issuer:	Spearfish School District
Ultimate Beneficiary:	Spearfish School District

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Passed this 26th day of January, 2010. Connie Douglas, Chairman. ATTEST: Connie Atkinson, Auditor.

**CREDIT CARD POLICY:** The Board discussed the proposed Credit Card policy. No action was taken.

**PUBLIC DEFENDER CONFLICT CONTRACT PROPOSALS:** Thompson excused himself from the discussion due to conflict of interest. The board asks to have the 4 proposals to be looked at by the Public Defender board and make a recommendation at the next meeting to be held on February 9, 2010. Moved-Seconded (Ewing-Weisenberg) to table till next meeting. Aye-4 Nay-0 Absent Thompson. Motion Carried.

**ABATEMENTS:**

**SOUTH DAKOTA CABLE TV:** Moved-Seconded (Weisenberg-Ewing) to approve the abatement for South Dakota Cable TV on parcel #26999-00020-000-86 because the building no longer exists. Motion Carried.

**CITY OF DEADWOOD:** Moved-Seconded (Weisenberg-Ewing) to approve the abatement for The City of Deadwood on parcel #30025-08500-030-00 because the property was tax exempt for two months of 2009. Motion Carried.

**HEYMEYER:** Moved-Seconded (Weisenberg-Johnson) to approve the abatement for Delmer D. Heymeyer Revocable Trust on parcel #20100-00602-041-70 because owner occupied was put on wrong parcel. Motion Carried.

**HEYMEYER:** Moved-Seconded (Weisenberg-Johnson) to approve the add-on for Delmer D. Heymeyer Revocable Trust on parcel #20100-00602-041-65 because owner occupied was put on wrong parcel. Motion Carried

**MOONEY:** Moved-Seconded (Ewing-Thompson) to approve the abatement for Ben Mooney on parcel #59859(2009)/59860(2010) because the mobile home was moved out of the county on 11-16-2009. Motion Carried.

**CONDITIONAL USE PERMIT #385 / SAND CREEK LANDSCAPING:** A public hearing was held on conditional Use Permit #385 for Ted Bergan/Sand Creek Landscaping, Owner/Representative: Ted Bergan, Description: Lot Z of Lot 1 of the NE ¼ NW ¼ of Section 16, T6N, R2E., Location: Tinton Road, Purpose: Holding yard for nursery and landscaping business, Zoning: RR. Ted Bergan, Owner, spoke in favor of the CUP. Ted explained that he purchased the property to live on and to run a landscaping business. Victoria Eckrich Reid spoke in opposition of the CUP stating that he has people working from 7a.m. to 10:30p.m., the noise from the bobcat and semi-trailers is a noise nuisance and people are leaving their vehicles and letting there dogs run in their pasture. Ted Bergan stated that he has done a great deal of improvements to the property. He also stated that he does not have back up beepers on any of his equipment. The complaints file and photos that were submitted by the Reid's were reviewed. Public Hearing was closed. Terry

Weisenberg asked Ted Bergan when he thought he would have the barrier completed between the two properties. Bergan thought he could have it done by September of 2010. Moved-Seconded (Weisenberg-Ewing) to table the Application of CUP #385 till the next meeting after an on-site could be done. Motion Carried. On-site was scheduled for this afternoon at 2:00 pm. Outka asked the press to be present in order to provide adequate public notice.

**ANNUAL REVIEW / CUP #172 GREG DITTMAN:** An annual review was conducted on Conditional Use Permit #172-09 for Gregg Dittman. Moved-Seconded (Weisenberg-Johnson) to have another review in 6 month to ensure that the project is underway as described by Mr. Dittman. Motion Carried.

**ANNUAL REVIEW / CUP #356 DIAMOND M RANCH AND B&B:** An annual review was conducted on Conditional Use Permit #356 for Diamond M Ranch and B&B. No complaints have been received and will be reviewed in one year.

**ANNUAL REVIEW / CUP #323 ALAN CRAGO:** An annual review was conducted on Conditional Use Permit #323 for Alan Crago. No complaints have been received and will be reviewed in one year.

**ANNUAL REVIEW / CUP #370 WARREN NEWTON:** An annual review was conducted on Conditional Use Permit #370 for Warren Newton. Moved-Seconded (Weisenberg-Johnson) CUP #370 was found to be in compliance and will be reviewed on an as needed basis. Motion Carried

**ANNUAL REVIEW / CUP #371 ALLTEL WIRELESS:** An annual review was conducted on Conditional Use Permit #371 for Alltel Wireless. Moved-Seconded (Johnson-Ewing) CUP #371 was found to be in compliance and will be reviewed on an as needed basis. Motion Carried

**ANNUAL REVIEW / CUP #372 GENE DECK:** An annual review was conducted on Conditional Use Permit #372 for Gene Deck. Moved-Seconded (Ewing-Johnson) CUP #372 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.

**PLANNING & ZONING:** Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters.

**SAFETY PROGRAM REVIEW:** Paul Thomson presented the 2009 Lawrence County Safety Program Synopsis.

**ITEMS FROM COMMISSIONERS:** The meeting dates for March will be March 16, 2010 and March 30, 2010.

**TOUR AIRPORT FACILITY:** The Board toured the Airport facility.

**ON-SITE-SAND CREEK LANDSCAPING:** The Board did an on-site of Sand Creek Landscaping.

**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-\$12,756.17; Aud-\$14,883.94; Treas-\$20,952.96; Comp-\$14,979.78; States Atty-\$24,750.16; Pub Def-\$19,038.39; Gen Govt Bldg-\$14,784.73; Equal-\$27,240.66; Rod-\$12,418.97; Vso-\$2,315.71; Disp-\$27,283.39; Sher-\$67,816.16; Jail-\$52,131.49; Coroner-\$600.00; Emery Mgmt-\$6,669.55; E911-\$3,197.36; Highway-\$74,229.16; Air-\$2,822.78; Mh Serv-\$246.00; Ext-\$2,820.52; Weed-\$5,214.37; Pz-\$8,401.52;

**Bills;** Baumann,Michelle-\$40.70; Bey,John-\$5.00; Brady,Daniel-\$20.00; Clarke,Neil-\$190.60; Deweese,Rodney-\$111.00; Golay,Robert-\$88.80; Gullickson,Scott-\$88.80; Lantis,Travis-\$111.00; Lensegrav,Richard-\$18.88; Schuchmann,Bernard-\$394.30; Williams,Robert-\$107.83; Wisser,Ricky-\$150.00; A&B Business Equip-\$1,669.63; A&B Welding Supply-\$17.40; A&J Supply-\$40.07; A-Z Shredding-\$104.20; Abc Business Supply-\$386.60; Aldinger Funeral Home-\$200.00; Alltel-\$739.23; Amcon Distributing-\$250.88; American Planning Assoc-\$195.00; Armstrong Extinguish-\$4,632.00; At&T-\$11.83; BH Chemical Company-\$588.06; BH Council Of Local Govt-\$8,252.00; BH Federal Credit Union-\$18,700.00; BH Land Analysis-\$1,755.00; BH Pioneer-\$780.28; BH Power-\$8,286.35; BH Regional Multiple-\$100.00; BH Security & Systems-\$5,004.00; Behavior Mngt Systems-\$170.00; Benson Technical Works-\$1,668.75; Best Business Prod-\$20.80; Biegler,Greg-\$60.00; Black Hills Auto Parts-\$93.29; Black Hills Funeral Home-\$1,115.00; Black Hills Pure-\$11.50; Brady Pluimer-\$11,003.96; Bureau Of Personnel Train Dept-\$162.00; Butler Machinery Co-\$1,430.60; Butte Electric Coop-\$421.96; Carol Butzman Consluting-\$598.46; Cdw Government-\$48.74; Central Parts-\$49.40; Century Business Products-\$1,509.19; Chemical Sanitizing Sys Ltd-\$107.43; Chris Supply Co-\$212.92; Christensen Law Office-\$705.45; City/County Alcohol &Drug-\$1,350.00; Clarey's Safety Equip-\$340.79; Clinical Lab Of BH-\$5,493.00; Conocophillips Fleet-\$130.72; Cora's Creations-\$45.05; Correctional Billing Svc-\$70.14; Crawford Supply Company-\$106.20; Credit Collections Bureau-\$200.00; Dakota Graphics-\$180.00; Deadwood Home Center-\$29.25; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$6,028.40; Dept Of The Treasury-\$95,990.47; Executone Of The BH-\$80.00; Family Fun-\$16.95; Fastenal-\$328.90; First Interstate Bank-\$35.55; Fish,Veronica-\$3,846.40; Fleet Services-\$801.08; Fox, Youngberg & Lewno-\$193.24; Fsh Communications-\$60.00; Galls,An Aramark Company-\$351.99; Gustafson,Arlene-\$11.48; Hamann,Chris-\$225.00; Hartford-Priority Accounts-\$1,438.91; Havemeier,Leslie-\$112.60; Heisler Hardware-\$52.47; Howell,Jack Ken-\$137.40; Ibm Corporation-\$1,526.84; Integrity Ford-\$141.04; Jacobs Precision Welding-\$183.15; Janke,Wendy-\$765.00; Johnson, Rodenbrug & Lauinger-\$150.00; Juneks' Chrysler/Dodge-\$13.11; Kadrmas, Lee And Jackson-\$6,097.42; Keefe Supply Company-\$277.76; Kimbell's Auto Repair-\$404.10; Knecht TrueValue-\$314.45; Knology-\$1,674.06; LC Journal-\$36.00; Labcorp Of America Holdings-\$15.52; Language Line Services-\$110.56; Lawson Products-\$264.52; Lead Volunteer Fire Dept-\$3,632.00; Lead-Deadwood Regional-\$116.44; Lead-Deadwood Regional Hospital-\$378.00; Lead-Deadwood Sanitary-\$317.48; Lee,James-\$15.00; Lueders-\$14.08; Lynn's Dakotamart-\$19.97; Mack's Auto Body-\$1,321.90; Mcclure, Susan-\$45.00; Mcgas Propane Llc-\$945.38; Mcleod's Office Supply-\$28.16; Meade County Sheriff-\$22.80; Medica-\$66,222.06; Mid States Organized-\$150.00; Minnehaha County Sheriff-\$11.29; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util. Dwd.-\$543.12; NH Family Ymca-\$415.80; National Products Inc-\$1,499.18; Nelson,Christy M-\$135.00; Nelson,Tonya-\$360.00; Neve's Uniforms-\$181.75; Nooney Solay & Van Norman, Llp-\$11,004.62; Northern Hills Casa-\$8,580.00; Northern Hills Dental-\$757.00; Office Of Child Support-\$391.38; Office Technology/Supply-\$83.97; Osborn, Roxane-\$64.60; Paperdirect-\$81.92; Pennington Co Jail-\$1,261.25; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$117.69; Pizza Hut-\$53.45; Program Works-\$70.00; Pump House Coffee & Deli-\$7.00; Quill Corporation-\$1,611.00; Qwest-\$1,267.62; RC Finance Office-\$910.00; RC Medical Center-\$267.00; RC Regional Hospital-\$1,442.63; Rchetto,Jerry C-\$12.22; Radio Shack/Kazco-\$152.94; Rasmussen Mechanical Serv-\$9,270.00; Regional Behavioral Health Ctr-\$147.13; Regional Health-\$738.65; Reindl, Staci-\$2,636.50; Reserve Account-\$6,000.00; Rocket Lube-\$140.21; Root Spring Scraper Co-\$228.78; Rsinet-\$297.00; SD Assoc Of Weed &Pest Boards-\$205.00; SD Dept Of Labor Unemployment-\$346.27; SD Human Services Center-\$74.36; SD Retirement System-\$52,926.94; SD State Treasurer-\$14,579.53; Safeway-\$29.94; Salzsieder, Milan-\$3,735.00; Sdaco-\$2,051.14; Sdrs Supplemental Retirement-\$2,363.00; Servall Towel & Linen,Inc-\$600.10; Setina Mfg Co-\$2,339.10; Seward & Odenbach, Pc-\$2,525.55; Sirchie Finger Print Lab-\$39.76; Southside Oil Co-\$48.19; Spearfish Auto Supply-\$162.16; Spearfish Chamber Of Commerce-\$100.00; Spearfish Police Dept-\$20,054.08; System Design Advantage Llc-\$1,267.48; T&W Appliance/Knothole-\$735.11; Tellinghuisen & Gordon, PC-\$841.90; The Ups Store #5137-\$278.50; Thompson, Katie J.-\$377.20; Tigerdirect-\$645.53; Triple K Tire & Repair-\$45.19; Trugreen Chemlawn-\$256.45; Turbiville Industrial Electric-\$349.71; Twin City Hardware & Lumber In-\$1,782.95; United Parcel Service-\$9.51; Verizon Wireless Inc-\$96.14; Victims Of Violence-\$705.00; Walmart Store-\$63.88; Waste Connections, Inc.-\$503.30; Watertree Inc-\$18.00; Wells Fargo Business Card-\$111.85; West Group-\$1,138.11; West Tire And

Alignment-\$224.00; Western Communication-\$20.00; Western SD Juvenile Serv-\$11,250.92; Western State Fire Protection-\$525.00; White Drug-\$1,403.53; White's Queen City Motors-\$537.66; Williams Properties-\$500.00; Wolff's Plumbing & Heating-\$18.56; Xerox Corporation-\$201.40; Zep Manufacturing Co-\$318.84; Ziggy's Building Center-\$37.92;

**Witness & Jurors:** Baker,M-\$12.96; Baker,S-\$24.80; Bartol,R-\$21.10; Bennett,J-\$19.62; Buchholz,B-\$32.20; Caron,K-\$13.70; Chaney,A-\$13.70; Daniels,E-\$11.48; Denny,K-\$10.74; Edwards,C-\$24.80; Ellendorf,P-\$21.10; Erion,A-\$23.32; Gutz,H-\$104.44; Haeder,G-\$125.16; Hall,B-\$126.64; Harris,R-\$12.96; Hauck,R-\$126.64; Hegge,C-\$122.20; Holst,J-\$21.10; Houghton,J-\$122.20; Johnson,H-\$17.40; Jones,C-\$129.60; Lester,H-\$12.22; Lyon,C-\$129.60; Maddux,K-\$24.80; Mattson,K-\$11.48; McNary,D-\$24.80; Orr,T-\$12.22; Osborn,D-\$11.48; Paul,R-\$123.68; Ramirez,T-\$21.10; Rieb,J-\$102.96; Ruml,M-\$22.58; Ryan,B-\$12.22; Salazar,D-\$28.50; Schmit,C-\$104.44; Septka,F-\$24.80; Shockey,L-\$14.44; Sorcic,S-\$122.20; Sprecher,J-\$12.22; Sternhagen,C-\$13.70; Wagner,K-\$21.10; Weaver,R-\$15.18; Yanzick,J-\$18.88; Addington,T-\$18.88; Bachand,D-\$16.66; Baldwin,L-\$64.80; Barkyoumb,D-\$21.10; Barrett,J-\$24.80; Bensen,C-\$12.96; Boerman,D-\$21.10; Bogan,C-\$61.10; Boullion,M-\$58.88; Brengle,E-\$24.80; Brengle,S-\$64.80; Callaway,D-\$21.10; Carlson,J-\$22.58; Danielson,L-\$22.58; Davis,M-\$18.88; Derby,T-\$12.22; Dimick,D-\$68.50; Donovan,B-\$24.80; Feyereisen,M-\$21.10; Ford,M-\$12.22; Geffre,J-\$59.62; Gest,S-\$21.84; Gibilisco,S-\$12.96; Graveman,T-\$13.70; Hannah,J-\$52.22; Harmon,M-\$26.28; Hogen,K-\$13.70; Hubbard,B-\$53.70; Kaiser,K-\$24.80; Kowaleski,A-\$21.10; Larson,S-\$24.80; Marple,R-\$19.62; Martin,C-\$15.18; Matthew,K-\$21.10; Merwin,N-\$10.74; Moe,C-\$24.80; Nelson,L-\$28.50; Plunkett,J-\$21.10; Powers,S-\$12.22; Raeburn,M-\$10.74; Rigger,B-\$18.14; Rogers,A-\$14.44; Roth,M-\$61.10; Schmitz,S-\$22.58; Schuldt,A-\$24.80; Stohrer,T-\$23.32; Tollefsrud,P-\$17.40; Vandermay,M-\$21.10; Walker,B-\$21.84; Weaver,J-\$21.10; Cleek,H-\$33.69; Cleek,K-\$20.00; Evans,C-\$31.10; Kinney,K-\$62.20; Podoll,R-\$31.10; Allen,J-\$20.00; Anderson,A-\$20.00; Mcgillivary,D-\$31.10; Mcgillivary,D-\$31.10; Melcher,K-\$20.00; Zebroski,H-\$20.00; Aberle,D-\$13.70; Addington,R-\$104.44; Ager,S-\$24.80; Alley,M-\$22.58; Artz,S-\$122.20; Bousquet,L-\$21.10; Braun,A-\$12.22; Callison,J-\$21.10; Cleaver,S-\$125.16; Davis,B-\$12.22; Deibert,J-\$21.10; Deichert,D-\$25.54; Donahue,M-\$15.18; Doten,D-\$24.80; Dunklin,T-\$101.48; Farmer,D-\$17.40; Ludens,T-\$21.10; Mcgrath,J-\$13.70; Pautz,F-\$122.20; Phillips,B-\$125.16; Piekkola,J-\$21.10; Pleinis,K-\$12.22; Portwood,L-\$122.20; Rossi,S-\$24.06; Schaffer,R-\$12.22; Sewell,T-\$129.60; Steffen,K-\$12.22; Unden,J-\$107.40; Vannorman,S-\$104.44; Virchow,J-\$129.60; Wermers,R-\$119.24; Widener,J-\$10.74

**ADJOURN:** 10:50 a.m. there being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 9, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 9, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Daryl Johnson, Tommy Thompson and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of January 26, 2010 County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve Frank Cortez as a full time Correctional Officer II G2 at the base rate of \$16.40 an hour, effective 1-29-2010. Motion Carried.

**HIGHWAY:** Moved-Seconded (Weisenberg-Ewing) to approve Chris Rogers as a heavy equipment operator G3, at the base rate of \$19.56 an hour, effective March 1, 2010. Motion Carried.

**INFORMATION SYSTEMS & TECHNOLOGY:** Greg Dias asked the Board to waive the probationary period for Rick Wisser, as he has committed to purchasing a home in Lead and to show support and faith in him. The Board stated this is not something the Board has done in the past and not interested in setting this precedence for the future.

### **TRAVEL REQUESTS:**

**COMMISSION/EMERGENCY MANAGEMENT:** Moved-Seconded (Johnson-Thompson) to approve the travel request for Bob Ewing and Paul Thomson to travel to Oregon to pick up the snow-cat for the County. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing-Thompson) to approve the travel request for Tavis Little and Marty Goetsch to attend the Homicide Class in Des Moines, IA on March 8-12, 2010. Motion Carried.

**FAIR AGREEMENT:** Discussion was held on the liability insurance for the fair. The Board requested a copy of the policy the Fair Board purchases to guarantee coverage is sufficient.

**MEDICA CONTRACT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Medica Contract for 2010. Motion Carried.

**CENSUS BUREAU:** Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the Census Bureau 2010 Boundary Validation Program Document. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Thompson-Douglas) 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)-\$82,070.80; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,533.00; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,534,184.74, Money Market \$526,533.67; Bank Balance-\$3,330,287.28; Total \$11,679,719.49.

**SUPPLEMENT BUDGET:** Moved-Seconded (Ewing-Thompson) to set a supplemental budget hearing for February 23, 2010 at 10:00 a.m. for EMERGENCY & DISASTER FUND: Emergency Management / Search & Rescue - \$55,000 & Emergency Management / Grants - \$6,134.43. Motion Carried.

**VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:** Moved-Seconded (Ewing-Johnson) 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, Crystal Anderson, Carl Buettner, Ian Buettner, Teresa Buettner, Virginia Clark, Jeane Henrichsen, Justin Henrichsen, Bradley J. Hershey, Jerry Hood, Patrica Hood, Greg Nepstad, Chad Solaas, Cindy Solaas, Daniel Stark, John Urbas., Brownsville: Dennis Anderson, Mike Anderson, Brian Bergman, Chris Bergman, Derek Berman, Chet Borsch, Loren Dobyms, Dennis Hoover, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Frank Stamp, 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, Clint Ridley, Mitch Johnson. Search & Rescue: Kendall Aldinger, Ricky, Allen, Roger Bernards, William Buckman, Chancellor Burleson, Steven Byrd, Richard Carlson, Steven Hanson, Bradley, Hershey, Chris Huhnerkoch, Casey Lillehaug, Gary Lillehaug, Rob Mattox, William McFarling, Raymond Millard, Fred Raubach, Kay Rear, Daniel Regan, Sharon Sanchez, Robert Siedschlaw, Erik Simonyak, Mike Stahl, Jamey Tollefson, Melanie Tollefson.

**TRANSFER OF FUNDS:**

**ROAD & BRIDGE & EMERGENCY DISASTER:** Moved-Seconded (Ewing-Douglas) to approve the annual budgeted transfer of \$866,530 from General Fund to Road & Bridge Fund and to transfer \$92,689 from General Fund to Emergency & Disaster Fund. Motion Carried

**FIRE WISE EASEMENT:** The Board discussed property the County owns inside the City of Deadwood and if the County should deed the property to the City of Deadwood. An easement is being requested to fire wise property in the area.

**PUBLIC DEFENDER CONFLICT CONTRACT PROPOSALS:** Thompson excused himself from the discussion due to conflict of interest. Moved-Seconded (Ewing-Weisenberg) to remove from the table the Public Defender Conflict Contract. Aye-4 Nay-0. Absent Thompson. Motion Carried.

Weisenberg updated the Board on the Public Defender Board meeting. The Public Defender Board recommended renewing the contract with Joe Kosel, because he is located in Lawrence County and is a known quantity. Weisenberg stated he didn't feel the County needs a contract because it does not cover death penalty cases. Moved by Weisenberg to not have a conflict contract for 2010. Motion died due to lack of second.

Discussion followed on the pros and cons of a contract. Moved-Seconded (Ewing-Douglas) to approve the Public Defender Conflict Contract, effective March 1, 2010 to Joe Kosel. Motion Failed. Aye-Ewing & Douglas. Nay-Weisenberg & Johnson.

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to update the board on County Road issues.

**DUMP TRUCK BIDS:** Moved-Seconded (Ewing-Thompson) to advertise and set a bid opening for March 30, 2010 at 8:30 a.m. for one new 2010 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System. Motion Carried.

**UTILITY PERMITS:**

**QWEST:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Utility Permit for Qwest on Kerwin Lane – 1200 ft east of Hwy 85 to 1500 ft east of Hwy 85. Motion Carried.

**QWEST:** Moved-Seconded (Thompson-Ewing) to approve and authorize the Chairman to sign the Utility Permit for Qwest on Anderson Rd. Motion Carried

**BRIDGE REINSPECTION RESOLUTION #10-05:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Bridge Reinspection Resolution. Motion Carried. Resolution #2010-05 BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. THEREFORE, Lawrence County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The County requests SDDOT to hire NJS Engineering (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. Dated this 9<sup>th</sup> day of February, 2010, at Deadwood, South Dakota. Board of County Commissioners of Lawrence County CONNIE H. DOUGLAS, Chairman of the Board. ATTEST: Connie Atkinson, County Auditor.

**PROJECT AGREEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Project Agreement #07-RO-11020300-017-M9 between Lawrence County Highway and the USDA Forest Service. Motion Carried.

**2010 ROAD PROJECT AGREEMENT:** Moved-Seconded (Thompson-Douglas) to approve and authorize the Chairperson to sign the 2010 Road Project Agreement #07-RO-11020300-017-M8 between Lawrence County Highway and the USDA Forest Service. Motion Carried.

**COMMUNITY HEALTH NURSE:** Wade Huntington was present to review the Quarterly Report.

**ABATEMENT:**

**PISCIOTTA:** Moved-Seconded (Johnson-Ewing) To deny the request for a two month abatement for Pisciotta on parcel #26680-01652-000-50 because the home was not destroyed in the fire and still retained some value. Motion Carried.

**PRELIMINARY & FINAL PLAT SD/DOT – HOMESTAKE MINING CO:** Moved-Seconded (Ewing-Johnson) to approve the Preliminary and Final Plat for SD DOT/Homestake Mining Company Lot H6 in Sec. 34 T5N, R3E located on SD Highway 85. Motion Carried.

**CONDITIONAL USE PERMIT #385 / SAND CREEK LANDSCAPING:** Moved-Seconded (Weisenberg-Ewing) to remove from the table the Application of CUP #385 for Ted Bergan/Sand Creek Landscaping, Description: Lot Z of Lot 1 of the NE ¼ NW ¼ of Section 16, T6N, R2E., Location: Tinton Road, Purpose: Holding yard for nursery and landscaping business, Zoning: RR. Motion Carried. An on-site was conducted on the property.

Amber Vogt, Planning and Zoning Director, presented a letter she received from Mark Young and also two petitions with a total of five names against the proposed CUP#385. Vogt also referenced an email she received in opposition to the CUP#385. Ewing stated after an on-site of the property he feels the property has been cleaned up since the previous owners.



Moved-Seconded (Ewing-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 #385 for Sand Creek Landscaping. Motion Carried.

**STURGIS 3 MILE JURISDICTION** Vogt updated the Board on the status of the 3 mile jurisdiction with the City of Sturgis. Vogt stated they are currently at a stand still and asked the Board for direction on how to proceed.

9:39 a.m. Moved-Seconded (Ewing-Johnson) to go into executive session for legal consultation with Bruce Outka. Motion Carried. 9:48 a.m. the Board re-opened for business. The Board asked Outka to update the public on discussion held in executive session.

Bruce Outka referenced SDCL 11-6-26 and the process the City of Sturgis followed to create the 3 mile jurisdiction. Outka stated however, they have failed to perfect their jurisdiction according to 11-6-27 which requires adoption of regulations governing its jurisdiction and at least one public hearing. Outka stated they have failed to follow the statute and can't govern something without rules. Outka stated in light of this information, he recommends all plating continue to be presented to Lawrence County.

Moved-Seconded (Ewing-Johnson) due to the lack of following SDCL 11-6-27; Lawrence County will not recognize the 3 mile jurisdiction agreement, and to direct Outka to send a letter to the City of Sturgis informing them of the County's decision. Motion Carried.

**PROPOSED 3-MILE JURISDICTION LEGISLATION:** Vogt updated the Board on the SDPA response to the proposed 3 mile jurisdiction proposed legislation. SDPA felt it was too late for this year but would be willing to be involved in the process next year.

**PLANNING & ZONING:** Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters.

**PROPOSED CAFO ORDINANCE:** Vogt stated she received a petition requesting the County Invite the Department of Ag to the County Commissioners meeting to discuss the proposed CAFO Ordinance. Discussion followed if the County would be responsible for travel expenses for the Department of Ag to attend. Moved-Seconded (Weisenberg-Thompson) To honor the petitioners request and send a letter to the Department of Ag to attend the County Commissioners meeting at no expense to Lawrence County. Motion Carried.

**TASK FORCE / FIRE PLAN REVISIONS:** Amber Vogt requested a task force be set up to work on the Fire Plan Revision. The Board asked Vogt to add the request to a future agenda to discuss further.

**ANNUAL REVIEW WIND ENERGY SYSTEMS:** An annual review was held on Conditional Use Permit #353 for Charles Brown, Conditional Use Permit #354 for Gary Zimbleman, and Conditional Use Permit #361 for Timothy Hauck. No problems or complaints have been received. Moved-Seconded (Ewing-Thompson) CUP#353, #354 & #361 were found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**ANNUAL REVIEW CUP#362 IMPERVIOUS ENERGY SYSTEM:** An annual review was held on Conditional Use Permit #362 for Impervious Energy System. The Board will review in one year.

**INFORMATION SYSTEMS & TECHNOLOGY:** Greg Dias, Information Systems & Technology Director, was present and requested an executive session for personnel. 10:20 a.m.

Moved-Seconded (Johnson-Douglas) to go into executive session to discuss personnel issues. Motion Carried. 10:31 a.m. the Board opened for regular business.

**EQUALIZATION:**

**2010 LEGISLATION:** Piekkola updated the Board on proposed legislation concerning wind energy systems and crop land soil surveys.

**US FOREST SERVICE PLANNING RULE PROCESS:** John Frederickson was present to discuss the proposed comments on US Forest Service Planning Rule Process. Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairperson to sign the comments on the Notice of Intent to Rewrite FS Planning Rules and forward to the US Forest Service Planning NOI as the County's Official Comments. Motion Carried.

**STATE ROAD TO COUNTY SYSTEM PROCESS:** Todd Seaman, SD DOT Engineer was present and discussed the process of transferring State Roads to the County Road System. Seaman stated Highway 473, Terry Peak Road, is a Road that doesn't fit the State Highway System and would like to work out an agreement and transfer to the County Highway System. Dick Birk, Highway Superintendent, expressed concerns because it is an extremely high maintenance road, and would not be interested in taking on another high maintenance road. One additional Person and piece of equipment would be needed. Birk stated the County doesn't have the ability to maintain the road at the same level the State has been doing. Birk stated as a result of heavy rains there are extensive drainage issues on the road. Seaman stated there would need to be some give and take to make the transfer feasible for both entities and preliminary figures would be around a million dollars. Discussion followed if the County would be interested in pursuing the transfer. Douglas suggested Weisenberg, Johnson and the Highway Superintendent meet with Seaman to determine if this would be feasible for the County.

**GRANT APPLICATION FOR WHITEWOOD FIRE DISTRICT:** Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to sign a letter of support to the USDA Rural Development for the Whitewood Fire Protection District's application for a USDA Rural Development Loan. Motion Carried.

**BILLS:** Moved-Seconded (Ewing-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-\$6,470.87; Aud-\$7,549.45; Treas-\$9,980.32; Comp-\$7,647.03; States Atty-\$12,555.09; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,310.79; Equal-\$14, 533.20; Rod-\$6,785.94; Vso-\$1,174.78; Disp-\$12,670.19; Sher-\$12,670.19; Jail-\$24,249.11; Coroner-\$100.00; Emerg Mgnt-\$3,459.61; E911-\$1,628.00; Highway-\$37,088.12; Air-\$1,087.20; Mh Serv-\$1230.00; Ext-\$1,363.44; Weed-\$2,763.91; Pz-\$4,299.37; **Bills:** Baumann,Michelle-\$11.10; Fitzgerald,John-\$40.70; Frerichs,Amy-\$185.45; Gould,Gary-\$30.70; Schuchmann,Bernard-\$18.30; A&B Business Equip-\$253.27; A&B Welding Supply-\$31.68; A&J Supply-\$208.16; Abc Business Supply-\$236.18; Active Data Systems-\$70.65; American Family Life-\$3,391.91; Amcon Distributing-\$213.62; Amick Sound-\$1,030.33; Armstrong Extinguish-\$362.00; BH Chemical Company-\$2,480.81; BH Federal Credit Union-\$9,350.00; BH Federal Credit Union-\$102.00; BH Land Analysis-\$427.50; BH Pest Control-\$190.00; BH Pioneer-\$862.06; BH Power-\$537.49; Best Business Prod-\$36.55; Binder,Tracy-\$318.40; Black Hills Auto Parts-\$44.63; Brady Pluimer-\$220.07; Butte Electric Coop-\$753.07; Campbell Supply-\$292.76; Cbh Cooperative-\$7,986.20; Central Parts-\$898.50; Century Business Products-\$405.97; Chemical Sanitizing Sys-\$123.74; Chris Supply Co-\$38.87; City Of Whitewood-\$3,104.10; Clinical Lab Of BH-\$1,584.00; Cna Surety-\$50.00; Conocophillips Fleet-\$54.91; Credit Collections Bureau-\$100.00; Dakota Graphics-\$125.00; Deadwood Carnegie Library-\$91,801.00; Deadwood Thymes Cafe & Bistro-\$225.00; Deadwood, City Of-\$899.74; Dept Of Hlth Lab Services-\$246.00; Dept Of The Treasury-\$47,268.05; Extension Service-\$40.70; Fastenal-\$130.39; Federal Express-\$15.20; First Interstate Bank-\$13.30; First Western Bank-\$39.99; First Western Ins Deadwood-\$2,990.00; Fish,Veronica-\$57.80; Fleet Services-\$1,066.78; Fsh Communications-\$60.00; Genpro Power Systems-\$630.58; Grace Balloch Mem Library-\$230,421.00; Great Western Bank-\$249.00; Great Western Tire-

\$22.00; Hamann,Chris-\$225.00; Havemeier,Leslie-\$68.40; Hawki,Ken-\$2,798.18; Heartland Paper Co-\$1,417.00; Hewlett-Packard Company-\$144.00; Interstate Batteries-\$1,000.00; Jacobs Precision Welding-\$128.48; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$1,326.37; Kimball-Midwest Co-\$381.78; Knology-\$380.43; Kt Connections-\$592.00; LC Journal-\$591.42; LC Sheriff-\$174.96; Lead, City Of-\$108,797.15; Lead-Deadwood Regional-\$795.16; Lead-Deadwood Sanitary-\$394.52; Lee,James-\$15.00; Looyenga,Dr Robert-\$400.00; Lueders-\$21.51; Mearthur,Janet-\$45.00; Mcclure,Susan-\$405.00; Menards-\$225.98; Minnwest Bank Sioux Falls-\$171.03; Mobile Electronic Service-\$526.00; Montana-Dakota Util-\$6,664.08; Mutchler, Tricia-\$66.00; Neve's Uniforms-\$149.25; Newman Traffic Signs-\$4,664.10; Nooney Solay & Van Norman-\$4,918.82; Office Of Child Support-\$195.69; Pennington Co Auditor-\$28.00; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$72.98; Postmaster, Deadwood-\$185.00; Praire Hills Transit-\$7,500.00; Quill Corporation-\$381.40; Qwest-\$94.10; RC Regional Hospital-\$2,094.00; Rapid Delivery-\$11.00; Rasmussen Mechanical Serv-\$12,943.93; Regional Behavioral Health-\$680.57; Reindl, Staci-\$1,951.48; Reliable-\$38.75; Rocket Lube-\$135.45; Rushmore Communications-\$799.50; SD Assn Of Co Comm-\$6,796.00; SD Assoc Of Weed & Pest Boards-\$100.00; SD Emergency Mngt Association-\$120.00; SD State Treasurer-\$1,343.26; Sand Creek Printing-\$78.75; Scott Peterson Motors-\$100.00; Sd States Attorney Assoc-\$1,154.00; Sdrs Supplemental Retirement-\$1,194.00; Servall Towel & Linen-\$450.96; Silverado-\$703.64; Southside Oil-\$1,190.00; Spearfish Auto Supply-\$258.46; Spearfish Husky-\$21.00; Spearfish Motors-\$31.82; Spearfish Police Dept-\$4,924.49; Spearfish Senior Citizens-\$2,000.00; State Industrial Products-\$129.17; Subway-\$43.95; Superior Lamp And Supply-\$484.74; Teen Court-\$10,000.00; Tellinghuisen & Gordon-\$634.26; Tigerdirect-\$5,622.70; Triple K Tire & Repair-\$185.66; Twin City Hardware & Lumber-\$1,891.82; United Parcel Service-\$21.97; Waste Connections-\$528.47; Watertree-\$50.50; West Group-\$753.61; West River International-\$430.40; West Tire And Alignment-\$81.56; Western Communication-\$1,858.75; White's Queen City Motors-\$26.98; Whitewood Library-\$61,320.00; Wolff's Plumbing & Heating-\$6,405.46; Ziegler,Doris-\$50.00; Addington,Thomas-\$58.88; **Witness & Jurors:** Bachand,D-\$56.66; Bensen,C-\$52.96; Boerman,D-\$61.10; Callaway,D-\$61.10; Carlson,J-\$62.58; Davis,M-\$58.88; Donovan,B-\$64.80; Kaiser,K-\$64.80; Weaver,J-\$61.10; Antes,J-\$28.50; Bertch,L-\$21.10; Bridenstine,C-\$12.22; Brown,K-\$53.70; Carlson,T-\$32.20; Casias,A-\$52.22; Castle,C-\$61.84; Christopherson,L-\$24.80; Cook,B-\$50.74; Davis,H-\$21.84; Doherty,R-\$52.22; Dosch,S-\$58.14; Fisher,D-\$62.58; Geist,J-\$24.80; Goehring,G-\$12.96; Golba,G-\$39.60; Hatcher,S-\$12.22; Herrboldt,B-\$24.80; Hertel,N-\$12.22; Hornback,R-\$52.96; Hoscheid,C-\$21.10; Jenkins,R-\$60.36; Jewett,R-\$61.10; Johnson,S-\$20.36; Koehler,D-\$24.80; Lewis,L-\$17.40; Mason,W-\$17.40; Myers,R-\$12.22; Pitlick,W-\$12.22; Rawlings,B-\$63.32; Swets,B-\$23.32; West,T-\$21.84; Wetz,S-\$61.10; Whitted,D-\$21.10; Witcraft,P-\$13.70; Worthington,J-\$24.80; Adams,C-\$25.55; Adams,H-\$31.84; Brown,W-\$20.00; Coyle,B-\$28.88; Klunder,K-\$31.84; Paxton,J-\$31.84; Scholl,R-\$20.00; Walton,W-\$28.10; Wilburn,C-\$28.88.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the payment to Rick Mowell, Sheriff, for Board of Prisoner in the amount of \$8,136. Motion Carried.

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

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 23, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 23, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Daryl Johnson, Tommy Thompson and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of February 9, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Ewing-Johnson) to accept the resignation of Randall McGruder, effective March 5, 2010, and post for the open position of Deputy Director. Motion Carried.

**FAIR AGREEMENT:** Marlene Barrett stated she received a copy of the insurance policy from State Farm and the Fair does have insurance. Barrett stated Butte and Lawrence County are listed as additionally insured on the policy. Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the Butte-Lawrence County Fair Agreement for 2010. Motion Carried.

**COUNTY PROPERTY / CITY OF DEADWOOD:** Outka stated he has been researching the property the County owns inside of Deadwood and has also found an additional piece of property. Mayor Toscana was present and stated the City of Deadwood would be willing to accept both properties. The Board stated since the property is of no value to the County they would like to deed both properties to the City of Deadwood. Outka will prepare the Deeds.

**CREDIT CARD POLICY:** The Board discussed the proposed Credit Card policy. Marlene updated the Board on the meeting held with the Department Heads and the bank. The Board discussed the proposed policy stating they would like the cards issued with individual names on the card. The Board stated if an employee loses a receipt an affidavit would be needed and the employee must meet with the Board to explain the circumstances.

**STURGIS 3-MILE JURISDICTION:** Outka heard from Sturgis City Attorney and they will be researching the issue.

**NATIONAL FOREST REVENUES:** Dave Peters, Spearfish School Superintendent, Dan Leikvold, Lead/Deadwood School Superintendent, and Tim Creal, Custer School Superintendent, were present to discuss the National Forest Revenues. Creal presented history on the Forest and Pilt Funds and the impacts on the area Schools and Counties. The current act expires in 2012 unless reauthorized.

**SUPPLEMENT BUDGET:** A public hearing was held on a supplemental budget. No public input was voiced and the hearing was closed. Moved-Seconded (Thompson-Douglas) to approve and authorize the Chairman to sign the following Resolution #2010-06. Motion Carried.

**RESOLUTION #10-06 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit:  
EMERGENCY & DISASTER FUND Emergency Management / Search & Rescue - \$55,000  
Emergency Management / Grants - \$6,134.43 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 23rd day of February, 2010 at the hour of 10:00 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 February, 2010. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to update the board on County Road issues.

**HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Ewing-Weisenberg) to set a bid opening for April 13, 2010 at 8:30 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates and de-icing sand. Motion Carried.

**HIGHWAY – CULVERT BIDS:** Moved-Seconded (Weisenberg-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 2010. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**VACATION OF SECTION LINE:** A public hearing was held on a Petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. Rick Wieczorek was present as a petitioner on behalf of the vacation of section line. No public input was voiced and the hearing was closed. The Board reviewed concerns from Amber Vogt, Planning and Zoning Director. Vogt stated if the vacation was allowed she would like to see one of three requirements. 1) The property owners would replat their lots into one; this would include the front, back and vacated section. 2) Add a deed restriction to all back lots that no building permit would be issued for a residence. 3) Record an easement giving access to the back lots. Vogt also stated if they don't replat the lots, they would need a five foot setback from the original property line. Wieczorek stated he would like to visit with the other property owners to see if replatting as one lot would be an issue. Johnson stated he felt it was necessary to have, in writing, an agreement from everyone stating they were in support of the vacation and that they are willing to replat their lots as one. Outka stated the law for isolated tracts applies to lots of five or more acres, these lots are less than five acres so it wouldn't be applicable to this situation. The Board discussed conditioning the vacation upon platting the lots. Moved-Seconded (Ewing-Johnson) to table the Petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota, until March 16, 2010. Motion Carried.

**CONDITIONAL USE PERMIT #386 / MONTIETH / RIDING ARENA:** A public hearing was held on proposed Conditional Use Permit #386, Owner/Representative: Jim and Tamara Montieth, Description: A portion of Section 10, T6N, R3E., Location: St. Onge Road, Purpose: Arena to offer riding lessons, Zoning: A-1. Pat Wyss expressed concerns that the application was a little incomplete and asked for a couple of weeks to meet with Montieth to see what the long term plans are to make sure everything is compatible in the area. Tamara Montieth stated George Opitz contacted her, was not able to attend the meeting, but wished her good luck. Jayna Watson, City of Spearfish, was present and discussed dust control, lighting, and a storm water discharge permit. Watson stated they want to be a helpful partner with Montieth to make sure issues are addressed. The public hearing was closed. Discussion followed on the conditions.

Moved-Seconded (Weisenberg-Ewing) 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 #386 for Jim and Tamara Montieth, noting the additional condition#18. Motion Carried.

**CHANGE OF ZONING #289 / LARRY & GAYLE BRAUN:** First Reading and a Public Hearing were held on application for Change of Zoning #289 for Larry & Gayle Braun, Description: Tract A of the NE ¼ SW ¼ of Section 35, T7N, R2E., Location: Hwy 85/Kerwin Lane, Purpose: Subdivision of lots for family, Zoning: A-1. Jayna Watson, City Planner, was present on behalf of the City of Spearfish. The public hearing was closed.

**ORDINANCE #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION**

**REGULATIONS:** First Reading and a Public Hearing were held on proposed Ordinance #09-07 Concentrated Animal Feeding Operation (CAFO) Regulations. Vogt reviewed the proposed Ordinance #09-07 and reviewed comments and petitions received. Devin Stevens from St. Onge introduced the SD Department of Ag and Department of Environmental Resources. Jon Farris, Deputy Secretary of the Department of Ag and Jeanie M. Votava, Natural Resources Engineering Specialist were present to answer questions if needed. Steve Dick, Executive Director of Ag United expressed concerns on the setback requirements, effects on a typical farm operation, and haul road agreements. Dianne Miller was concerned with setback requirements and stated rules are already set by the DENR. Miller stated the proposed ordinance would be detrimental if they wanted to expand in the future. Miller continued that registration of existing operation would be a violation of private rights. Miller questioned how many other businesses have to register their information with the County. Eric Jennings expressed his concerns on setbacks. Jennings asked if a map could be created with the proposed setbacks showing the affected land in the County and what would be available for a Concentrated Animal Feeding Operation. Haul road agreements were also among his concerns. Travis Schenk, Dan Schenk, Bart Krautschun, Charles Nicholas, Russell Miller, Justin Tuffer, Russell Miller, Chris Miller, and George Stone were also present and expressed concerns on setbacks, haul road agreements, lack of public support for the proposed ordinance, lack of the necessity because the State already regulates, and the affects on the County budget to defend the ordinance and complaints. Richard Sleep stated he was on the task force and would like to continue to work with weight limits, setbacks and possibly adopt the same rules and regulations as the State and Feds to keep some consistency. Second Reading will be March 16, 2010 at 10:45 a.m.

**REGISTER OF DEEDS RECORDS DESTRUCTION:** Moved-Seconded (Weisenberg-Ewing) to adopt the 1/2010 Records Destruction Manual for the Register of Deeds. Motion Carried.

**NAUTILUS & TELEGRAPH PROJECTS:** Rhonda O'Byrne and Jackie Groce, US Forest Service, were present to update the Board on the Nautilus & Telegraph Projects. Bill Coburn, Timber Committee was present and expressed concerns and stated he will contact the Forest Service in regards to the Community Wildfire Protection Plan to adjust for any changes.

**ITEMS FROM COMMISSIONERS:**

**PUBLIC DEFENDER:** Connie Douglas discussed a letter they received from Judge Johnson in regards to conflict cases. Discussion followed on what the Public Defender's Office bills the clients versus the expenditures of the office and the cost of the Court Appointed Attorneys. Douglas asked to have Eric Whitcher, Public Defender, to attend the next meeting for discussion purposes.

**FAIR:** Tommy Thompson reported that the Fair Board received a donation from the City of Nisland for over \$5,000 as a result of a fund raiser they held for the construction of new grandstands.

**SNOW CAT:** Bob Ewing reported that the snow cat will be delivered rather than Paul Thomson and himself picking it up.

**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.

**ADJOURN:** 10:51 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 16, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 16, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Daryl Johnson, Tommy Thompson and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Thompson-Johnson) to approve the minutes of February 23, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Weisenberg-Douglas) to approve the hiring of Randall McGruder, as Deputy Director G3, at the base rate of \$23.59 an hour, effective March 17, 2010. Motion Carried. Aye-Weisenberg, Ewing and Douglas. Nay-Johnson & Thompson.

**EQUALIZATION/TREASURER/REGISTER OF DEEDS:** Moved-Seconded (Ewing-Johnson) to approve Tammy Ehnes as a Secretary G3 at the base rate of \$15.60 an hour, effective March 15, 2010. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Douglas) to approve Dan Brady as a full time Correctional officer II G3 at the base rate of \$16.73 an hour, effective March 7, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Mike McLain as a part time Correctional officer II G3 at the base rate of \$16.73 an hour, effective March 15, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Julie Rakow as a part time Dispatcher I G3 at the base rate of \$14.54 an hour, effective March 4, 2010. Motion Carried.

**DEADWOOD HISTORIC PRESERVATION GRANT:** Sheree Green, Register of Deeds updated the Board on the grant application with Deadwood Historic Preservation. Green stated she received the grant approval for \$11,562.50, however, this did not cover the cost to hire an individual to scan the documents. Deb Tridle, Treasurer and Darlene Piekola, Director of Equalization stated they would be willing to allow their shared employee to scan the documents in the Register of Deeds Office as this was beneficial to the whole County. Moved-Seconded (Johnson-Thompson) to approve and authorize the Chairman to sign the Outside of Deadwood Grant Agreement Deadwood Historic Preservation Commission grant for scanning documents in the Register of Deeds Office. Motion Carried. The Board stated they supported the cooperation between the offices and would supplement the Register of Deeds Office at the end of the year to cover the hours needed to scan the documents.

### **TRAVEL REQUESTS:**

**PLANNING & ZONING:** Moved-Seconded (Weisenberg-Douglas) to approve the travel request and advance for Amber Vogt to attend the 2010 Western Planners Conference in Vancouver, WA on August 9-15, 2010. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve the travel request for Amber Vogt to attend the Plain Green Conference in Sioux Falls, SD on April 28-29, 2010. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Jeff Schroeder to attend the Code Enforcement Conference in Oacoma, SD on May 4-6, 2010. Motion Carried.



**SHERIFF:** Moved-Seconded (Weisenberg-Johnson) to approve the travel request for Tavis Little to attend the Midwest Counterdrug Training Center “Writing Search Warrants” Class in Camp Dodge in Johnston, IA on June 6-11, 2010. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve the travel request for Sue Black to attend the Communications Center Supervisor Course 4<sup>th</sup> Edition class in Fargo, ND on May 9-13, 2010. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Thompson-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 28, 2010 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)-\$61,101.53; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,702.66; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,534,666.55, Money Market \$526,796.22; Bank Balance-\$1,965,340.53; Total \$10,294,717.49.

**CREDIT CARD POLICY:** The Board discussed the proposed Credit Card policy. The Board decided that any employee receiving a County Credit Card would need to have prior approval from County Commissioners and recorded in the minutes.

Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairperson to sign the following Credit Card Policy 2010#7. Motion Carried. LAWRENCE COUNTY RESOLUTION NO. 2010-07 AMENDMENT #6 LAWRENCE COUNTY PERSONNEL POLICIES HANDBOOK - A RESOLUTION ESTABLISHING CREDIT CARD USE POLICY: WHEREAS, the Lawrence County Commissioners adopted the Lawrence County Personnel Handbook pursuant to Lawrence County Resolution #2005-19, to establish a fair system of personnel administration; WHEREAS, SDCL 4-3-27 authorizes local governmental officials and employees to use a credit card of electronic payment for the purchase of supplies, materials, equipment, or other authorized transactions for the benefit of the local governmental entity; WHEREAS, SDCL 4-3-27 requires that before authorizing the use of a credit card or electronic payment, the governing body shall, by resolution establish policies providing for the use and accountability of credit card purchases or electronic transactions; WHEREAS, the Lawrence County Commission deems that it is in the best interest of Lawrence County (the “County”) to make certain County financial transactions by using a credit card; and NOW, THEREFORE, BE IT RESOLVED, by the Lawrence County Board of Commissioners at a regular meeting held on March 16, 2010, that the following policy shall govern the use of any and all County Credit Cards and gasoline cards (hereinafter referred to collectively as “County Cards”) and that the Lawrence County Personnel Handbook be amended accordingly: ARTICLE II – GENERAL POLICES 2.18) CREDIT CARD POLICY: (a) The Lawrence County Auditor’s Office is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the County’s credit card policy. County Cards shall only be issued to individuals who have appropriate purchasing authority. Though a County Card is issued in an employee’s name, it remains at all times the property of Lawrence County. (b) Only purchases made using an approved County Card are eligible for payment by the County. Approved County Cards are: 1. Wells Fargo Master Charge Corporate Card. 2. Clark, Shell, Phillips Conoco 66, and Sinclair Gas Cards. (b) County Cards may be used only by an official or employee of the County for the purchase of goods, services and/or supplies for the official business of the County. County Cards shall not be used for personal or private business purchases. County Cards shall not be loaned to other individuals. The use of County Cards is limited to the following circumstances: ● purchase of capital outlays for travel, registration and accommodations while on County business. Pursuant to § 12.8 of the Lawrence County Personnel Handbook – meals purchased by an employee while traveling must be paid for initially by the employee subject to reimbursement by the County upon return. ● gas, oil and other necessary expenses incurred in operating a County-owned vehicle ● purchase of capital outlays for services, equipment and/or supplies for the official business of the County. County Officials and employees who use a County Card shall, in a timely manner, submit a copy of the vendor’s credit card slip or receipt to the Auditor’s Office. County Card users shall always request a detailed credit card slip or receipt when available. This is a key responsibility of the employee. If no credit card slip or receipt was obtained that described the transactions, the employee shall submit a signed voucher that shows the name of the vendor or entity from which the goods, services and/or supplies were purchased, the date and the amount of the transaction, the official business that required the transaction. All credit card slips shall include this information too. Vouchers shall also include a statement why a credit card slip or receipt was not obtained. In

such instances, the employee submitting a request for payment without an accompanying documentation may be required to offer further explanation/ information to the County Commission pertaining to the circumstances why such documentation is not available for review and audit by the Auditor's Office. County Officials and employees issued a County Card shall return the County Card to the Auditor's Office upon termination of employment or service with the County. The Auditor's Office shall maintain a list of ALL County Cards owned by the County, along with the name of the official or employee who has been issued the card, the credit limit established and the date returned. The Auditor's Office shall provide a copy of this policy to each County employee receiving a County Card, and require the employee to acknowledge receipt of the policy by signing. The Auditor's Office shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the appropriate Department Head or to the County Commission when appropriate. The County Commission shall not approve a payment to the entity issuing the credit card until all transactions have been verified. Officers and employees who intentionally use a County Card in a manner contrary to this policy shall be subject to disciplinary action as provided for in the Lawrence County Employee Handbook – including termination, revocation of use privileges, reimbursement to the County for unauthorized expenditures, criminal sanctions, and/or personal liability for misuse. When an officer or employee used a County Card, any such purchases or charges will result in a "receivable" against the employee and the employee is solely responsible for repayment of any of these purchases or charges deemed not allowable by the County. Any unallowable amount must be repaid to the County within 30 days after disallowance is determined. In the event that the chargeable employee fails to repay any non-allowable amount, the County is authorized to withhold the full amount from any payment(s) due the employee from the County, including payroll checks, as repayment. An approved employee must sign an "Employer Credit Card Agreement for Employee" and submit the same to the Auditor's Office as a pre-requisite to receiving any County Card(s). Dated this 16<sup>th</sup> day of March, 2010. FOR THE BOARD: Connie H. Douglas, Chairman. ATTEST: Connie Atkinson, AUDITOR

Moved-Seconded (Thompson-Johnson) to approve issuance of County Credit Cards to the following employees. Motion Carried.

**DEPARTMENTAL CREDIT CARD HOLDERS**

<b>DEPARTMENT</b>	<b>NAME</b>	<b>LIMIT</b>
<b>COMMISSIONERS</b> Count: 7	Marlene Barrett	\$5000
	Bruce Outka	\$2500
	Connie Douglas	\$1000
	Daryl Johnson	\$1000
	Robert Ewing	\$1000
	Terry Weisenberg	\$1000
	Tommy Thompson	\$1000
<b>AUDITOR</b> Count: 5	Connie Atkinson	\$5000
	Brenda McGruder	\$2500
	Melody Nelson	\$1000
	Debbie Sargent	\$1000
	Robin Millard	\$1000
<b>TREASURER</b> Count: 2	Deb Tridle	\$5000
	Sally Atkinson	\$2500
<b>INFORMATION SYSTEMS &amp; TECHNOLOGY</b> Count: 1	Greg Dias	\$5000
<b>EQUALIZATION</b> Count: 7	Darlene Piekkola	\$5000
	Linda Carrico	\$5000
	Scott Sandvig	\$2500
	Brett Runge	\$2500
	Carmen Symonds	\$2500
	Tim Hodson	\$2500
	Jason Writer	\$2500
<b>REGISTER OF DEEDS</b> Count: 4	Sheree Green	\$5000
	Davida Hansen	\$1000
	Roxana Feterl	\$1000
	Keri Podoll	\$1000
<b>PLANNING &amp; ZONING</b>	Amber Vogt	\$5000

Count: 2	Jeff Schroeder	\$2500
<b>EMERGENCY</b>	Paul Thomson	\$5000
<b>MANAGEMENT</b>	Rene' Larson	\$2500
Count: 2		
<b>INVASIVE SPECIES</b>	Dave Heck	\$1000
Count: 1		
<b>PUBLIC DEFENDER</b>	Eric Whitcher	\$2500
Count: 5	Bernie Schuman	\$1000
	Matt Pike	\$1000
	Molly Smith	\$1000
	Jamie Turnbow	\$1000
<b>STATES ATTORNEY</b>	Shelly Baumann	\$5000
Count: 1		
<b>HIGHWAY/</b>	Dick Birk	\$5000
<b>MAINTENANCE</b>	Bonnie Wright	\$1000
Count: 3	Rick Frerichs	\$1000
<b>SHERIFF</b>	Rick Mowell	\$2500
Count: 13	Joe Harmon	\$2500
	Brian Dean	\$2500
	Randall Rosenau	\$2500
	Paul Hansen	\$2500
	Martin Goetsch	\$2500
	Tavis Little	\$1000
	Joseph Leveque	\$1000
	Ryan Cook	\$1000
	Brooke Leighty	\$1000
	Robert Williams	\$1000
	Rob Ruffato	\$1000
	Tom Sandvick	\$2500

**STURGIS 3-MILE JURISDICTION:** Discussion on the Sturgis 3-Mile Jurisdiction was postponed due to Bruce Outka, County Attorney being absent.

**SANFORD LAB UPDATE:** John Scheetz, Environmental Manager was present to update the Board on the progress at the Sanford Lab, he stated they are setting the foundation for a long term project. Safety and funding for the Lab was discussed. Scheetz stated they have received reassurance from the NSF that the federal funding will be forthcoming.

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to update the board on County Road issues.

**APPROACH PERMIT:** Moved-Seconded (Weisenberg-Thompson) to approve the Approach Permit for Alltell Communications, LLC located on the east side of Vanocker Canyon Road. Motion Carried.

**STRIPING AGREEMENT:** Moved-Seconded (Ewing-Thompson) 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.

**FUEL QUOTES:**

The following fuel quotes were submitted as of February 24, 2010: Spearfish Diesel 2500 Gallons: (prices per gallon) CBH Coop. \$2.299\*, Southside Oil – \$2.30; MG Oil \$2.321 (\*represents lowest quote). Unleaded 500 Gallons: (prices per gallon) CBH Coop. \$2.413; Southside Oil - \$2.41; MG Oil \$2.41\* (\*represents lowest quote). Deadwood Diesel 7300 Gallons: (prices per gallon) CBH Coop. \$2.299, Southside Oil – \$2.25; MG Oil \$2.241\* (\*represents lowest quote). Unleaded 5300 Gallons: (prices per gallon) CBH Coop. \$2.413; Southside Oil - \$2.39; MG Oil \$2.241\*

(\*represents lowest quote). Whitewood Diesel 700 Gallons: (prices per gallon) CBH Coop. \$2.399, Southside Oil – \$2.44; MG Oil \$2.39\* (\*represents lowest quote).

**DRUG TASK FORCE AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Equitable Sharing Agreement. Motion Carried.

**US FOREST SERVICE CAMPGROUND AGREEMENT:** Moved-Seconded (Ewing-Weisenberg) to follow Joe Harmon's recommendation and approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement 09-LE-11020300-006 M2 for 2010. Motion Carried.

### **ABATEMENTS**

**LOUIS & JANICE HUFFMAN:** Louis & Janice Huffman were present to request an abatement on their property. Huffman presented history on the assessed value of their property. Huffman had the original property platted out as two lots so he could sell one lot. Huffman stated he is now being assessed on two parcels even though he did not sell the lot. Huffman requested to have their taxes abated as if it were only one parcel and stated his property is now for sale as one parcel. Huffman's admitted they did not look at their assessment, so they didn't notice that the assessment changed and were now being assessed on two separate parcels. Johnson stated it was their choice to plat as two lots and put up for sale, not the County's. Douglas stated it is the taxpayer's responsibility to look at their assessments and the County is consistent how they treat all taxpayers.

Darlene Piekola, Director of Equalization stated if they are platted as two lots, that is how they are assessed. Piekola stated if they would have had the property surveyed but not recorded, they would have continued to be assessed as one lot. Piekola stated an abatement is to correct an error and this is not an error.

Moved-Seconded (Johnson-Weisenberg) to deny the request for abatement on parcel #22000-00604-332-65 & 22000-00604-332-60 for Louis & Janice Huffman for property located on Crook City Road because the reason for the request does not follow under the conditions set out in SDCL 10-18-1 for abatement. Motion Carried. Aye-Ewing, Johnson, Weisenberg and Douglas. Nay-Thompson.

**SONYA PAGEL:** Moved-Seconded (Ewing-Thompson) to approve the abatement for Sonya Pagel on parcel #32185-00500-010-00 due to an error in assessment as the basement was not finished, but was assessed as a finished basement. Motion Carried.

**MARSHA MORSE:** Moved-Seconded (Johnson-Ewing) to deny the abatement for Marsha Morse on parcel #30025-05100-110-00 because the taxpayer received an assessment notice and door knockers but did not appeal at the Board of Equalization. Motion Carried. Property was being remodeled but not completed.

**2007 / 2008 AUDIT:** Bruce Hintz, State Auditor was present to report on the findings of the 2007/2008 Audit for Lawrence County. Hintz stated there were no deficiencies noted in Internal Controls which are significant deficiencies which are included in the schedule of current audit findings in the audit report, no deficiencies noted which did not rise to the level of being a significant deficiency or material weakness, no material violations of laws, rules, and regulations and provisions of contract and grant agreements which are included in the schedule of current audit findings in the audit report, no immaterial violations of laws, rules, and regulations and provisions of contract and grant agreements and the financial statements were fairly presented in conformity with a comprehensive basis of accounting other than generally accepted accounting principles. Hintz stated the County received a clean audit report with no deficiencies.

Hintz discussed the Conflict Policy and recommended the County look at addressing all county employees not just elected and appointed Officials. Hintz stated public appearance, fraud and abuse issues are concerns to include all employees.

**VACATION OF SECTION LINE:** Moved-Seconded (Ewing-Johnson) to remove from the table the Petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. Motion Carried.

Rick Wiczorek was present and asked the Board to table the issue for another month. Moved-Seconded (Ewing-Johnson) to table the Petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota, until April 13, 2010. Motion Carried.

**CHANGE OF ZONING #289 / LARRY & GAYLE BRAUN:** 2<sup>nd</sup> Reading was held on application for Change of Zoning #289 for Larry & Gayle Braun, Description: Tract A of the NE ¼ SW ¼ of Section 35, T7N, R2E., Location: Hwy 85/Kerwin Lane, Purpose: Subdivision of lots for family, Zoning: A-1. 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 recommendations, as on file in the Planning and Zoning Office, Change of Zoning #289 for Larry & Gayle Braun. Motion Carried.

**FIRE PLAN TASK FORCE:** Amber Vogt requested that the Board appoint a Fire Plan Task Force. Vogt stated Bill Coburn, Marty O'Dea, Jason Writer, Rob Mattox, Bill Pearson, Kevin Klaprodt, Greg & Jennifer Kaschmitter, Randy Deibert, Loren Vrem, and Kendall Aldinger have expressed interest in serving on the task force with Bruce Outka and herself. Douglas stated they need a commitment from the individuals that they can attend the meetings. Vogt will contact those interested to see who can be an active member.

**BILLBOARD CONTROL:** Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairperson to send a letter to Dan Cooper, SD Department of Transportation requesting pursuant to SDCL 31-29-68 that the SDDOT adopt local controls pertaining to customary use for purposes of regulating outdoor advertising erected and maintained in zoned or un-zoned commercial or industrial areas adjacent to the interstate and primary highway systems in lieu of those controls found in 31-29-65 to 31-29-67, inclusive. Motion Carried.

**ORDINANCE #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION**

**REGULATIONS:** 2<sup>nd</sup> Reading was held on proposed Ordinance #09-07 Concentrated Animal Feeding Operation (CAFO) Regulations. Dianne Miller read a statement voicing concerns with the proposed Ordinance and urged the Board to table the Ordinance to allow more time to address the issues. David Skaggs and Bryce Baker were present from the Department of Ag to answer questions. Eric Jennings, Travis Schenk, Ellen Reddick, Justin Tuffer and Russell Miller also expressed concerns. The public hearing was closed and the Board addressed each section of the proposed Ordinance asking questions of the public and County & State Officials. Numerous changes were made to the proposed Ordinance. Moved-Seconded (Ewing-Weisenberg) to table the proposed Ordinance #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS for March 30<sup>th</sup>, 2010 to allow time to make changes to the proposed ordinance and prepare the Ordinance in final form. Motion Carried.

**PHASE I AIRPORT TAXIWAY PROJECT:** Daryl Johnson stated the Phase I Airport Taxiway Project Grant would be approximately \$2,000,000 with the County match money approximately \$40,000. A supplement will probably need to be scheduled in 2010 to cover the expenses.

**ITEMS FROM COMMISSIONERS:**

**NATIONAL FOREST COUNTIES & SCHOOL COALITION:** Moved-Seconded (Weisenberg-Douglas) to not authorize additional payment to the National Forest Counties & School Coalition. Motion Carried. Aye-Ewing, Johnson, Weisenberg and Douglas. Nay-Thompson.

**BROWNSVILLE FIRE DEPARTMENT:** The Board stated due to liability reasons, they would not be in support of the County purchasing the Hepatitis A, B, & C shot serum and the Brownsville Fire Department reimbursing the County.

**WESTERN SD JUVENILE SERVICES CENTER:** Thompson reported on the Western SD Juvenile Services Center.

**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-\$6,470.87; Aud-\$7,549.44; Treas-\$9,638.55; Comp-\$7,647.05; States Atty-\$12,555.07; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,315.12; Equal-\$14,874.98; Rod-\$6,687.94; Vso-\$1,174.78; Disp-\$12,509.10; Sher-\$34,364.44; Jail-\$24,161.43; Emerg Mgnt-\$3,443.61; E911-\$1,655.00; Highway-\$36,384.11; Air-\$1,103.20; Mh Serv-\$984.00; Exten-\$1,328.48; Weed-\$2,220.70; Pz-\$4,299.37; **Bills:** Frerichs,Amy-\$190.38; Mowell,Richard-\$6,486.00; Pike,Matthew-\$6.83; Rombough,Debra-\$74.00; Schuchmann,Bernard-\$39.96; Wisser,Ricky-\$41.33; A&B Business Equip-\$907.24; A&B Welding Supply-\$17.98; Abc Business Supply-\$1,056.95; Accurint Account-\$75.00; Alltel-\$705.05; Amcon Distributing-\$327.10; American Family Life-\$3,473.45; American Legion Post 31-\$50.00; BH Chemical Company-\$1,234.68; BH Counseling Service-\$300.00; BH Federal Credit Union-\$9,400.00; BH Land Analysis-\$135.00; BH Pest Control-\$95.00; BH Pioneer-\$298.91; BH Power-\$799.07; Best Business Prod-\$20.80; Best Western Ramkota-\$389.94; Binder,Tracy-\$864.80; Black Hills Pure-\$11.50; Bob Barker Company-\$131.23; Brady Pluimer-\$3,179.75; Butler Machinery Co-\$25.44; Butte Electric Coop-\$759.27; Butte-Lawrence Co Fair-\$10,000.00; Carol Butzman Consluting-\$521.64; Cbh Cooperative-\$5,747.50; Cdw Government-\$710.63; Central Parts-\$1,202.65; Century Business Products-\$103.18; Chemical Sanitizing Sys-\$242.09; Chris Supply Co-\$1,125.69; Christensen Law Office-\$268.00; City/County Alcohol&Drug-\$910.00; Clinical Lab Of BH-\$2,184.00; Community Health Services-\$20.00; Conocophillips Fleet-\$55.99; Cooperative Extension Service-\$115.68; Credit Collections Bureau-\$204.16; Dakota 911 Conference-\$600.00; Datec-\$524.00; Deadwood Home Center-\$2.89; Deadwood, City Of-\$857.03; Dena Sheets Property Mgnt-\$500.00; Dept Of Hlth Lab Services-\$754.00; Dept Of The Treasury-\$47,400.52; Division Of Motor Veh-\$53.00; Eddie's Truck Sales/Serv-\$181.07; Ertz,Dewey-\$260.00; Executone Of The BH-\$6,218.00; Fastenal-\$91.21; First Western Bank-\$30.75; Fish,Veronica-\$68.00; Fleet Services-\$767.44; Frederickson, John-\$1,643.00; Fsh Communications-\$60.00; Galls,An Aramark Company-\$959.96; Gene's Lock Shop-\$110.00; Gold Dust-\$40.25; Hamann,Chris-\$180.00; Hansen & Hubbard-\$1,686.67; Havemeier,Leslie-\$19.00; Heisler Hardware-\$90.18; Hillside Disposal Service-\$75.00; Hobart Sales & Service-\$79.45; Industrial Scientific Corp-\$513.10; Infoprint Solutions-\$480.60; Janke,Wendy-\$585.00; Janz,Donald A Ph-\$1,100.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$3,629.53; Keefe Supply Company-\$367.68; Knecht True Value-\$46.63; Knology-\$2,022.28; LC Journal-\$508.10; LC Sheriff-\$200.88; Lead, City Of-\$39.95; Lead-Deadwood Regional-\$380.93; Lead-Deadwood Regional Hospital-\$284.60; Lead-Deadwood Sanitary-\$373.40; Lee,James-\$15.00; Leighty,Ron-\$900.00; Lexisnexis Matthew Bender-\$119.18; M&M Sanitation-\$325.00; Maxim Health Systems-\$192.00; McClure,Susan-\$135.00; Mcgas Propane-\$736.18; Meade County Sheriff-\$21.60; Mg Oil Company-\$29,931.34; Michael Stonefield Atty-\$7,068.62; Mid-Night Star-\$112.70; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$7,610.76; NJS Engineering-\$2,592.60; National Forest Counties-\$724.53; National Products-\$137.86; Nelson,Tonya-\$675.00; Neve's Uniforms-\$328.30; Newman Traffic Signs-\$92.36; Nooney Solay & Van Norman-\$3,187.13; Northeast Wisconsin-\$395.00; Northern Hills Dental-\$115.00; Office Depot-\$1,013.70; Office Of Child Support-\$195.69; Office Technology /Supply-\$22.65; Pennington Co Auditor-\$103.00; Pennington Co Jail-\$576.00; Pennington County Sheriff-\$136.81; Pennington County Sts Attny-\$400.00; Perrenoud,Mark W Phd-\$320.00; Postmaster,Deadwood-\$70.00; Powerplan-\$280.00; Priority Dispatch-\$310.00; Quill Corporation-\$100.55; Qwest-\$1,357.63; RC Finance Office-\$980.00; RC Regional Hospital-\$3,490.00; Radio Shack/Kazco-\$209.96; Rapid Delivery-\$38.50; Rasmussen Mechanical Serv-\$818.75; Regional Behavioral Health-\$469.02; Regional Health-\$700.00; Reindl,Staci-\$1,824.98; Reserve Account-\$6,000.00; SD Aao-\$200.00; SD Association Of County-\$80.00; SD Dept Of Legislative Audit-\$12,380.50; SD Law Review-\$33.02; SD Police Cheif's Association-\$65.00; SD State Treasurer-\$1,224.88; Safariland-\$111.94; Sand Creek Printing-\$188.95; Sanitation Products-\$194.34; Sdrs Supplemental Retirement-\$1,329.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$751.01; Seward & Odenbach-\$9,027.93; Spearfish Auto Supply-\$541.44; Spearfish Husky-\$45.00;

Spearfish Police Dept-\$136.08; Team Lab Chemical Corp-\$1,990.00; Tellinghuisen & Gordon-\$2,113.02; Tigerdirect-\$440.71; Track-\$152,282.00; Triple K Tire & Repair-\$1,034.82; Turbiville Industrial Electric-\$557.20; Twin City Hardware & Lumber-\$823.45; Verizon Wireless-\$96.14; Waste Connections-\$528.47; Watertree-\$37.50; Wells Fargo Business Card-\$4,697.96; West Group-\$705.61; West River International-\$44.05; Western Communication-\$634.40; Western Sd Juvenile Serv-\$2,400.00; White Drug-\$2,300.99; White's Queen City Motors-\$533.61; Xerox Corporation-\$61.42; Yankton Co Sheriff-\$220.00; Ziggy's Building Center-\$420.78; **Witness & Jurors:** Addington,T-\$58.88; Carlson,T-\$31.10; Bachand,D-\$56.66; Bensen,C-\$52.96; Boerman,D-\$61.10; Boullion,M-\$58.88; Brengle,S-\$64.80; Callaway,D-\$61.10; Carlson,J-\$62.58; Dimick,D-\$68.50; Donovan,B-\$64.80; Geffre,J-\$59.62; Hannah,J-\$52.22; Hubbard,B-\$53.70; Kaiser,K-\$64.80; Weaver,J-\$61.10; Steinbach,T-\$20.00; Brouillard,K-\$21.48; Ingwerson,E-\$31.10; Jeitz,T-\$42.20; Johnson,T-\$27.40; Oliver,C-\$24.44; Rath,M-\$112.50; Stettler,J-\$21.48; Fenner,K-\$23.70; Fenner,M-\$31.10; Hayes,M-\$22.22; Jensen,D-\$31.32; Monroe,E-\$31.10; Noneck,B-\$31.10; Rierson,C-\$31.10; Steinbach,F-\$20.00; Steinbach,M-\$20.00; Wright,B-\$44.44; Yackley,J-\$31.10

**ADJOURN:** 1:05 p.m. there being no further business it was Moved-Seconded (Thompson-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 30, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:30 a.m. on March 30, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Daryl Johnson, Tommy Thompson and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of March 16, 2010 County Commission Meeting. Motion Carried.

**COMMISSION MEETINGS:** Moved-Seconded (Johnson-Thompson) to change the September 21<sup>st</sup> meeting to September 28<sup>th</sup>, 2010. Motion Carried.

### **PERSONNEL:**

**HIGHWAY:** Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to sign the family medical leave act extension for eight weeks for Timothy Barrett. Motion Carried.

**COMPUTER:** Moved-Seconded (Weisenberg-Douglas) to approve the Cell Phone stipend of \$50.00 per month for Randy McGruder, effective 4-11-2010. Motion Carried.

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Mark Krandall as a part-time Correctional Officer I G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective March 23, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Rene Thompson as a part-time Guard/Transport officer G1 at the base rate of \$12.33 an hour, effective March 24, 2010. Motion Carried. Aye-4, Abstain-Thompson.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Ewing-Johnson) to approve the travel request for Paul Hansen and Joe Leveque to attend the 2010 National Homicide Seminar in Kansas City, Missouri on October 17-22, 2010. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Ewing-Johnson) to approve the travel request for Darlene Piekola to attend the North Central Regional Association of Assessing Officers Conference in Minneapolis, MN on June 21-23, 2010. Motion Carried.

**DUCKS UNLIMITED RAFFLE:** The Spearfish Chapter of Ducks Unlimited will be holding a raffle on April 22, 2010 at the Spearfish VFW.

**CREDIT CARD AUTHORIZATION:** Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the Corporate Credit Card Authorization with Wells Fargo Bank. Motion Carried. Moved-Seconded (Ewing-Johnson) to increase the credit limit to \$11,000 for Connie Atkinson. Motion Carried. The Board was in agreement to send a letter to the Department Heads requesting that the credit cards be kept in the Auditor's Office, or in their respective Offices, to be checked out only when needed.

**HIGHWAY BUSINESS:** Dick Birk, Highway Superintendent, was present to update the board on County Road issues.



**DUMP TRUCK BIDS:** The following bids were received for the new 2010 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System. Eddies Truck Center (Godfrey): \$121,852; Eddies Truck Center (Northern Truck): \$121,435; Boyer Truck: \$127,368; West River International: \$118,359.98; Sheehan Mack Sales: \$124,936.20.

Eddies Truck Center Representative questioned if West River International bid was for a 2007 or 2010 compliant truck. Birk stated after review the low bid does meet county specs.

Moved-Seconded (Ewing-Thompson) To accept the low bid from Rapid City West River International for one new 2010 Class 8 Tandem Truck Chassis, Dump Body & Hydraulic System for \$118,359.98, and to authorize the Chairman to sign the Contract. Motion Carried.

**APPROACH PERMIT:** Moved-Seconded (Weisenberg-Ewing) to approve the Approach Permit for Thane Tetrault located approximately directly across 11676 Tetrault Rd to St. Onge, SD. Motion Carried.

**ANNUAL REVIEW CUP#357 / SPEARFISH ANIMAL HOSPITAL CREMATORIUM:** An annual review was held on CUP#357 for Spearfish Animal Hospital Crematorium. Jeff Schroeder, Deputy Planning and Zoning Director stated the security fence is not completed at this time and no complaints have been filed in their office. The Board will review in 12 months.

**REGISTER OF DEEDS SURPLUS EQUIPMENT:** Moved-Seconded (Weisenberg-Thompson) to declare the large format copier/scanner #11963 surplus and to advertise for sale by sealed bids. Motion Carried.

**STURGIS 3-MILE:**

**EXECUTIVE SESSION:** 9:30 a.m. Moved-Seconded (Ewing-Weisenberg) to go into executive session in regards to SDCL 1-25-2 (3) for proposed litigation. Motion Carried. 9:55 a.m. the Board opened for regular business.

Bruce Outka stated currently the County's position is that the City of Sturgis has not perfected their three mile area and the City of Sturgis has been informed of this conclusion. Outka stated the City of Sturgis is not in agreement with the County's position. Discussion followed on the procedures the City of Sturgis used to enact the 3-mile jurisdiction. The Board addressed public hearings, public input, and the specific set of rules needed for the 3-mile jurisdiction. The Board discussed asking the City to resend their decision and start the process over with both entities working together. Marty O'Dea questioned if this would affect the City of Whitewood as they now have a plan in place.

Moved by Weisenberg that the City of Sturgis has not followed SDCL and therefore any 3-mile jurisdiction is null and void and the County does not recognize the 3-mile jurisdiction. Motion Died due to lack of a second. Johnson stated this motion was made a few months ago so making the same motion won't do any good. Discussion followed on the County's options.

Moved-Seconded (Weisenberg-Ewing) That the City of Sturgis has not followed SDCL 11-6-27 because they have not had a public hearing and therefore any 3-mile jurisdiction rules they would want to force upon the County is null and void and if they want to rectify the situation a public hearing would be required. Motion Carried.

**CITY OF DEADWOOD PROPERTY DEEDS:** Moved-Seconded (Johnson-Thompson) to declare Lawrence County's interest in 51' by 118' by 94' by 102' part Probate Lot #298; and Lots SE 4 and 5 of Probate Lot #298, all in the City of Deadwood, Lawrence County and Lawrence County's interest in Lots SE 4 & 5 of Probate Lot 298, all in the City of Deadwood, Lawrence County, South Dakota property surplus and authorize the Chairman to sign the Property Deeds to the City of Deadwood. Motion Carried.

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

**SNOW CAT SURPLUS:** Moved-Seconded (Johnson-Thompson) to declare the 1992 snow cat SN#VTU92SENEY252 and 1986 HMDE trailer SN#310038 surplus and donate to the Whitewood Fire Protection District for the use and benefits of all citizens of Lawrence County, with the stipulation that if they do not want the equipment in the future they offer it back to the County. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**INVASIVE SPECIES MANAGEMENT:** Bob Ewing discussed the projected grasshopper infestation issues and stated it may need to be addressed at a future meeting.

**APPRECIATION PLAQUE:** Brian Walker, Spearfish Economic Development, presented a plaque to Connie Douglas in appreciation of her years on their board and thanked the Commission for their cooperation with them in economic development opportunities in our county.

**ORDINANCE #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION**

**REGULATIONS:** Moved-Seconded (Ewing-Weisenberg) to remove from the table the proposed Ordinance #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS (CAFO). Motion Carried. Amber Vogt, Planning & Zoning Administrator, went over the changes that were made to the ordinance at the last meeting. The Board discussed the changes and took input from Justin Tupper, Clint Ridley, Richard Sleep and Diane Miller. A motion was made by Thompson to accept the Ordinance as amended at that last meeting. Motion died due to lack of second. Moved-Seconded (Johnson-Weisenberg) to table the proposed Ordinance #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS until April 27, 2010 at 10:30 a.m. Motion Carried. Aye- Ewing, Johnson, Weisenberg and Douglas. Nay- Thompson

**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-\$6,470.87; Aud-\$7,549.45; Treas-\$9,638.58; Comp-\$13,105.29; States Atty-\$12,555.07; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,298.67; Equal-\$14,829.81; Rod-\$6,785.94; Vso-\$1,174.78; Disp-\$10,521.75; Sher-\$33,171.83; Jail-\$20,057.98; Emerg Mgnt-\$3,526.61; E911-\$1,655.00; Highway-\$37,650.17; Air-\$1,023.20; Mh Serv-\$1,148.00; Ext-\$1,367.48; Weed-\$2,311.50; Pz-\$4,499.37; **Bills:** Fitzgerald,John-\$511.97; Skavang,Robert-\$5.00; A&B Business Equip-\$287.87; A&B Welding Supply-\$130.93; A&I Distributors-\$312.50; A&J Supply-\$116.37; Abc Business Supply Corp-\$139.89; Air Connection-\$120.00; Alco Store-\$39.96; Alltel-\$779.08; Amcon Distributing-\$167.23; Apco Institute-\$329.00; Appraver Llc-\$1,152.00; At&T-\$3.38; BH Chemical Company-\$551.30; BH Federal Credit Union-\$9,400.00; BH Legal Professionals Assoc-\$70.00; BH Pioneer-\$162.40; BH Power-\$7,601.31; BH Windshield Repair-\$50.00; Baldhead Systems-\$150.00; Balkenhol,Ferd-\$450.00; Best Business Prod-\$20.80; Brady Pluimer, Pc-\$281.00; Brown,Kathy-\$400.00; Butler Machinery Co-\$309.55; Central Parts-\$3.39; Century Business Products-\$701.95; City/County Alcohol&Drug-\$140.00; Crawford Supply Company-\$306.96; Credit Collections Bureau-\$204.16; Days Inn-\$93.00; Deadwood Home Center-\$2.44; Deadwood Recreation Center-\$134.00; Deadwood, City Of-\$786.15; Delta Dental Of South Dakota-\$6,086.46; Dept Of Hlth Lab Services-\$25.00; Dept Of The Treasury-\$47,195.24; Division Of Motor Veh-\$15.00; Edm Publishers-\$98.78; Frame Garage-\$1,687.26; Frederickson, John-\$170.00; Great Plains Chemical-\$120.00; Grimm's Pump Service-\$248.33; Hartford-Priority Accounts-\$1,362.53; Havemeier,Leslie-\$68.20; Heisler Hardware-\$34.45; Howell, Jack Ken-\$61.20; Huron Culvert & Tank Co-\$1,199.37; Integrity Ford-\$26.06; Janz,Donald-\$425.00; Johnson, Rodenbrug & Lauinger-\$75.00; Keefe Supply Company-\$318.72; Kimball-Midwest Co-\$294.75; Knology-\$1,861.24; Koala Electric-\$3,356.99; Kosel,Joseph-\$507.43; LC Sheriff-\$452.00; Lawson Products-\$251.56; Lead-Deadwood Regional-\$308.41; Lead-Deadwood Regional Hospital-\$34.93; Lewis Drug-\$12.32; Lueders-\$94.99; Lyle Signs-\$167.83; Manlove Psychiatric

Group-\$2,498.68; Meade County Sheriff-\$26.60; Medica-\$67,095.50; Mid-Continent Testing-\$850.00; Montana Dakota Utilities-\$206.51; Mutchler,Tricia-\$156.00; NH Family Ymca-\$415.80; Neafcs-Sd Affiliate Treasurer-\$40.00; Nelson,Christy-\$45.00; Neve's Uniforms-\$261.78; Nooney Solay & Van Norman-\$3,219.08; Novus-\$75.00; Office Of Child Support-\$338.52; Pennington Co Extension-\$22.00; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$1,490.52; Program Works-\$70.00; Quill Corporation-\$107.95; Radio Shack/Kazco-\$13.98; Rasmussen Mechanical Serv-\$2,751.85; Rdj Specialities-\$391.21; Reindl,Staci-\$2,495.80; Rena M. Hymans, PC-\$1,004.79; Rocket Lube-\$34.49; Rushmore Communications-\$355.35; SD Assoc Code Inforcement-\$50.00; SD Continuing Legal Education-\$150.00; SD Dept Of Labor Unemployment-\$8,648.42; SD Retirement System-\$51,769.45; Safariland-\$111.94; Salzsieder,Milan-\$3,735.00; Sdaco-\$300.00; Sdae4-He-\$100.00; Sdrs Supplemental Retirement-\$1,304.00; Servall Towel & Linen-\$300.05; Sorensen,Tylea-\$154.00; Spearfish Alt/Starter Rebuild-\$136.00; Spearfish Building Supply-\$49.00; Spearfish City Of-\$193.72; Spearfish Electric & Heating-\$352.04; Spearfish Police Dept-\$47.99; Stadler Ind Service-\$602.00; State Radio Communication-\$5,280.00; Thompson,Katie-\$3,400.00; Triple K Tire & Repair-\$1,232.16; Twin City Hardware & Lumber-\$324.73; Victims Of Violence-\$590.00; Walmart Store Inc-\$366.73; West River International-\$184.00; Western Communication-\$370.50; White's Queen City Motors-\$368.18; Ziggy's Building Center-\$553.65; **Witness & Jurors:** Addington,T-\$58.88; Bachand,D-\$56.66; Bensen,C-\$52.96; Boerman,D-\$61.10; Callaway,D-\$61.10; Carlson,J-\$62.58; Donovan,B-\$64.80; Kaiser,K-\$64.80; Weaver,J-\$61.10; Colson,K-\$38.50; Christensen,J-\$20.00; Katz,C-\$22.29; Miller,C-\$26.14; Sherrard,J-\$31.10; Watt,P-\$20.00

**ADJOURN:** 12:05 p.m. there being no further business it was Moved-Seconded (Ewing-Johnson) to adjourn. Motion Carried.

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

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 13, 2010**

Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 13, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing and Terry Weisenberg present. Connie H. Douglas and Tommy Thompson were absent. Tommy Thompson arrived at 9:00 a.m.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of March 30, 2010 County Commission Meeting. Motion Carried. Douglas & Thompson absent.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2010 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)-\$119,559.33; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,156.94; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,535,014.75, Money Market \$527,058.90; Bank Balance-\$1,876,220.34; Total \$10,263,120.26. Douglas & Thompson absent.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of March 31, 2010 is \$681,592.75 or 5.07%.

### **PERSONNEL:**

**PLANNING & ZONING:** Moved-Seconded (Ewing-Weisenberg) approve the donation of leave to Sheryl Schultz due to medical reasons. Motion Carried. Douglas & Thompson absent.

**STURGIS 3-MILE JURISDICTION:** 8:06 a.m. Moved-Seconded (Weisenberg-Ewing) to go into executive session to discuss legal discussions in reference to the Sturgis 3-Mile jurisdiction. 8:17 a.m. opened for regular business. Moved-Seconded (Ewing-Johnson) to have Outka relay to the City of Sturgis that they are still discussing the issue and will wait for any action until a full Commission Board is present. Motion Carried. Douglas & Thompson absent.

**VACATION OF SECTION LINE:** A public hearing was held on a petition to vacate a portion of a section line. LEGAL DESCRIPTION FOR THE VACATION: The section line on the southern boundary of Lots 6, 7, 8, 9, 17, and Lot A and Lot B of Lot 10 Revised of the Florence Subdivision SE1/4 SW1/4 Section 10-T5N-R4E, and the Northern boundary of Lots 5, 6, 7 and 8 of Alice Subdivision W1/2NE1/4 Section 15-T5N-R4E and the Northern boundary of Lot 1R and Lot 2 of Lucan Subdivision NE1/4NW1/4 Section 15-T5N-R4E. AFFECTING THE LANDOWNERS: Kerwin L Buseman, John Shively, Sheri Watke, Kim & Darla Burich, Jeff & Cindy Burich, Delmore & Mary Jones, Dan & Belinda Kroska, Don Balyeat, Lauren Ross, Vernon McMullen, Dennis & Carol Nelles, Ray Lucan, Bonnie Miller Lucan, David & Linda Medenwald.

Jeff Burich was present to answer questions in regard to the vacation. Outka stated through replatting there is access and easements to all lots involved. Amber Vogt stated they received correspondence from USFS stating they are not opposed to the vacation. No public input was voiced in opposition to the vacation. The public hearing was closed.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Vice-Chairman to sign the following LAWRENCE COUNTY RESOLUTION #2010-08 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE. Motion Carried. Douglas & Thompson absent. LAWRENCE COUNTY RESOLUTION #2010-08 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE. WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section

line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: LEGAL DESCRIPTION FOR THE VACATION: The Section Line on the Southern boundary of Lots 6, 7, 8, 9, 17, and Lot A and Lot B of Lot 10 Revised of the Florence Subdivision SE1/4 SW1/4 Section 10-T5N-R4E, and the Northern boundary of Lots 5, 6, 7 and 8 of Alice Subdivision W1/2NE1/4 Section 15-T5N-R4E and the Northern boundary of Lot 1R and Lot 2 of Lucan Subdivision NE1/4NW1/4 Section 15-T5N-R4E. AFFECTING THE LANDOWNERS: Kerwin L Buseman, John Shively, Sheri Watke, Kim & Darla Burich, Jeff & Cindy Burich, Delmore & Mary Jones, Dan & Belinda Kroska, Don Balyeat, Lauren Ross, Vernon McMullen, Dennis & Carol Nelles, Ray Lucan, Bonnie Miller Lucan, David & Linda Medenwald. DARYL JOHNSON, VICE-CHAIRPERSON, Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor.

**HIGHWAY SUPPLIES BIDS:**

**MAGNESIUM CHLORIDE:** Moved-Seconded (Weisenberg-Johnson) to accept the only bid from Z&S Dust Control at \$118.00 per ton and \$20.00 per ton application, and allow the Vice-Chairman to sign the Contract with Z&S Dust Control. Motion Carried. Douglas & Thompson absent.

**HOT MIX ASPHALT:** Sacrison Paving-\$65.00 at Exit 8 Plant. Moved-Seconded (Ewing-Weisenberg) to accept the only bid received from Sacrison Paving. Motion Carried. Douglas & Thompson absent.

**COLD MIX ASPHALT:** No bids received.

**GRAVEL SURFACING AGGREGATE:** Moved-Seconded (Ewing-Weisenberg) to accept the only bid received from EKE Inc. at the Hurm Pit at \$6.10 per ton for 1" gravel with .20 loading cost. Motion Carried. Douglas & Thompson absent.

**DE-ICING SAND:** No bids received.

**FUEL QUOTES:**

The following fuel quotes were submitted as of April 6, 2010: Spearfish Diesel 1800 Gallons: (prices per gallon) CBH Coop. \$2.459, Southside Oil – \$2.45; MG Oil \$2.419\* (\*represents lowest quote). Unleaded 1000 Gallons: (prices per gallon) CBH Coop. \$2.709\*; Southside Oil - \$2.71; MG Oil \$2.909 (\*represents lowest quote).

**RIGHT OF WAY PERMIT:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Vice-Chairman to sign the Application to Occupy County Highway Right of Way for the City of Whitewood located in T6N R4E in Section 22 along County Road Superior Place. Motion Carried. Douglas & Thompson absent.

**DEADWOOD:** Bruce Outka stated the Board has been invited to a meeting in regards to the Slime Plant & Parking Lot property with the City of Deadwood at 10:00 on Thursday.

**COUNTY PROPERTY:** Outka updated the Board on the City of Deadwood property that the County has deeded to the City. The legal description on the deeds has been revised and he has not heard anything from the City of Deadwood at this time.

**VACATION OF SECTION LINE:** Moved-Seconded (Ewing-Johnson) to remove from the table the Petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. Motion Carried. Douglas absent.

Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Vice-Chairman to sign the following LAWRENCE COUNTY RESOLUTION #2010-09 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE, conditioned upon the recording of the final re-plat by September 1, 2010 reflecting access or easements to all platted lots. Motion Carried. Douglas absent.

LAWRENCE COUNTY RESOLUTION #2010-09 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: LEGAL DESCRIPTION FOR THE VACATION: Vacate a portion of Section Line of Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: Rigsby, Olson, Russell & Recinda G.; Wiczorek Rick & Vicki; Peters David S. & Judith F.; Karels, Gordon V. & Earla M.; Fairbanks, Larry & Cindy; Marson, Ellie Lee; and Jensen, Roger D. & Barbara Ann. DARYL JOHNSON, CHAIRPERSON. Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

**DAYS OF 76 FUNDING REQUEST:** Pat Roberts, Chairman of the Days of 76 Rodeo was present to request \$25,000 to help fund the Rodeo. Roberts stated this is a volunteer organization and no-one is paid. Roberts reviewed the request and the need for funding. Moved-Seconded (Weisenberg-Ewing) to do a contingency transfer of \$25,000 to the Commissioners Professional Services Budget and approve the \$25,000 request for funding for the Days of 76' Rodeo. Motion Carried. Douglas absent. Weisenberg felt a County Commissioner should be appointed on the Days of 76 Board and stated he would be interested in serving.

#### **INVASIVE SPECIES MANAGEMENT:**

**HERBICIDE VOUCHER PROGRAM:** Dave Heck, Invasive Species Management Supervisor, updated the Board on the Herbicide Voucher Program and requested to seek bids for herbicides. Citizens will now receive a voucher to take to the low bidder to receive the herbicides at the rate as set by bid. The County will not have to keep the herbicides on hand. Moved-Seconded (Ewing-Thompson) to set the bid opening for herbicides for May 11, 2010, at 8:15 a.m. Motion Carried. Douglas absent.

**GRASSHOPPER MANAGEMENT COST SHARE PROGRAM:** Heck explained the new grasshopper cost share program and requested to seek bids for a Commercial Applicator to "ground apply" Dimilin. The applicator who is awarded the bid would do all the applications in the County under this program, with the Citizens paying the applicator. The Board discussed liability and requirements if the County is not contracting with the applicator. The Board was in agreement that the Weed Board should set the requirements for ground applying applicators. Applicators would need to meet the requirements to be an approved applicator for the program.

**US FOREST SERVICE COST SHARING AGREEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the US Forest Service Cost Sharing Agreement 09-PA-11020308-020. Motion Carried. Douglas absent.

**EXECUTIVE SESSION:** 10:40 a.m. Moved-Seconded (Thompson-Ewing) to go into executive session to discuss personnel with Rick Mowell, Sheriff. Motion Carried. Douglas absent. 10:54 a.m. the Board opened for regular business.

**ITEMS FROM COMMISSIONERS:**

**NEMO / TRAVEL MANAGEMENT RULE:** Thompson stated Troy Saye from the Nemo Guest Ranch has invited the Commissioners to meet with the Forest Service on April 20<sup>th</sup> at 6:00 p.m. in regards to the travel management plan.

**BILLS:** Moved-Seconded (Ewing-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-\$6,470.87; Aud-\$7,552.63; Treas-\$9,555.99; Comp-\$7,230.51; States Atty-\$12,569.98; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,359.98; Equal-\$15,025.61; Rod-\$6,785.94; Vso-\$1,175.74; Disp-\$11,501.30; Sher-\$32,316.83; Jail-\$19,115.27; Emerg Mgnt-\$3,430.61; E911-\$1,658.00; Highway-\$35,970.56; Air-\$1,279.20; Ext-\$1,328.48; Weed-\$2,149.50; Pz-\$3,980.97;

**Bills:** Frerichs,Amy-\$119.39; Mowell,Richard-\$7,788.00; Rombough,Debra-\$60.68; Schuchmann,Bernard-\$565.20; Weisenberg,Terry-\$193.88; A&B Business Equip-\$884.01; A&B Welding Supply-\$16.24; A&I Distributors-\$575.84; A&J Supply-\$8.39; A-Z Shredding-\$55.40; Abc Business Supply-\$651.03; Accurant Account-\$75.00; Active Data Systems-\$59.68; Affinity Global Solutions-\$2,640.00; Air Connection-\$414.55; Alco Store-\$26.44; Aldinger Funeral Home-\$1,170.00; American Family Life-\$3,532.87; BH Chemical Company-\$2,818.33; BH Federal Credit Union-\$9,440.00; BH Land Analysis-\$900.00; BH Pest Control-\$95.00; BH Pioneer-\$1,593.09; BH Power-\$799.69; Benson Technical Works-\$1,668.75; Biegler,Greg-\$120.00; Binder,Tracy-\$150.60; Bob Barker Company-\$372.68; Bureau Of Land Management-\$14.30; Butler Machinery Co-\$152.18; Butte Electric Coop-\$661.54; Carol Butzman Consluting-\$812.87; Cbh Cooperative-\$2,654.82; Central Parts-\$557.74; Chemical Sanitizing Sys-\$75.17; Chemsearch-\$291.42; Clinical Lab Of BH-\$340.35; Conocophillips Fleet-\$63.26; Credit Collections Bureau-\$204.16; Dakota Graphics-\$280.00; Deadwood Home Center-\$100.26; Deadwood Thymes Cafe & Bistro-\$72.00; Dena Sheets Property Mgnt-\$1,275.00; Dept Of The Treasury-\$49,252.87; Dietrich,Donna-\$229.36; Election Sys & Software-\$761.32; Ellingson,Joseph-\$431.95; Ensignal-\$279.99; Evercom Systems-\$2,236.00; Extension Service-\$88.06; Fastenal-\$320.00; Federal Express Corp-\$43.85; First Western Bank-\$162.45; First Western Ins Deadwood-\$50.00; Fish,Veronica-\$78.20; Fleet Services-\$1,230.91; Fmb Properties-\$500.00; Foothills Seed-\$240.00; Fsh Communications-\$60.00; Genetic Technologies-\$63.00; Godfrey's Brake Serv-\$380.78; Great Western Bank-\$48.00; Great Western Tire-\$15.50; Hamann,Chris-\$180.00; Hills Material Comp-\$728.48; Intoximeters-\$1,000.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$3,462.30; Knecht True Value-\$1,443.19; Knology-\$109.08; Koala Electric-\$1,722.82; Kooistra,Nelva-\$15.00; LC Conservation Dist-\$5,000.00; LC Journal-\$1,176.25; Lead, City Of-\$65.15; Lead-Deadwood Regional-\$169.75; Lead-Deadwood Regional Hospital-\$2,298.02; Lead-Deadwood Sanitary-\$338.84; Lee,James-\$15.00; Lefthand,Myra-\$500.00; Lueders-\$46.16; Lutheran Social Services-\$280.00; Lyle Signs-\$200.00; McClure,Susan-\$450.00; Meade County Sheriff-\$36.00; Medtox Laboratories-\$239.04; Minnwest Bank Sioux Falls-\$171.03; Missouri State Hiway Patrol-\$790.00; Montana-Dakota Util-\$7,334.43; Moore Medical Llc-\$71.22; Morman Law Firm-\$23.30; Motorola-\$3,436.80; National 4-H Council Sup Serv-\$65.50; National Products-\$61.17; Ncraao-\$235.00; Neve's Uniforms-\$230.78; Occupational Health Network-\$127.20; Office Of Child Support-\$338.52; Office Technology/Supply-\$74.77; Pennington Co Auditor-\$124.00; Pennington Co Jail-\$694.30; Pennington County Sts Attny-\$800.00; Pitney Bowes-\$312.06; Quill Corporation-\$119.99; Qwest-\$278.95; RC Medical Center-\$105.50; RC Regional Hospital-\$13,422.59; Rabe Elevator-\$1,523.56; Radio Shack/Kazco-\$799.97; Radiology Associates-\$155.04; Rapid Delivery-\$36.30; Rasmussen Mechanical Serv-\$12,853.84; Real Estate Rental Center-\$275.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$1,464.10; Richard L Leir Msw Csw/Pip-\$950.00; Rocket Lube-\$119.46; SD Dept Of Labor Unemployment-\$12,655.08; SD State Archives-\$83.00; SD State Treasurer-\$15,483.51; Sdaco-\$645.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$450.96; Sisma-\$250.00; Slowey,Yavonne-\$25.00; Southside Service-\$115.00; Spearfish Auto Supply-\$596.66; Spearfish Husky-\$37.00; Spearfish Regional Hospital-\$20.63; Tellinghuisen & Gordon-\$1,366.72; Thompson,Katie-\$1,213.10; Tigerdirect-\$372.65; Triple K Tire & Repair-\$128.81; Twin City Hardware & Lumber-\$561.82; Walmart Store-\$38.98; Warne Chemical-\$498.24; Waste Connections-\$528.47; Watertree-\$44.00; Wells Fargo Business Card-\$433.48; West Group-\$769.61; Western Communication-\$233.00; Western Sd Juvenile Serv-\$2,000.00; Williams

Standard Serv-\$100.70; Xerox Corporation-\$107.44; **Witness & Jurors:** Baldwin,L-\$64.80; Bogan,C-\$61.10; Boullion,M-\$58.88; Brengle,S-\$64.80; Dimick,D-\$68.50; Geffre,J-\$59.62; Hubbard,B-\$53.70; Richter,C-\$31.84; Hansen,J-\$31.84; Goeders,J-\$40.35.

**ADJOURN:** 10:59 a.m. there being no further business it was Moved-Seconded (Ewing-Thompson) to adjourn. Motion Carried.

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Date Approved

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor



**LAWRENCE COUNTY 2010 BOARD OF EQUALIZATION – April 13 - 27, 2010**

The Lawrence County Board of Equalization was called to order on Tuesday April 13, 2010 at 12:15 p.m. with the following members present: Daryl Johnson, Robert Ewing and Terry Weisenberg.

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

**The 2010 Board of Equalization was signed.**

**Tax Exempt:**

Moved-Seconded (Weisenberg-Ewing) To follow the recommendation of the Director of Equalization and remove the Black Hills Aerie No 105 FOE #5 from the Benevolent Exemptions. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) To follow the recommendation of the Director of Equalization and approve the Days of 76 Museum Inc. for a Charitable Exemption of 25% on the land and 70% on the structure. Motion Carried.

Moved-Seconded (Johnson-Ewing) To follow the recommendation of the Director of Equalization and approve the Golden Reward Mining Company (Terry Cemetery) for a Religious Exemption. Motion Carried.

**The following Exempt parcels were approved.**

Moved-Seconded (Weisenberg-Ewing) To approve the following list of 2010 Exempt properties. Motion Carried.

EX TYPE	PROPERTY OWNER	SITUS	LEGAL	acres	DESCRIPTION
<b>106 ELDERLY TAX FREEZE PROPERTIES</b>					
<b>24 RENEWABLE ENERGY RESOURCES</b>					
<b>15 BENEVOLENT EXEMPTIONS</b>					
BE	QUEEN CITY VFW POST #5860	3102 E FAIRGROUND LOOP	SW1/4 SW1/4 LOT 1 (1.0 ACRES MINUS R/W)	0.9	QUEEN CITY VFW POST #5860, 3102 E FAIRGROUND LOOP SW1/4 SW1/4 LOT 1 (1.0 ACRES MINUS R/W), 0.9 Acres
BE	ST ONGE TOWNSHIP	234 1ST	LOTS 1 & 2 BLK 3 (COMMUNITY HALL BLDG)	0.29	ST ONGE TOWNSHIP, 234 1ST LOTS 1 & 2 BLK 3 (COMMUNITY HALL BLDG), 0.29 Acres
BE	MASONIC TEMPLE ASSOCIATION	715 MAIN	LOTS 10-11 & 12B OF LOT 12 BLK 20	0	MASONIC TEMPLE ASSOCIATION, 715 MAIN LOTS 10-11 & 12B OF LOT 12 BLK 20, 0 Acres
BE	SD GRAND LODGE OF INDEPENDENT OR	403 W MAIN	300' VACATED ALLEY & W PT LOT 1 BLK 28 403 W MAIN	0	SD GRAND LODGE OF INDEPENDENT OR, 403 W MAIN 300' VACATED ALLEY & W PT LOT 1 BLK 28 403 W MAIN, 0 Acres
BE	BLACK HILLS AERIE NO 105 F O E #5 CLOSED/SOLD	501 W MAIN	LOTS 1A & 1B BLK 30	0	BLACK HILLS AERIE NO 105 F O E #5 CLOSED/SOLD, 501 W MAIN LOTS 1A & 1B BLK 30, 0 Acres
BE	WEST RIVER FOUNDATION	609 FILLMORE	PT LOTS 13-14 & 15 BLK 2	0	WEST RIVER FOUNDATION, 609 FILLMORE PT LOTS 13-14 & 15 BLK 2, 0 Acres
BE	DEADWOOD LODGE #508 BPOE	696 MAIN	LOT 11 & ALL EX 5' OF LOT 12 BLK 21 53% TAXABLE (ELKS)	0	DEADWOOD LODGE #508 BPOE, 696 MAIN LOT 11 & ALL EX 5' OF LOT 12 BLK 21 53% TAXABLE (ELKS), 0 Acres
BE	WEST RIVER FOUNDATION	2910 4TH AVE	TIF #2 LOT 2B REVISED OF TR 3 SE1/4 SE1/4 13-6-2 (KSLT RADIO STATION)	0.55	WEST RIVER FOUNDATION, 2910 4TH AVE TIF #2 LOT 2B REVISED OF TR 3 SE1/4 SE1/4 13-6-2 (KSLT RADIO STATION), 0.55 Acres
BE	V F W POST #5969	10 PINE	VFW LOT	0.24	V F W POST #5969, 10 PINE VFW LOT, 0.24 Acres
BE	BLACK HILLS ROD & GUN CLUB	288 WASHINGTON	LOT 5 TRACT 3 (ROD & GUN CLUB) & INCLUD. A POR. OF LOT AB1 (97-2859)	0.14	BLACK HILLS ROD & GUN CLUB, 288 WASHINGTON LOT 5 TRACT 3 (ROD & GUN CLUB) & INCLUD. A POR. OF LOT AB1 (97-2859), 0.14 Acres
BE	SAWYER MEMORIAL PARK TRUST	19-4-4	M.S. 1372 LOT 1 OF NORWOOD # 8 (5.01AC) & LOT 1 OF TR 0067B' (5.82AC)	10.8	SAWYER MEMORIAL PARK TRUST, 19-4-4 M.S. 1372 LOT 1 OF NORWOOD # 8 (5.01AC) & LOT 1 OF TR 0067B' (5.82AC), 10.83 Acres
BE	SPEARFISH MASONIC BLDG ASSOC	544 CANYON	LOT 11 & 12 BLK 43	0.32	SPEARFISH MASONIC BLDG ASSOC, 544 CANYON LOT 11 & 12 BLK 43, 0.32 Acres
BE	BEHAVIOR MANAGEMENT SYSTEMS INC	623 DAHL RD	LOT 4B OF SW1/4 NW1/4	0.66	BEHAVIOR MANAGEMENT SYSTEMS INC, 623 DAHL RD LOT 4B OF SW1/4 NW1/4, 0.66 Acres
BE	GOLDEN STAR LODGE	809 W MAIN MASONIC LODGE	W PT LOT 2 AND ALL LOT 3 BLK 5	0	GOLDEN STAR LODGE, 809 W MAIN MASONIC LODGE W PT LOT 2 AND ALL LOT 3 BLK 5, 0 Acres
BE	WEST RIVER FOUNDATION	206 IRWIN	LOT 1B BLK 8	0	WEST RIVER FOUNDATION, 206 IRWIN LOT 1B BLK 8, 0 Acres
<b>23 CHARITABLE EXEMPTIONS</b>					
CH	DAYS OF 76 MUSEUM, INC	50 CRESCENT	M.S. 569 DAYS OF 76 TRACT (RODEO)	5.18	

CH	HIGH PLAINS HERITAGE SOCIETY INC	825 HERITAGE DR	TIF #2 TR A SE1/4 NE1/4	40	HIGH PLAINS HERITAGE SOCIETY INC, 825 HERITAGE DR TIF #2 TR A SE1/4 NE1/4, 40 Acres
CH	NORTHERN HILLS TRAINING CENTER	625 HARVARD	TRACT A BLK 16	2.89	NORTHERN HILLS TRAINING CENTER, 625 HARVARD TRACT A BLK 16, 2.89 Acres
CH	NORTHERN HILLS TRAINING CENTER	1005 CANYON	S25' OF LOT 4, & N 45' OF LOT 5, S 5' OF LOT 5 & ALL LOT 6 BLK 44	0.4	NORTHERN HILLS TRAINING CENTER, 1005 CANYON S25' OF LOT 4, & N 45' OF LOT 5, S 5' OF LOT 5 & ALL LOT 6 BLK 44, 0.4 Acres
CH	WHITEWOOD SENIOR CITIZENS	914 PINE	LOTS 1-2-3-4 & 5 BLK 27	0.4	WHITEWOOD SENIOR CITIZENS, 914 PINE LOTS 1-2-3-4 & 5 BLK 27, 0.4 Acres
CH	WOMEN IN CRISIS COALITION INC			0.26	
CH	BLACK HILLS MINING MUSEUM INC	323 W MAIN	130.16'N OF JULIUS & PT OF 4 AND E PT LOT 5 BLK 26	0.48	BLACK HILLS MINING MUSEUM INC, 323 W MAIN 130.16'N OF JULIUS & PT OF 4 AND E PT LOT 5 BLK 26, 0.48 Acres
CH	TWIN CITIES & AREA SR CITIZEN INC	609 MAIN	E 30' OF LOT 8 BLK 30	0.07	TWIN CITIES & AREA SR CITIZEN INC, 609 MAIN E 30' OF LOT 8 BLK 30, 0.07 Acres
CH	NORTHERN HILLS FAMILY YMCA	835 W MAIN	LOTS 1 & 2 BLK 1	0	NORTHERN HILLS FAMILY YMCA, 835 W MAIN LOTS 1 & 2 BLK 1, 0 Acres
CH	GALENA HISTORICAL SOCIETY	4/4/2004	LOTS 1 THRU 5 BLK 13 MS 913	0.69	GALENA HISTORICAL SOCIETY, 38081 LOTS 1 THRU 5 BLK 13 MS 913, 0.69 Acres
CH	SAWYER MEMORIAL	19-4-4	M.S. 1372 PT HES 66 EX TR A (.67AC) & PT ACME ETAL EX LOT A TO STATE(.06AC) M.S. 1372 (66.03AC) LESS TR 2 OF ACME M.S. 1372 (6.20AC) & LESS 1.23AC DOC #97-4814	64.1	SAWYER MEMORIAL, 19-4-4 M.S. 1372 PT HES 66 EX TR A (.67AC) & PT ACME ETAL EX LOT A TO STATE(.06AC) M.S. 1372 (66.03AC) LESS TR 2 OF ACME M.S. 1372 (6.20AC) & LESS 1.23AC DOC #97-4814, 64.07 Acres
CH	NORTHERN HILLS PREGNANCY CARE CE	119 E GRANT	LOT B SUB OF 11 & LOT 12 BLK 52 A/K/A E 78' OF 11 & 12 BLK 52	0	NORTHERN HILLS PREGNANCY CARE CE, 119 E GRANT LOT B SUB OF 11 & LOT 12 BLK 52 A/K/A E 78' OF 11 & 12 BLK 52, 0 Acres
CH	NORTHERN HILLS TRAINING CENTER	728 HILL	LOT 9A BLK 14	0	NORTHERN HILLS TRAINING CENTER, 728 HILL LOT 9A BLK 14, 0 Acres
CH	WEST RIVER TRANSIT AUTHORITY INC	436 E COLORADO BLVD	LOT 11 OF LOT 5 OF TR 3	0.38	WEST RIVER TRANSIT AUTHORITY INC, 436 E COLORADO BLVD LOT 11 OF LOT 5 OF TR 3, 0.38 Acres
CH	VICTIMS OF VIOLENCE INTERVENTION			0.17	
CH	NORTHERN HILLS YOUNG MEN'S	845 MINERS	TRACT E BLK Y	1.29	NORTHERN HILLS YOUNG MEN'S, 845 MINERS TRACT E BLK Y, 1.29 Acres
CH	SAWYER MEMORIAL	19-4-4	M.S. 1372 PT HES 57 EX TR A (.68AC) & PT ACME ETAL LESS TR 1 OF ACME M.S. 1372 (1.00AC) & LESS LOT 1 OF NORWOOD #4 (9.58AC) & LESS LOTS 1 & 2 SAWYER MEM. PARK (30.89)	305	SAWYER MEMORIAL, 19-4-4 M.S. 1372 PT HES 57 EX TR A (.68AC) & PT ACME ETAL LESS TR 1 OF ACME M.S. 1372 (1.00AC) & LESS LOT 1 OF NORWOOD #4 (9.58AC) & LESS LOTS 1 & 2 SAWYER MEM. PARK (30.89), 305.08 Acres
CH	SPEARFISH SR CIT SERV CEN	1306 10TH	TRACT 2-A (SENIOR CENTER)	3.41	SPEARFISH SR CIT SERV CEN, 1306 10TH TRACT 2-A (SENIOR CENTER), 3.41 Acres
CH	NORTHERN HILLS TRAINING CENTER	1620 RYAN RD	LOT C OF LOT 4	0.61	NORTHERN HILLS TRAINING CENTER, 1620 RYAN RD LOT C OF LOT 4, 0.61 Acres
CH	NORTHERN HILLS TRAINING CENTER	815 34TH	LOT 4 BLK 10	0.48	NORTHERN HILLS TRAINING CENTER, 815 34TH LOT 4 BLK 10, 0.48 Acres
CH	FRIENDS OF NORTHERN HILLS	515 KING	LOT B EX THE W 11' BLK 1	0.17	FRIENDS OF NORTHERN HILLS, 515 KING LOT B EX THE W 11' BLK 1, 0.17 Acres
CH	KINSHIP MOUNTAIN MINISTRIES KAMP	12145 PAHA SAPA RD	M.S. 1730 TRACT 1 INCLUDING EASEMENT(60.82A) & TRACT 7(9.13A)	70	KINSHIP MOUNTAIN MINISTRIES KAMP, 12145 PAHA SAPA RD M.S. 1730 TRACT 1 INCLUDING EASEMENT(60.82A) & TRACT 7(9.13A), 69.95 Acres
CH	LUTHERAN SOCIAL SERVICES OF SD	2519 WINDMILL DR	TIF #2 LOT 1A BLK 17	3.65	LUTHERAN SOCIAL SERVICES OF SD, 2519 WINDMILL DR TIF #2 LOT 1A BLK 17, 3.65 Acres
CH	SPEARFISH EMERGENCY AMBULANCE SE	715 E COLORADO BLVD	LOT 2 OF SW1/4 NW1/4	1.6	SPEARFISH EMERGENCY AMBULANCE SE, 715 E COLORADO BLVD LOT 2 OF SW1/4 NW1/4, 1.6 Acres
51	<b>DISABLED VETERANS EXEMPTIONS</b>	<b>(EXISTING)</b>			
4	<b>NEW REQUEST</b>				

33	<b>EDUCATIONAL EXEMPT</b>				
ED	B H S C FOUNDATION	815 STATE	LOTS 2-3 & 4 BLK 11	0	B H S C FOUNDATION, 815 STATE LOTS 2-3 & 4 BLK 11, 0 Acres
ED	BOARD OF REGENTS		LOT 6 BLK 13	0	BOARD OF REGENTS, LOT 6 BLK 13, 0 Acres
ED	BLACK HILLS STATE UNIVERSITY		LOTS 11 & 12 BLK 1	0	BLACK HILLS STATE UNIVERSITY, LOTS 11 & 12 BLK 1, 0 Acres
ED	BLACK HILLS STATE UNIVERSITY FOU	1307 W OLIVER	W1/2 NW1/4 SE1/4 TR 1 OF LOT 1A	0.6	BLACK HILLS STATE UNIVERSITY FOU, 1307 W OLIVER W1/2 NW1/4 SE1/4 TR 1 OF LOT 1A, 0.6 Acres
ED	SPEARFISH SCHOOL DIST 40-2	400 E HUDSON	LOTS 1 THRU 6 BLK 32	0	SPEARFISH SCHOOL DIST 40-2, 400 E HUDSON LOTS 1 THRU 6 BLK 32, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		LOTS 1 THRU 12 BLK 33	0	SPEARFISH SCHOOL DIST 40-2, LOTS 1 THRU 12 BLK 33, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		ALL OF BLKS 105 & 106	0	SPEARFISH SCHOOL DIST 40-2, ALL OF BLKS 105 & 106, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		LOTS 7 THRU 12 BLK 34	0	SPEARFISH SCHOOL DIST 40-2, LOTS 7 THRU 12 BLK 34, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		N1/2 NW1/4 LOT B (42.51AC) EX LOTS H1 & H2 (.24 AC)	0	SPEARFISH SCHOOL DIST 40-2, N1/2 NW1/4 LOT B (42.51AC) EX LOTS H1 & H2 (.24 AC), 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		LOTS 1 THRU 12 BLK 16	0	SPEARFISH SCHOOL DIST 40-2, LOTS 1 THRU 12 BLK 16, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2		LOTS 1 THRU 12 BLK 17	0	SPEARFISH SCHOOL DIST 40-2, LOTS 1 THRU 12 BLK 17, 0 Acres
ED	SPEARFISH SCHOOL DIST 40-2	920 KING	LOTS 7 THRU 12 BLK 18	0	SPEARFISH SCHOOL DIST 40-2, 920 KING LOTS 7 THRU 12 BLK 18, 0 Acres
ED	B H STATE UNIVERSITY		LOTS 2,3,4,5,6,7 & 8 OF NE1/4 NE1/4 EX LOT 1	0	B H STATE UNIVERSITY, LOTS 2,3,4,5,6,7 & 8 OF NE1/4 NE1/4 EX LOT 1, 0 Acres
ED	BLACK HILLS STATE UNIVERSITY FOU		LOT 1 BLK 11	0	BLACK HILLS STATE UNIVERSITY FOU, LOT 1 BLK 11, 0 Acres
ED	DEADWOOD IND SCHOOL DIST 102		TRACT IN M.C. 71 BLK 23	0	DEADWOOD IND SCHOOL DIST 102, TRACT IN M.C. 71 BLK 23, 0 Acres
ED	BOARD OF EDUCATION	716 MAIN	LOTS 13 & 15 THRU 26 BLK 23	0	BOARD OF EDUCATION, 716 MAIN LOTS 13 & 15 THRU 26 BLK 23, 0 Acres
ED	DEADWOOD IND SCHOOL DISTRICT	716 MAIN	LOTS 1 THRU 6 BLK 24	0	DEADWOOD IND SCHOOL DISTRICT, 716 MAIN LOTS 1 THRU 6 BLK 24, 0 Acres
ED	MEADE SCHOOL DISTRICT 46-1	603 GARFIELD	LOTS 1 THRU 7 BLK 19 & PT VACATED WALNUT ST.	0	MEADE SCHOOL DISTRICT 46-1, 603 GARFIELD LOTS 1 THRU 7 BLK 19 & PT VACATED WALNUT ST., 0 Acres

ED	MEADE SCHOOL DISTRICT 46-1	SHERMAN	TR C OF OUTLOT B & PT VACATED WALNUT ST.	0	MEADE SCHOOL DISTRICT 46-1, SHERMAN TR C OF OUTLOT B & PT VACATED WALNUT ST., 0 Acres
ED	BLACK HILLS STATE	1140 UNIVERSITY	LOT 9 BLK 9	0	BLACK HILLS STATE, 1140 UNIVERSITY LOT 9 BLK 9, 0 Acres
ED	CITY OF WHITEWOOD	PINE	LOTS 6 THRU 12 BLK 27	0	CITY OF WHITEWOOD, PINE LOTS 6 THRU 12 BLK 27, 0 Acres
ED	BLACK HILLS STATE UNIVERSITY	1120 UNIVERSITY	LOT 8 BLK 9	0	BLACK HILLS STATE UNIVERSITY, 1120 UNIVERSITY LOT 8 BLK 9, 0 Acres
ED	SPEARFISH SCHOOL DISTRICT 40-2 &	19-6-3	TRACT S	37.6	SPEARFISH SCHOOL DISTRICT 40-2 &, 19-6-3 TRACT S, 37.55 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT	115 BALTIMORE	LOT 5 EX. PT IN TRACT AB AND H1(.015)	0	LEAD-DEADWOOD SCHOOL DISTRICT, 115 BALTIMORE LOT 5 EX. PT IN TRACT AB AND H1(.015), 0 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40	320 S MAIN	TRACT S	12.6	LEAD-DEADWOOD SCHOOL DISTRICT 40, 320 S MAIN TRACT S, 12.63 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40		POR TRACT 1 INSIDE	110	LEAD-DEADWOOD SCHOOL DISTRICT 40, POR TRACT 1 INSIDE, 110.23 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40		TRACT 2	1	LEAD-DEADWOOD SCHOOL DISTRICT 40, TRACT 2, 1 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40		POR TRACT 1 OUTSIDE	75.3	LEAD-DEADWOOD SCHOOL DISTRICT 40, POR TRACT 1 OUTSIDE, 75.31 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40		TRACT 3	1.27	LEAD-DEADWOOD SCHOOL DISTRICT 40, TRACT 3, 1.27 Acres
ED	LEAD-DEADWOOD SCHOOL DISTRICT 40		TRACT 4	0.17	LEAD-DEADWOOD SCHOOL DISTRICT 40, TRACT 4, 0.17 Acres
ED	BLACK HILLS STATE UNIVERSITY FOU		LOT 3 BLK 40	0	BLACK HILLS STATE UNIVERSITY FOU, LOT 3 BLK 40, 0 Acres
ED	SPEARFISH SCHOOL DISTRICT NO 40-		BLOCK 1 & SCHOOL AVE PUBLIC ROW(.70)	15	SPEARFISH SCHOOL DISTRICT NO 40-, BLOCK 1 & SCHOOL AVE PUBLIC ROW(.70), 15 Acres
ED	SPEARFISH SCHOOL DISTRICT NO 40-2		BLOCK 2	2.59	SPEARFISH SCHOOL DISTRICT NO 40-2, BLOCK 2, 2.59 Acres
<b>34 HISTORIC MORATORIUMS</b>					
HT	FRAWLEY RANCHES INC	26-6-3	SE1/4 & LOT AB(ABANDONMENT) EX HWY ROW(1.74AC) IN NW1/4SE1/4 & HWYROW(2.55AC) IN SW1/4SE1/4, & E2NE1/4	236	FRAWLEY RANCHES INC, 26-6-3 SE1/4 & LOT AB(ABANDONMENT) EX HWY ROW(1.74AC) IN NW1/4SE1/4 & HWYROW(2.55AC) IN SW1/4SE1/4, & E2NE1/4, 235.66 Acres
HT	GEDDES, DONALD & SHIRLEY	1001 MEADE	LOTS 28 THRU 30 BLK 28 (CD GEDDES TO JOHN & M ANNE FILLMORE)	0	GEDDES, DONALD & SHIRLEY, 1001 MEADE LOTS 28 THRU 30 BLK 28 (CD GEDDES TO JOHN & M ANNE FILLMORE), 0 Acres
HT	UNDERHILL, RON	28 TAYLOR	ELY 1/2 LOT 61 BLK 35	0	UNDERHILL, RON, 28 TAYLOR ELY 1/2 LOT 61 BLK 35, 0 Acres
HT	HUNTER, EUGENE L	38 VAN BUREN	TR 22' X 60' OF LOT 23 & PT OF LOT 25 BLK 41	0	HUNTER, EUGENE L, 38 VAN BUREN TR 22' X 60' OF LOT 23 & PT OF LOT 25 BLK 41, 0 Acres
HT	WATSON, DONNA	24 ADAMS	LOTS 7 & 8 BLK 60(ELDERLY FREEZE ALSO)	0	WATSON, DONNA, 24 ADAMS LOTS 7 & 8 BLK 60(ELDERLY FREEZE ALSO), 0 Acres
HT	FLOYD, TRAVIS W	81 STEWART	LOT B (EX WLY 3') SUB OF LOT 5 BLK 72	0	FLOYD, TRAVIS W, 81 STEWART LOT B (EX WLY 3') SUB OF LOT 5 BLK 72, 0 Acres
HT	OBERLANDER, MARY ANN & BRUCE O	102 CHARLES	LOT A BLK 75	0.16	OBERLANDER, MARY ANN & BRUCE O, 102 CHARLES LOT A BLK 75, 0.16 Acres
HT	KIRCHHEVEL, AMY & PETE	316 WILLIAMS	LOT 20 BLK G	0	KIRCHHEVEL, AMY & PETE, 316 WILLIAMS LOT 20 BLK G, 0 Acres
HT	GRIFFITH, MICHAEL C	22 DENVER	LOTS 3 & 4 BLK N	0	GRIFFITH, MICHAEL C, 22 DENVER LOTS 3 & 4 BLK N, 0 Acres
HT	BLACK FOX INC	61 FOREST	LOT 16 BLK P	0	BLACK FOX INC, 61 FOREST LOT 16 BLK P, 0 Acres
HT	TENTEXKOTA LLC	30 PINE	TRACT S BLK 1 (SLIME PLANT)	0	TENTEXKOTA LLC, 30 PINE TRACT S BLK 1 (SLIME PLANT), 0 Acres
HT	BATES, RONALD E	121 WALL	CENTRAL SCHOOL LOT BLK 24	0	BATES, RONALD E, 121 WALL CENTRAL SCHOOL LOT BLK 24, 0 Acres
HT	DIAS, GREGORY K & PATRICIA J	740 8TH	N 25' OF LOT 11 & ALL LOT 12 BLK 18	0	DIAS, GREGORY K & PATRICIA J, 740 8TH N 25' OF LOT 11 & ALL LOT 12 BLK 18, 0 Acres
HT	MOSS, LEE R & AFTON R	209 W ADDIE	LOT 209A W ADDIE BLK 19	0.19	MOSS, LEE R & AFTON R, 209 W ADDIE LOT 209A W ADDIE BLK 19, 0.19 Acres
HT	FRAWLEY RANCHES INC	18-6-4	GOV'T LOTS 1-2-3-4 & E1/2 NW1/4 EX POR.LOT 7(.06),POR LOT 6(1.75),POR LOT E(.29)-E1/2 SW1/4 EX LOTS FOR HW(25.87A) & EX TRACT F(9.18)IN SW1/4 EX POR TRACT P2(70.19) IN THE NW4 & NE4SE4.	193	FRAWLEY RANCHES INC, 18-6-4 GOV'T LOTS 1-2-3-4 & E1/2 NW1/4 EX POR.LOT 7(.06),POR LOT 6(1.75),POR LOT E(.29)-E1/2 SW1/4 EX LOTS FOR HW(25.87A) & EX TRACT F(9.18)IN SW1/4 EX POR TRACT P2(70.19) IN THE NW4 & NE4SE4., 193.11 Acres
HT	HOINES, ADRIAN M & ANNETTE K	65 FOREST	LOT 17 & 25' OF SW SIDE OF LOT 18 BLK P (65 FOREST AVE.)	0	HOINES, ADRIAN M & ANNETTE K, 65 FOREST LOT 17 & 25' OF SW SIDE OF LOT 18 BLK P (65 FOREST AVE.), 0 Acres
HT	SOUTAR, LOIS KATHRYN	667 MAIN	LOT A BLK 18	0	SOUTAR, LOIS KATHRYN, 667 MAIN LOT A BLK 18, 0 Acres
HT	HOTEL FRANKLIN INC	700 MAIN	FRANKLIN LOT BLK 23	0.59	HOTEL FRANKLIN INC, 700 MAIN FRANKLIN LOT BLK 23, 0.59 Acres
HT	CROWE, TODD W	701 5TH	S 40' LOT 5 & ALL LOT 6 BLK 22	0	CROWE, TODD W, 701 5TH S 40' LOT 5 & ALL LOT 6 BLK 22, 0 Acres
HT	CHRISTIANSSEN, LESLIE J	18 WASHINGTON	LOT 9 & W 20' OF LOT 10 BLK 51	0	CHRISTIANSSEN, LESLIE J, 18 WASHINGTON LOT 9 & W 20' OF LOT 10 BLK 51, 0 Acres
HT	NAMMINGA, LYNN G	12 LINCOLN	LOTS 5 & 6 BLK 50	0	NAMMINGA, LYNN G, 12 LINCOLN LOTS 5 & 6 BLK 50, 0 Acres
HT	DEADWOOD DEVELOPMENT CO	12 LEE	TRACT A BLK 29	0.21	DEADWOOD DEVELOPMENT CO, 12 LEE TRACT A BLK 29, 0.21 Acres
HT	GRIFFITH, THOMAS D & NYLA D	93 SHERMAN	LOT 7 BLK 34	0	GRIFFITH, THOMAS D & NYLA D, 93 SHERMAN LOT 7 BLK 34, 0 Acres
HT	GREGORY, TERRY L & DEBRA L	906 MAIN	SCHOOL LOT 33F & PROBATE LOTS 516-B & 517-C & 517-D	0	GREGORY, TERRY L & DEBRA L, 906 MAIN SCHOOL LOT 33F & PROBATE LOTS 516-B & 517-C & 517-D, 0 Acres
HT	ADLER, RANDY & TERI	17 SELBY	LOT B OF PROBATE LOT 162	0	ADLER, RANDY & TERI, 17 SELBY LOT B OF PROBATE LOT 162, 0 Acres
HT	WYSS, PATRICK H	69 FOREST	LOT 18A BLK P	0.07	WYSS, PATRICK H, 69 FOREST LOT 18A BLK P, 0.07 Acres
HT	MARTIN MASON RESTORATION LLC	44-48 SHERMAN	LOTS 1 & 2 BLK 28	0	MARTIN MASON RESTORATION LLC, 44-48 SHERMAN LOTS 1 & 2 BLK 28, 0 Acres
HT	SANDER, DUANE E LIVING TRUST	141 GLENDALE	TRACT A	0.66	SANDER, DUANE E LIVING TRUST, 141 GLENDALE TRACT A, 0.66 Acres
HT	LEICESTER, ANDREW J	121 WALL UNIT 204	UNIT 204, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24	0	LEICESTER, ANDREW J, 121 WALL UNIT 204 UNIT 204, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24, 0 Acres
HT	TWOMEY, ELIZABETH K	121 WALL UNIT 201	UNIT 201, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24,	0	TWOMEY, ELIZABETH K, 121 WALL UNIT 201 UNIT 201, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24., 0 Acres
HT	BATES, RONALD E	121 WALL UNIT 206	UNIT 206, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24	0	BATES, RONALD E, 121 WALL UNIT 206 UNIT 206, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24, 0 Acres
HT	BATES, RONALD E	121 WALL UNIT 304	UNIT 304, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24,	0	BATES, RONALD E, 121 WALL UNIT 304 UNIT 304, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24., 0 Acres

HT	SOERENSON, ELAINE M	121 WALL UNIT 203	UNIT 203, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24	0	SOERENSON, ELAINE M, 121 WALL UNIT 203 UNIT 203, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24, 0 Acres
HT	JACOBI, D J & CAROLYN A	121 WALL UNIT 202	UNIT 202, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24	0	JACOBI, D J & CAROLYN A, 121 WALL UNIT 202 UNIT 202, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24, 0 Acres
HT	BERGSTROM, LINDA	121 WALL UNIT 305	UNIT 305, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24,	0	BERGSTROM, LINDA, 121 WALL UNIT 305 UNIT 305, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24,, 0 Acres

<b>17</b>	<b>MEDICAL EXEMPTIONS</b>				
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MD	PONDEROSA APARTMENTS INC	430 ORIOLE DR	LOT 1B BLK 8 (HICKORY HOUSE)	3.72	PONDEROSA APARTMENTS INC, 430 ORIOLE DR LOT 1B BLK 8 (HICKORY HOUSE), 3.72 Acres
MD	PIONEER MEMORIAL MANORS INC	930 10TH	TRACTS H & I	2.42	PIONEER MEMORIAL MANORS INC, 930 10TH TRACTS H & I, 2.42 Acres
MD	REGIONAL HEALTH NETWORK INC	1340 10TH	LOT D-1 OF LOT 1	0.87	REGIONAL HEALTH NETWORK INC, 1340 10TH LOT D-1 OF LOT 1, 0.87 Acres
MD	WEST DAKOTA HEALTH CARE INC		LOT A SUB OF LOT 3 OF N1/2NW1/4 & NW1/4NE1/4 10-6-2 AN AZ NON-PROFIT CORP. (CD FROM LUTHERAN HOSP. & HOMEST)	2.14	WEST DAKOTA HEALTH CARE INC, LOT A SUB OF LOT 3 OF N1/2NW1/4 & NW1/4NE1/4 10-6-2 AN AZ NON-PROFIT CORP. (CD FROM LUTHERAN HOSP. & HOMEST), 2.14 Acres
MD	WEST DAKOTA HEALTH CARE INC	61 CHARLES	M & B DESC ON LOTS 24-26 & 28 BLK 70	0.17	WEST DAKOTA HEALTH CARE INC, 61 CHARLES M & B DESC ON LOTS 24-26 & 28 BLK 70, 0.17 Acres
MD	WEST DAKOTA HEALTH CARE INC	61 CHARLES	TRACT B OF BLK 71	0.32	WEST DAKOTA HEALTH CARE INC, 61 CHARLES TRACT B OF BLK 71, 0.32 Acres
MD	WEST DAKOTA HEALTH CARE INC	61 CHARLES	TR A OF S/D OF PROBATE LOT 7 A/K/A PART LOTS 21-23 & 25 BLK 71	0.04	WEST DAKOTA HEALTH CARE INC, 61 CHARLES TR A OF S/D OF PROBATE LOT 7 A/K/A PART LOTS 21-23 & 25 BLK 71, 0.04 Acres
MD	NORTH CENTRAL HEALTH SERVICES INC.	DORSETT REGIONAL SENIOR CARE	PT LOT X OF BLK 33 & 44 & E-2A E-2B(WAS TRACT E-2) BTWN BLKS 43 & 34	0.73	NORTH CENTRAL HEALTH SERVICES INC., DORSETT REGIONAL SENIOR CARE PT LOT X OF BLK 33 & 44 & E-2A E-2B(WAS TRACT E-2) BTWN BLKS 43 & 34, 0.73 Acres
MD	WEST DAKOTA HEALTH CARE INC	61 CHARLES	LOTS 25 THRU 41 BLK 71	0.52	WEST DAKOTA HEALTH CARE INC, 61 CHARLES LOTS 25 THRU 41 BLK 71, 0.52 Acres
MD	WEST DAKOTA HEALTH CARE INC		TRACT G	2.93	WEST DAKOTA HEALTH CARE INC, TRACT G, 2.93 Acres
MD	WEST DAKOTA HEALTH CARE INC	71 CHARLES	LOTS 43, 45, 47, 49 & VACATED CEDAR ST. BLK 71	0	WEST DAKOTA HEALTH CARE INC, 71 CHARLES LOTS 43, 45, 47, 49 & VACATED CEDAR ST. BLK 71, 0 Acres
MD	WEST DAKOTA HEALTH CARE INC		LOTS 1-3-5 BLK 74	0	WEST DAKOTA HEALTH CARE INC, LOTS 1-3-5 BLK 74, 0 Acres
MD	WEST DAKOTA HEALTH CARE INC	1440 MAIN	MEDICAL TRACT 1	4.65	WEST DAKOTA HEALTH CARE INC, 1440 MAIN MEDICAL TRACT 1, 4.65 Acres
MD	REGIONAL HEALTH NETWORK INC	1316 10TH	TRACT 1-B (UNITS I & II OF REDROCK MEDICAL PLAZA)	1.11	REGIONAL HEALTH NETWORK INC, 1316 10TH TRACT 1-B (UNITS I & II OF REDROCK MEDICAL PLAZA), 1.11 Acres
MD	REGIONAL HEALTH NETWORK INC	200 MONTANA AVE	M.S. 1663 LOT C A POR. OF BH EAGLE #1 M.S.1579, MICHIGAN M.S.1663 AND MONTANA M.S.1508	4.72	REGIONAL HEALTH NETWORK INC, 200 MONTANA AVE M.S. 1663 LOT C A POR. OF BH EAGLE #1 M.S.1579, MICHIGAN M.S.1663 AND MONTANA M.S.1508, 4.72 Acres
MD	RAPID CITY REGIONAL HOSPITAL INC	130 YANKEE	UNIT 2 OF YANKEE ST CONDO	0	RAPID CITY REGIONAL HOSPITAL INC, 130 YANKEE UNIT 2 OF YANKEE ST CONDO, 0 Acres
MD	PONDEROSA APARTMENTS INC		LOT 1A BLK 8	1.26	PONDEROSA APARTMENTS INC, LOT 1A BLK 8, 1.26 Acres

<b>6</b>	<b>PARALEGIC EXEMPTION</b>				
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<b>94</b>	<b>RELIGIOUS EXEMPTION</b>				
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RG	CHAPTER OF CALVARY CATHEDRAL	21978 US HIGHWAY 85	PT HES 243 (STRUCTURES PARTIAL EXEMPTION)	80	CHAPTER OF CALVARY CATHEDRAL, 21978 US HIGHWAY 85 PT HES 243 (STRUCTURES PARTIAL EXEMPTION), 80 Acres
RG	CHRISTIAN SCIENCE SOCIETY	710 7TH	W 83' OF 7 & W 83' OF LOT 8 BLK 19 (CHURCH)	0.19	CHRISTIAN SCIENCE SOCIETY, 710 7TH W 83' OF 7 & W 83' OF LOT 8 BLK 19 (CHURCH), 0.19 Acres
RG	FIRST BAPTIST CHURCH OF SPF	1104 5TH CHURCH	LOTS 7A & 9 BLK 37 (CHURCH)	0.16	FIRST BAPTIST CHURCH OF SPF, 1104 5TH CHURCH LOTS 7A & 9 BLK 37 (CHURCH), 0.16 Acres
RG	NEW COVENANT CHRISTIAN FELLOWSHIP	1140 AMES	LOT 2 BLK 33 (CHURCH)	0.42	NEW COVENANT CHRISTIAN FELLOWSHIP, 1140 AMES LOT 2 BLK 33 (CHURCH), 0.42 Acres
RG	HILLSVIEW CHURCH OF NAZARENE	1200 N 10TH	LOT A-1AR OF LOT 1	1.29	HILLSVIEW CHURCH OF NAZARENE, 1200 N 10TH LOT A-1AR OF LOT 1, 1.29 Acres
RG	OUR SAVIORS LUTHERAN CHURCH	924 JACKSON	LOTS 7 & 8 BLK 5 (CHURCH)	0.18	OUR SAVIORS LUTHERAN CHURCH, 924 JACKSON LOTS 7 & 8 BLK 5 (CHURCH), 0.18 Acres
RG	IMMANUEL LUTHERAN CHURCH	920 FILLMORE CHURCH	LOT 1-2 & W 50' OF LOT 3 BLK 1	0.46	IMMANUEL LUTHERAN CHURCH, 920 FILLMORE CHURCH LOT 1-2 & W 50' OF LOT 3 BLK 1, 0.46 Acres
RG	MOUNTAIN VIEW BAPTIST CHURCH	720 12TH	TRACT A OF BLK 1	3.1	MOUNTAIN VIEW BAPTIST CHURCH, 720 12TH TRACT A OF BLK 1, 3.1 Acres
RG	NEMO COMMUNITY CHURCH	12755 NEMO RD	TRACT 0055 IN GOVT. LOT 7 IN SE1/4 NW1/4 (1.00 AC.)	1	NEMO COMMUNITY CHURCH, 12755 NEMO RD TRACT 0055 IN GOVT. LOT 7 IN SE1/4 NW1/4 (1.00 AC.), 1 Acres
RG	OLD APOSTOLIC LUTHERAN CHURCH	CHURCH/EDUCATIONAL 2040 VISTA HILLS PLAC	TRACT 2 PT OF NE1/4	26.6	OLD APOSTOLIC LUTHERAN CHURCH, CHURCH/EDUCATIONAL 2040 VISTA HILLS PLAC TRACT 2 PT OF NE1/4, 26.61 Acres
RG	OUR SAVIORS LUTHERAN CHURCH	1020 STATE	LOTS 7 THRU 12 BLK 29	0.96	OUR SAVIORS LUTHERAN CHURCH, 1020 STATE LOTS 7 THRU 12 BLK 29, 0.96 Acres
RG	SUMMIT AT SPEARFISH	535 7TH	LOTS 2 & 3 BLK 41 (CHURCH)	0.32	SUMMIT AT SPEARFISH, 535 7TH LOTS 2 & 3 BLK 41 (CHURCH), 0.32 Acres
RG	PRESBYTERIAN CHURCH	901 LAUREL	LOT 6 BLK 28 (CHURCH)	0.16	PRESBYTERIAN CHURCH, 901 LAUREL LOT 6 BLK 28 (CHURCH), 0.16 Acres
RG	SPEARFISH UNITED METHODIST CHURCH	236 W JACKSON BLVD	LOTS 4 THRU LOT 12 BLK 7	0	SPEARFISH UNITED METHODIST CHURCH, 236 W JACKSON BLVD LOTS 4 THRU LOT 12 BLK 7, 0 Acres
RG	MOUNTAIN VIEW BAPTIST CHURCH	921 STATE	LOT 4 BLK 37 (PARSONAGE)	0.16	MOUNTAIN VIEW BAPTIST CHURCH, 921 STATE LOT 4 BLK 37 (PARSONAGE), 0.16 Acres
RG	SD CONF 7TH DAY ADVENTIST CHURCH	115 7TH (CHURCH)	LOTS 4-5 & 6 BLK 84	0.48	SD CONF 7TH DAY ADVENTIST CHURCH, 115 7TH (CHURCH) LOTS 4-5 & 6 BLK 84, 0.48 Acres
RG	SD CONF 7TH DAY ADVENTIST CHURCH	SCHOOL 115 7TH	LOT 7 & S 25' OF LOT 8 BLK 32	0.24	SD CONF 7TH DAY ADVENTIST CHURCH, SCHOOL 115 7TH LOT 7 & S 25' OF LOT 8 BLK 32, 0.24 Acres
RG	SD CONF 7TH DAY ADVENTIST CHURCH	301 LARIAT	LOT 6 BLK 1	0.16	SD CONF 7TH DAY ADVENTIST CHURCH, 301 LARIAT LOT 6 BLK 1, 0.16 Acres
RG	SPEARFISH UNITED METHODIST CHURCH	845 5TH CHURCH	LOTS 1-2 & 3 BLK 7	0.48	SPEARFISH UNITED METHODIST CHURCH, 845 5TH CHURCH LOTS 1-2 & 3 BLK 7, 0.48 Acres
RG	ST JOSEPH'S CATHOLIC CHURCH	844 5TH PARKING LOT	FRACTIONAL LOT INCLUDED IN BLK 49 RAMSDELL	0.08	ST JOSEPH'S CATHOLIC CHURCH, 844 5TH PARKING LOT FRACTIONAL LOT INCLUDED IN BLK 49 RAMSDELL, 0.08 Acres

RG	ST JOSEPH'S CATHOLIC CHURCH	844 5TH CHURCH & PARKING	LOTS 9 THRU 12 BLK 8	0.8	ST JOSEPH'S CATHOLIC CHURCH, 844 5TH CHURCH & PARKING LOTS 9 THRU 12 BLK 8, 0.8 Acres
RG	ST JOSEPH'S CATHOLIC CHURCH	844 5TH PARKING	LOT 1 BLK 1 ORIG. & LOT 7 BLK 49	0.24	ST JOSEPH'S CATHOLIC CHURCH, 844 5TH PARKING LOT 1 BLK 1 ORIG. & LOT 7 BLK 49, 0.24 Acres
RG	ST ONGE UNITED CHURCH OF CHRIST	PARKING LOT - EMMA	LOTS 1 THRU 4 BLK 11	0.64	ST ONGE UNITED CHURCH OF CHRIST, PARKING LOT - EMMA LOTS 1 THRU 4 BLK 11, 0.64 Acres
RG	ST ONGE UNITED CHURCH OF CHRIST	423 ELM	LOTS 6 & 7 BLK 10	0.32	ST ONGE UNITED CHURCH OF CHRIST, 423 ELM LOTS 6 & 7 BLK 10, 0.32 Acres
RG	ST PAUL LUTHERAN CHURCH	846 7TH	LOTS 10, 11 & 12 BLK 10	0.48	ST PAUL LUTHERAN CHURCH, 846 7TH LOTS 10, 11 & 12 BLK 10, 0.48 Acres
RG	ST PAUL LUTHERAN CHURCH	846 7TH CHURCH	FRACTIONAL BLK 52	0.05	ST PAUL LUTHERAN CHURCH, 846 7TH CHURCH FRACTIONAL BLK 52, 0.05 Acres
RG	ST PAUL LUTHERAN CHURCH	846 7TH CHURCH	FRACTIONAL BLK 39	0.05	ST PAUL LUTHERAN CHURCH, 846 7TH CHURCH FRACTIONAL BLK 39, 0.05 Acres
RG	UNITED CHURCH OF CHRIST	920 MAIN	S 3' OF LOT 3 & ALL LOT 4 BLK 50 (PARKING LOT)	0.17	UNITED CHURCH OF CHRIST, 920 MAIN S 3' OF LOT 3 & ALL LOT 4 BLK 50 (PARKING LOT), 0.17 Acres
RG	UNITED CHURCH OF CHRIST	920 MAIN CHURCH	LOTS 5 & 6 BLK 50 (PARKING LOT)	0.32	UNITED CHURCH OF CHRIST, 920 MAIN CHURCH LOTS 5 & 6 BLK 50 (PARKING LOT), 0.32 Acres
RG	SPEARFISH UNITED METHODIST CHURCH	14 HORSESHOE LN	LOT 7 BLK 1	0.29	SPEARFISH UNITED METHODIST CHURCH, 14 HORSESHOE LN LOT 7 BLK 1, 0.29 Acres
RG	CALVARY TEMPLE ASSEMBLY OF GOD	240 W HIGHWAY 14 (CHURCH)	S1/2 SE1/4 - LOTS A & B SUB OF LOTS 10A & 11A (7.45 AC)	7.45	CALVARY TEMPLE ASSEMBLY OF GOD, 240 W HIGHWAY 14 (CHURCH) S1/2 SE1/4 - LOTS A & B SUB OF LOTS 10A & 11A (7.45 AC), 7.45 Acres
RG	ST AMBROSE CHURCH	760 MAIN	LOTS 32 THRU 39 & PT LOT 40 & ALL OF 40A & 41 BLK 23 (CHURCH)	0.46	ST AMBROSE CHURCH, 760 MAIN LOTS 32 THRU 39 & PT LOT 40 & ALL OF 40A & 41 BLK 23 (CHURCH), 0.46 Acres
RG	ST JOHN'S EPISCOPAL CHURCH	405 WILLIAMS	LOTS 21 & 22 BLK 1 (CHURCH)	0.11	ST JOHN'S EPISCOPAL CHURCH, 405 WILLIAMS LOTS 21 & 22 BLK 1 (CHURCH), 0.11 Acres
RG	ST AMBROSE CHURCH	CEMETERY	PROBATE LOT 224	0	ST AMBROSE CHURCH, CEMETERY PROBATE LOT 224, 0 Acres
RG	ST AMBROSE CHURCH	760 MAIN PARSONAGE	LOTS 3 & 4 BLK 1	0.11	ST AMBROSE CHURCH, 760 MAIN PARSONAGE LOTS 3 & 4 BLK 1, 0.11 Acres
RG	ST AMBROSE CHURCH	760 MAIN CHURCH	LOTS 1-2-3-4-6-7-8-9 & 10 BLK 1	0.24	ST AMBROSE CHURCH, 760 MAIN CHURCH LOTS 1-2-3-4-6-7-8-9 & 10 BLK 1, 0.24 Acres
RG	GRACE LUTHERAN CHURCH	827 MAIN	LOTS 6 THRU 11 EX RW BLK A	0.63	GRACE LUTHERAN CHURCH, 827 MAIN LOTS 6 THRU 11 EX RW BLK A, 0.63 Acres
RG	ASSEMBLY OF GOD CHURCH	105 WALL	N 10' OF 13 & PT OF 14 BLK 24	0.11	ASSEMBLY OF GOD CHURCH, 105 WALL N 10' OF 13 & PT OF 14 BLK 24, 0.11 Acres
RG	TWIN CITIES CHURCH OF CHRIST	401 W MAIN	300' VACATED ALLEY & PT LOT 1 BLK 28	0.07	TWIN CITIES CHURCH OF CHRIST, 401 W MAIN 300' VACATED ALLEY & PT LOT 1 BLK 28, 0.07 Acres
RG	ST PATRICKS CATHOLIC CHURCH	141 SIEVER	E PT LOT 9 & ALL LOTS 10 & 11 BLK 36	0.51	ST PATRICKS CATHOLIC CHURCH, 141 SIEVER E PT LOT 9 & ALL LOTS 10 & 11 BLK 36, 0.51 Acres
RG	BEREAN BAPTIST CHURCH	908 WASHINGTON	LOT 908 WASHINGTON ST BLK 6 (CHURCH)	0.45	BEREAN BAPTIST CHURCH, 908 WASHINGTON LOT 908 WASHINGTON ST BLK 6 (CHURCH), 0.45 Acres
RG	TRINITY UNITED METHODIST CHURCH	111 S MAIN	LOT 1 BLK 4, LOT M BLK 5, & N PT LOT 3, ALL OF 1 AND 2 BLK 5 (CHURCH)	0.33	TRINITY UNITED METHODIST CHURCH, 111 S MAIN LOT 1 BLK 4, LOT M BLK 5, & N PT LOT 3, ALL OF 1 AND 2 BLK 5 (CHURCH), 0.33 Acres
RG	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	W PT LOT 3 BLK 5	0.05	FIRST PRESBYTERIAN CHURCH, 12 BALTIMORE CHURCH W PT LOT 3 BLK 5, 0.05 Acres
RG	TRINITY UNITED METHODIST CHURCH	408 SUNSET RD PARSONAGE	LOT 4 BLK 1	0.1	TRINITY UNITED METHODIST CHURCH, 408 SUNSET RD PARSONAGE LOT 4 BLK 1, 0.1 Acres
RG	BETHEL LUTHERAN CHURCH	512 RIDGEROAD	LOT 512 (PARSONAGE)	0.12	BETHEL LUTHERAN CHURCH, 512 RIDGEROAD LOT 512 (PARSONAGE), 0.12 Acres
RG	CEMETERY ASSOCIATION	CEMETERY-MASONIC GOLDEN STAR LODGE #9	M.S. 1418 CEMETERY EXCEPT LOT 1 (.11) 4.83 ACRES	0	CEMETERY ASSOCIATION, CEMETERY-MASONIC GOLDEN STAR LODGE #9 M.S. 1418 CEMETERY EXCEPT LOT 1 (.11) 4.83 ACRES, 0 Acres
RG	CEMETERY ASSOCIATION	CEMETERY-MASONIC GOLDEN STAR LODGE #9	M.S. 1467 CEMETERY #2 EX LOT 1 (.18)	3.6	CEMETERY ASSOCIATION, CEMETERY-MASONIC GOLDEN STAR LODGE #9 M.S. 1467 CEMETERY #2 EX LOT 1 (.18), 3.6 Acres
RG	BURNO CHRISTIAN FAMILY RETREAT	2/5/2002	M.S. 1376 LOT B-17 BURNO ESTATES	1.52	BURNO CHRISTIAN FAMILY RETREAT, 37292 M.S. 1376 LOT B-17 BURNO ESTATES, 1.52 Acres
RG	BURNO CHRISTIAN FAMILY RETREAT	20573 BURNO GULCH RD	M.S. 1376 LOT B-13 THRU 16 BURNO ESTATES	8.06	BURNO CHRISTIAN FAMILY RETREAT, 20573 BURNO GULCH RD M.S. 1376 LOT B-13 THRU 16 BURNO ESTATES, 8.06 Acres
RG	SHEPHERD OF THE HILLS LUTHERAN	825 W MAIN	N OF JULIUS-NW PT LOT 1 BLK 4 & M & B DESCRIPTION OF M.S. 744 (PARKING LOT)	0.08	SHEPHERD OF THE HILLS LUTHERAN, 825 W MAIN N OF JULIUS-NW PT LOT 1 BLK 4 & M & B DESCRIPTION OF M.S. 744 (PARKING LOT), 0.08 Acres
RG	SHEPHERD OF THE HILLS LUTHERAN	827 W MAIN	N PT LOT 3 BLK 4 (PARKING LOT)	0	SHEPHERD OF THE HILLS LUTHERAN, 827 W MAIN N PT LOT 3 BLK 4 (PARKING LOT), 0 Acres
RG	ALL ANGELS EPISCOPAL CHURCH	1030 5TH	LOT 10 BLK 42	0	ALL ANGELS EPISCOPAL CHURCH, 1030 5TH LOT 10 BLK 42, 0 Acres
RG	CHRIST CHURCH EPISCOPAL	RECTORY FACING JULIUS	W OF LOT 9 BLK 30 (N OF JULIUS)	0.07	CHRIST CHURCH EPISCOPAL, RECTORY FACING JULIUS W OF LOT 9 BLK 30 (N OF JULIUS), 0.07 Acres
RG	TRINITY UNITED METHODIST CHURCH		LOT M S/D OF BLK 5 DENVER ADD & LOT 1 BLK 4 MAY ADD(.10AC) ASSESS.WITH #31570-00500-020-00	0.1	TRINITY UNITED METHODIST CHURCH, LOT M S/D OF BLK 5 DENVER ADD & LOT 1 BLK 4 MAY ADD(.10AC) ASSESS.WITH #31570-00500-020-00, 0.1 Acres
RG	OUR SAVIORS LUTHERAN CHURCH	705 ST JOE	E1/2 OF LOTS 5 & 6 BLK 10	0	OUR SAVIORS LUTHERAN CHURCH, 705 ST JOE E1/2 OF LOTS 5 & 6 BLK 10, 0 Acres
RG	OUR SAVIOR'S LUTHERAN CHURCH	1045 10TH	LOTS 1 & 2 BLK 29	0	OUR SAVIOR'S LUTHERAN CHURCH, 1045 10TH LOTS 1 & 2 BLK 29, 0 Acres
RG	BLACK HILLS BAPTIST CHURCH SBC	12205 SD HIGHWAY 34	TRACT 2 PT SW1/4 SE1/4	6.36	BLACK HILLS BAPTIST CHURCH SBC, 12205 SD HIGHWAY 34 TRACT 2 PT SW1/4 SE1/4, 6.36 Acres
RG	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES	20791 76 RANCH RD	LOT 4 BLK 1 EX H1 (1.8 AC)(CHURCH)	2.71	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES, 20791 76 RANCH RD LOT 4 BLK 1 EX H1 (1.8 AC)(CHURCH), 2.71 Acres
RG	TWIN CITIES CHURCH OF CHRIST	CHURCH WALL & ADDIE	LOT 11 TRACT 5	0.1	TWIN CITIES CHURCH OF CHRIST, CHURCH WALL & ADDIE LOT 11 TRACT 5, 0.1 Acres
RG	SALVATION ARMY	320 RYAN RD	LOT 3-B OF LOT 3	0	SALVATION ARMY, 320 RYAN RD LOT 3-B OF LOT 3, 0 Acres
RG	ST JOSEPH'S CATHOLIC CHURCH	930 5TH PARKING	LOT 10 BLK 49	0.16	ST JOSEPH'S CATHOLIC CHURCH, 930 5TH PARKING LOT 10 BLK 49, 0.16 Acres
RG	ST JOSEPH'S CATHOLIC CHURCH	922 5TH PARKING	LOT 9 BLK 49	0.16	ST JOSEPH'S CATHOLIC CHURCH, 922 5TH PARKING LOT 9 BLK 49, 0.16 Acres
RG	BETHEL LUTHERAN CHURCH	825 W MAIN	SW PT LOT 3 & S PT LOT 4 BLK 4 (CHURCH)	0.11	BETHEL LUTHERAN CHURCH, 825 W MAIN SW PT LOT 3 & S PT LOT 4 BLK 4 (CHURCH), 0.11 Acres
RG	FIRST BAPTIST CHURCH OF NORTHERN	1220 N RAINBOW RD	LOT 3A A SUB. OF TR 3 SE1/4 SE1/4 EXCEPT N 60' EASEMENT (.68 AC.) & EAST 33' ROW	1.94	FIRST BAPTIST CHURCH OF NORTHERN, 1220 N RAINBOW RD LOT 3A A SUB. OF TR 3 SE1/4 SE1/4 EXCEPT N 60' EASEMENT (.68 AC.) & EAST 33' ROW

					EAST 33' ROW, 1.94 Acres
RG	NORTHERN HILLS CHURCH OF CHRIST	1020 UNIVERSITY	LOT 9 BLK 12	0	NORTHERN HILLS CHURCH OF CHRIST, 1020 UNIVERSITY LOT 9 BLK 12, 0 Acres
RG	ST JOSEPHS CATHOLIC CHURCH	914 5TH PARKING	LOT 8 BLK 49	0.16	ST JOSEPHS CATHOLIC CHURCH, 914 5TH PARKING LOT 8 BLK 49, 0.16 Acres
RG	BAPTIST CHURCH	SHERMAN	LOT 26 & 20' OF LOT 28 BLK 37	0	BAPTIST CHURCH, SHERMAN LOT 26 & 20' OF LOT 28 BLK 37, 0 Acres
RG	FILLMORE & CO INC	30-5-1	M.S. 1879 TRACT C PT GOLDEN STAR (CEMETERY)	2.97	FILLMORE & CO INC, 30-5-1 M.S. 1879 TRACT C PT GOLDEN STAR (CEMETERY), 2.97 Acres
RG	PRESBYTERY OF SD OF THE UNITED	3/2/2003	M.S. 1697 ETNA #1 ETAL	194	PRESBYTERY OF SD OF THE UNITED, 37682 M.S. 1697 ETNA #1 ETAL, 193.82 Acres
RG	ST PATRICKS CATHOLIC CHURCH	141 SIEVER CHURCH	LOTS 2-3-4-5-6-7 & PT LOT 8 BLK 36	0.85	ST PATRICKS CATHOLIC CHURCH, 141 SIEVER CHURCH LOTS 2-3-4-5-6-7 & PT LOT 8 BLK 36, 0.85 Acres
RG	CHRIST CHURCH EPISCOPAL	631 W MAIN	PT OF LOT 1 BLK 2	0.89	CHRIST CHURCH EPISCOPAL, 631 W MAIN PT OF LOT 1 BLK 2, 0.89 Acres
RG	FIRST BAPTIST CHURCH	110 SHERMAN	N 50' OF LOT 28 & ALL LOTS 30-32 & 34 BLK 37	0.2	FIRST BAPTIST CHURCH, 110 SHERMAN N 50' OF LOT 28 & ALL LOTS 30-32 & 34 BLK 37, 0.2 Acres
RG	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	LOT 1 BLK 1	0.11	FIRST PRESBYTERIAN CHURCH, 12 BALTIMORE CHURCH LOT 1 BLK 1, 0.11 Acres
RG	ALL ANGELS EPISCOPAL CHURCH	1044 N FIFTH	LOTS 11 & 12 BLK 42	0.32	ALL ANGELS EPISCOPAL CHURCH, 1044 N FIFTH LOTS 11 & 12 BLK 42, 0.32 Acres
RG	CARR, RALPH M & MEL DRUCILLA	15-4-4	ARROW HEAD CEMETERY LOT(.02) IN HES 252	0.02	CARR, RALPH M & MEL DRUCILLA, 15-4-4 ARROW HEAD CEMETERY LOT(.02) IN HES 252, 0.02 Acres
RG	FIRST BAPTIST CHURCH OF SPF	130 W MICHIGAN PARSONAGE	LOT 8A BLK 37 (PARSONAGE)	0.32	FIRST BAPTIST CHURCH OF SPF, 130 W MICHIGAN PARSONAGE LOT 8A BLK 37 (PARSONAGE), 0.32 Acres
RG	IMMANUEL LUTHERAN CHURCH	1317 ASH	LOT 2 BLK 7 (PARSONAGE)	0.18	IMMANUEL LUTHERAN CHURCH, 1317 ASH LOT 2 BLK 7 (PARSONAGE), 0.18 Acres
RG	SOLID ROCK CHURCH	CHURCH	LOT V OF GOV'T LOT 3	6.34	SOLID ROCK CHURCH, CHURCH LOT V OF GOV'T LOT 3, 6.34 Acres
RG	ASSEMBLY OF GOD CHURCH	LAND ONLY	LOT 5 TRACT 5	0.05	ASSEMBLY OF GOD CHURCH, LAND ONLY LOT 5 TRACT 5, 0.05 Acres
RG	HOPE EVANGELICAL LUTHERAN CHURCH	913 S 34TH	LOTS 7,8 & 9 BLK 10	0	HOPE EVANGELICAL LUTHERAN CHURCH, 913 S 34TH LOTS 7,8 & 9 BLK 10, 0 Acres
RG	ST JOSEPHS CATHOLIC CHURCH	115 W LINCOLN	LOTS 11 & 12 BLK 49	0	ST JOSEPHS CATHOLIC CHURCH, 115 W LINCOLN LOTS 11 & 12 BLK 49, 0 Acres
RG	SALVATION ARMY	1007 35TH PARSONAGE	LOT 7 BLK 11	0.26	SALVATION ARMY, 1007 35TH PARSONAGE LOT 7 BLK 11, 0.26 Acres
RG	BURNO CHRISTIAN FAMILY RETREAT	2-5-2 (RETREAT)	M.S. 1376 TRANSIT #10 ETAL EX W1/2 OF TRANSIT #18	46.1	BURNO CHRISTIAN FAMILY RETREAT, 2-5-2 (RETREAT) M.S. 1376 TRANSIT #10 ETAL EX W1/2 OF TRANSIT #18, 46.14 Acres
RG	ASSEMBLY OF GOD CHURCH	105 WALL CHURCH	PT OF LOT 13 BLK 24	0.09	ASSEMBLY OF GOD CHURCH, 105 WALL CHURCH PT OF LOT 13 BLK 24, 0.09 Acres
RG	TRINITY UNITED METHODIST CHURCH	7 S MAIN	LOT K AND EXCEPT LOT K-1(.22AC) BLK 5 (CONTAINING .46 ACRES)(LEASE .39 AC TO CHURCH)	0	TRINITY UNITED METHODIST CHURCH, 7 S MAIN LOT K AND EXCEPT LOT K-1(.22AC) BLK 5 (CONTAINING .46 ACRES)(LEASE .39 AC TO CHURCH), 0 Acres
RG	SPEARFISH UNITED CHURCH OF	940 MAIN	LOT 7A BLK 50	0	SPEARFISH UNITED CHURCH OF, 940 MAIN LOT 7A BLK 50, 0 Acres
RG	SPEARFISH CONGREGATION OF	1800 WINDMILL DR	LOT 1 BLK 15	0	SPEARFISH CONGREGATION OF, 1800 WINDMILL DR LOT 1 BLK 15, 0 Acres
RG	NORTHERN HILLS CHURCH OF CHRIST	10945 SUMMER CREEK LN	HAUCK TRACTS 1 & 2 EX H1(.02 AC)	4.86	NORTHERN HILLS CHURCH OF CHRIST, 10945 SUMMER CREEK LN HAUCK TRACTS 1 & 2 EX H1(.02 AC), 4.86 Acres
RG	DAKOTA DISTRICT OF THE WESLEYAN	625 WOODLAND DR	TRACT 1 REVISED	14.2	DAKOTA DISTRICT OF THE WESLEYAN, 625 WOODLAND DR TRACT 1 REVISED, 14.21 Acres
RG	FIERRO, LAWRENCE & LOUISE		GATEWAY CEMETERY LOC IN THE NE4SW4	1	FIERRO, LAWRENCE & LOUISE, GATEWAY CEMETERY LOC IN THE NE4SW4, 1 Acres
RG	REDDICK, DUANE & ELLEN I		SUNSET CEMETARY LOC IN THE SE4SW4	1	REDDICK, DUANE & ELLEN I, SUNSET CEMETARY LOC IN THE SE4SW4, 1 Acres
RG	SADDLE MOUNTAIN MINISTRIES	21336 SADDLE MOUNTAIN PL	M.S. 1158 TRACT 2 OF ON TIME AND LITTLE BIRD FRACTION	4.75	SADDLE MOUNTAIN MINISTRIES, 21336 SADDLE MOUNTAIN PL M.S. 1158 TRACT 2 OF ON TIME AND LITTLE BIRD FRACTION, 4.75 Acres
RG	TWO BIT RANCH ESTATES LLC	30-5-4	ORDAHL-YOUNG CEMETERY LOT OF TRACT P NW1/4	0.05	TWO BIT RANCH ESTATES LLC, 30-5-4 ORDAHL-YOUNG CEMETERY LOT OF TRACT P NW1/4, 0.05 Acres
RG	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY	31-007-04	2 AC IN SE4 NE4 FOR CHURCH & CEMETARY	2	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY, 31-007-04 2 AC IN SE4 NE4 FOR CHURCH & CEMETARY, 2 Acres
RG	GOLDEN REWARD MINING CO	1-4-2 & 6-4-3	M.S. 989 TERRY CEMETERY	1.34	GOLDEN REWARD MINING CO, 1-4-2 & 6-4-3 M.S. 989 TERRY CEMETERY, 1.34 Acres

## **COUNTY APPEALS:**

**#0001 ENGELHARDT, DAVID W & CORI M 19090-00601-020-21 WILD TURKEY ESTATES LOT 21 BLK 2** Moved-Seconded (Weisenberg-Ewing) to add the value of AG-C \$590. Motion Carried. Remarks: Follow Director of Equalization recommendation and add the valuation.

**#0002 THOMPSON, CALLIE J BRADSHAW, MICHAEL JAMES 26760-01879-000-10 MINERAL 1765 THRU 1887 M.S. 1879 GOLDEN STAR #1 EX.(1.15 PAUL BLEGEN) & GOLDEN STAR #2** Moved-Seconded (Ewing-Weisenberg) to add the value of AG-A \$4,780. Motion Carried: Remarks: Follow Director of Equalization and add the valuation.

**#0003 LANGER, RICHARD L C/O LANGER, JOE & IDA 24000-00702-340-30 T-007 R-02 LOT A FORMERLY A POR OF LOT 7 IN THE NW1/4.** Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0004 NELSON, JOHN S 32120-00100-000-20** BEETS ADDN. 3 & 10-6-2 SP LOT N-1A REVISED OF LOT N OF 1-A OF LOT 1. Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Follow Equalization recommendation as sales and comparables support the assessment.

**#0005 GRIZZEL, JOEL D & MICHELE ANN 26680-01611-000-25** MINERAL 1564 THRU 1742 M.S. 1611 CHARLIE & KANSAS CITY LODES. Moved-Seconded (Johnson-Weisenberg) No change in land value. Change structure value from \$72,830 to \$64,000. Motion Carried. Remarks: Lowered assessment due to the status of the home.

**#0006 IVERSON, DAVE 26680-01707-010-00** MINERAL 1564 THRU 1742 M.S. 1707 IVERSON TRACT. Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$221,680 to \$211,130 Motion Carried.

**#0007 KATON, DENNIS KEITH TRUSTEE 30900-00107-000-43** MINERAL - DEADWOOD M.S. 107 (PART OF) EX LOT H2 (1.45 AC) & LOT H3(.02) Moved-Seconded (Weisenberg-Johnson) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0008 KATON, DENNIS KEITH TRUSTEE 30900-00057-000-20** MINERAL - DEADWOOD P.C. 57 EX LOT H2 (.05 AC) & LOT 7 OF 27-5-3 & M.S. 1636 TRACT 1 PT OF JIM LODE EX LOT H2(.04 AC) & EX HWY ROW (.51 AC). Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0009 KATON, DENNIS KEITH TRUSTEE 30900-01636-000-10** MINERAL - DEADWOOD ASSESSED WITH PARCEL # 30900-00057-000-20//M.S. 16 36 TRACT 1 PT OF JIM LODE EX LOT H2(.04 AC) & EX H WY ROW(.51AC). Moved-Seconded (Weisenberg-Ewing) No change in parcel vau. Motion Carried.

**#0010 SCHMIDT-GRIMMIGER, DELF C BELL, MARIA C 26920-00001-004-21** LOST CAMP VALLEY AC. TR A LOTS 1,19, 20, 21A & 22A BLK 4. Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0011 JOHNSON, EDWIN L & JEAN R TRUSTEE OF JOHNSON FAMILY TRUST 32660-00300-010-00** SCHAR ADDN. SPEARFISH LOT 1 BLK 3 Moved-Seconded (Johnson-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0012 MAHMOUDI, HAMIDEH Z 21000-00603-060-40** T-006 R-03 GOV'T LOT 4 Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks. Sales and comparables support the assessment.

**#0013 MAHMOUDI, HAMIDEH ZIKIPOUR 20000-00602-056-20** T-006 R-02 E1/2 NW1/4 LOT 1 OF LOT 4 OF OUTLOT A Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0014 BRECHTEL, ROBERT A & LEANN A 26580-01376-000-68** MINERAL 1299 THRU 1398 M.S. 1376 DEWEY #6 Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0015 BRECHTEL, ROBERT A & LEANN A BRECHTEL, ROBERT V & GENEVIEVE 6590-01376-000-60** BURNO ESTATES M.S. 1376 LOT B-20 BURNO ESTATES Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0016 ENGBRETSON, DAN B & MARY K 26900-02087-000-48** ENGLEWOOD ACRES INC. LOT 17 Moved-Seconded (Ewing-Weisenberg) Change land value from \$55,990 to \$0. Motion Carried. Remarks: Combine with parcel #26900-02087-000-42

**#0017 ENGBRETSON, DAN B & MARY K 26900-02087-000-42** ENGLEWOOD ACRES INC. LOT 15 Moved-Seconded (Ewing-Weisenberg) Change land value from \$54,070 to \$68,560, No change in structure value. Motion Carried. Remarks: Combined with parcel #26900-02087-000-48.

**#0018 GEFFRE, DUANE A & DENISE Y 21200-00603-089-11** SUB OF 8-6-3 LOTS 11-12-13 & 14 OF LOTS 1 & 2 SW1/4 SE1/4 (COUNTY OWNS AIR SPACE) Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0019 GRANTED GRACE INC 26280-00334-000-00** MINERAL 108 THRU 758 M.S. 334 CHICAGO Moved-Seconded (Weisenberg-Ewing) Change land value from \$11,620 to \$650, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.

**#0020 GRANTED GRACE INC 26340-00919-000-00** MINERAL 759 THRU 1034 M.S. 919 CUSTER LODGE Moved-Seconded (Weisenberg-Ewing) Change land value from \$9,120 to \$460, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.

**#0021 GRANTED GRACE INC 26880-02031-000-00** MINERAL 1995 THRU 2079 M.S. 2031 GEORGE B. MC CLELLAN & GORMAN Moved-Seconded (Weisenberg-Ewing) Change land value from \$25,130 to \$1,410, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.

**#0022 GRANTED GRACE INC 26280-00365-000-00** MINERAL 108 THRU 758 M.S. 365 GRANDVIEW Moved-Seconded (Weisenberg-Ewing) Change land value from \$16,940 to \$950, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.

**#0023 GRANTED GRACE INC 26800-01901-000-00** MINERAL 1887 THRU 1917 M.S. 1901 GRAY EAGLE ETAL Moved-Seconded (Ewing-Weisenberg) Change land value from \$228,530 to \$13,430, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.

**#0024 GRANTED GRACE INC 26680-01640-000-00** MINERAL 1564 THRU 1742 M.S. 1640 MOUNTAIN Moved-Seconded (Weisenberg-Ewing) Change land value from \$10,550 to \$590, Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization and grant AG status.



**#0025 GRANTED GRACE INC 26280-00384-000-00** MINERAL 108 THRU 758 M.S. 384  
ORA FLAME Moved-Seconded (Weisenberg-Ewing) Change land value from \$17,540 to \$980,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0026 GRANTED GRACE INC 26280-00345-000-00** MINERAL 108 THRU 758 M.S. 345  
RICHMOND Moved-Seconded (Weisenberg-Ewing) Change land value from \$12,270 to \$690,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0027 GRANTED GRACE INC 26680-01639-000-00** MINERAL 1564 THRU 1742 M.S. 1639  
ROCK HILL Moved-Seconded (Weisenberg-Ewing) Change land value from \$16,190 to \$910,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0028 GRANTED GRACE INC 26280-00372-000-00** MINERAL 108 THRU 758 M.S. 372  
SAVAGE Moved-Seconded (Weisenberg-Ewing) Change land value from \$16,310 to \$760,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0029 GRANTED GRACE INC 26280-00364-000-00** MINERAL 108 THRU 758 M.S. 364  
SILVER TERRA Moved-Seconded (Weisenberg-Ewing) Change land value from \$17,340 to \$970,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0030 GRANTED GRACE INC 26280-00336-000-00** MINERAL 108 THRU 758 M.S. 336  
SITTING BULL Moved-Seconded (Weisenberg-Ewing) Change land value from \$16,010 to \$900,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0031 GRANTED GRACE INC 26280-00333-000-00** MINERAL 108 THRU 758 M.S. 333  
TIGER TAIL Moved-Seconded (Ewing-Weisenberg) Change land value from \$7,160 to \$400,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0032 GRANTED GRACE INC 26280-00363-000-00** MINERAL 108 THRU 758 M.S. 363  
WAR EAGLE Moved-Seconded (Weisenberg-Ewing) Change land value from \$14,180 to \$600,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0033 GRANTED GRACE INC 26280-00366-000-00** MINERAL 108 THRU 758 M.S. 366  
GRANDVIEW Moved-Seconded (Weisenberg-Ewing) Change land value from \$7,000 to \$390,  
Change abstract class from NA to AG. Motion Carried. Remarks: Follow the recommendation of  
the Director of Equalization and grant AG status.

**#0034 HOOFPRIENTS LLC 26530-00000-110-00** DEER MTN RESORT #4 LOT 11 Moved-  
Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion  
Carried. Remarks: Sales and comparables support the assessment.

**#0035 IRET PROPERTIES PO BOX 1988 32645-00500-000-00** FALCON CREST S/D

BLK 5 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$4,622,640 to \$4,496,280. Motion Carried. Remarks: Follow the recommendation of the Director of Equalization.

**#0036 KOEHN, WILLIAM W 26680-01741-000-45** MINERAL 1564 THRU 1742 M.S. 1741 W 1/2 NORA LODGE (EX LOT E & PT F) Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0037 KOVALL, BETTY J 26380-01123-000-20** MINERAL 1035 THRU 1135 M.S. 1123 & 692 BLOCK J OF GALENA SITE & LOT A Moved-Seconded (Ewing-Johnson) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0038 LESSELYOUNG, STEVEN C & JILL J 29300-01300-080-00** FIRST S/D WHITEWOOD N 200' OF LOTS 1 THRU 5 & ALL LOTS 6,7 & 8 BLK 13 & PT VACATED ST. (SLEEPY HOLLOW CRT) Moved-Seconded (Weisenberg-Ewing) Change land value from \$105,690 to \$93,810. No change in structure value. Motion Carried. Remarks: Follow recommendation of Director of Equalization and adjust square footage of land.

**#0039 LITTAU, CLIFFORD W 26740-01764-000-60** BLACK FOREST RANCH. #2 LOT 8 Moved-Seconded (Ewing-Weisenberg) No change in land value, No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0040 MALSAM, TOM & JOAN M 26680-01691-000-00** MINERAL 1564 THRU 1742 M.S. 1691 COMSTOCK & OTTOWA Moved-Seconded (Ewing-Johnson) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0041 MCGIBNEY, GERALYNN LANGER JULIEN, ANGELA MARIE 26240-00091-000-00** MINERAL 57 THRU 107 M.S. 91 RED COAT Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0042 RNR CONSTRUCTION INC 26920-00001-016-02** LOST CAMP VALLEY AC. TR A LOT 2 BLK 16 Moved-Seconded (Ewing-Johnson) Change land value from \$75,000 to \$52,500. Motion Carried. Remarks: Land value was adjusted due to the listing price.

**#0043 ROLUNA LLC C/O HENDRICKS, ROGER 32210-19010-250-00** GREEN ACRES ADDN. SPEARFISH LOT 25 & 26 OF GOV. LOT 1 NW1/4 NW1/4 19-6-3 Moved-Seconded (Johnson-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0044 ROSS, JAMES W & CONNIE J 18100-00504-050-05** OAKBROOK S/D 5-5-4,32-6-4 TRACT B Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure values. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0045 SEBADE, CHAD & BROOK 26790-01834-240-00** WILDERNESS ESTATES M.S. 1834, 1159 & 1195 LOT 24 Moved-Seconded (Johnson-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0046 SORENSON, RONALD & DIANNE 18010-00400-120-00** APPLE SPRINGS TRACT LOT 12 BLK 4 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0047 WICKMAN, GAYANNE R 26580-01368-000-95** MINERAL 1299 THRU 1398 M.S. 1368 LOTS 15,16 & 17 BLK 2 OF NEMO PLACER Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks. Sales and comparables support the assessment.

**#0048 WOOD, CAMILLE M 10000-00305-040-13** T-003 R-05 LOT 3 OF HES 286 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0049 ANDERSON, HARLOW W & DIANE K 31510-00400-050-14** DENVER S/D LEAD LOT 828 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$80,240 to \$61,620. Motion Carried. Remarks: After an interior inspection of the property an adjustment was made to reflect the condition of the property.

**#0050 BOSTWICK, BRIAN HILGENDORF, DAVID A & LOIS J 22690-00604-020-00** SMOKEY MTN RANCH S/D LOT 2 Moved-Seconded (Ewing-Weisenberg) Change land value from \$73,630 to \$65,000. Motion Carried. Remarks: Adjusted to sale price of the property.

**#0051 BOULDER CANYON S/D HOMEOWNERS AS 18650-00504-040-10** BOULDER CANYON S/D TRACT A BLK 4 Moved-Seconded (Weisenberg-Ewing) Change land value from \$45,960 to \$42,130. Motion Carried. Remarks: Land was adjusted to reflect secondary value.

**#0052 BOULDER CANYON S/D HOMEOWNERS AS 18650-00504-040-20** BOULDER CANYON S/D TRACT B BLK 4 Moved-Seconded (Weisenberg-Johnson) Change land value from \$24,930 to \$16,620. Motion Carried. Remarks: Land was adjusted to reflect secondary value.

**#0053 CARSTEN, DANIEL 31830-00000-050-00** THUNDER RIDGE S/D LOT 5 OF TRACT B Moved-Seconded (Johnson-Ewing) Change land value from \$80,460 to \$39,420. Motion Carried. Remarks: After making this parcel contiguous with adjoining lot and adjustment was needed to correct its value. Adjustment equalizes the parcels value with contiguous parcels in the neighborhood.

**#0054 CHRISTOFFERSON, CABOT-ANN DICHA TRAVIS MARTIN CHRISTOFFERSON 26920-00001-005-21** LOST CAMP VALLEY AC. TR A LOTS 11 & 21 BLK 5 Moved-Seconded (Ewing-Johnson) No change in land value. Change structure value from \$67,510 to \$61,210. Motion Carried. Remarks: Adjusted to reflect sales price.

**#0055 GRANTED GRACE INC 26980-02088-010-00** TAHENCALA RIDGE S/D LOT 1A Moved-Seconded (Weisenberg-Ewing) Change land value from \$59,080 to \$41,980. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0056 GRANTED GRACE INC 26980-02088-020-00** TAHENCALA RIDGE S/D LOT 2A Moved-Seconded (Weisenberg-Ewing) Change land value from \$53,240 to \$34,680. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0057 GRANTED GRACE INC 26980-02088-030-00** TAHENCALA RIDGE S/D LOT 3A Moved-Seconded (Weisenberg-Ewing) Change land value from \$56,120 to \$34,450. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0058 GRANTED GRACE INC 26980-02088-040-00** TAHENCALA RIDGE S/D LOT 4 Moved-Seconded (Weisenberg-Ewing) Change land value from \$51,540 to \$32,550. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0059 GRANTED GRACE INC 26980-02088-050-00** TAHENCALA RIDGE S/D LOT 5A Moved-Seconded (Weisenberg-Ewing) Change land value from \$54,060 to \$35,700. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0060 GRANTED GRACE INC 26980-02088-060-00** TAHENCALA RIDGE S/D LOT 6 Moved-Seconded (Weisenberg-Ewing) Change land value from \$52,540 to \$27,040. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0061 GRANTED GRACE INC 26980-02088-070-00** TAHENCALA RIDGE S/D LOT 7 Moved-Seconded (Weisenberg-Ewing) Change land value from \$49,680 to \$33,250. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0062 GRANTED GRACE INC 26980-02088-080-00** TAHENCALA RIDGE S/D LOT 8 Moved-Seconded (Weisenberg-Ewing) Change land value from \$47,560 to \$41,360. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0063 GRANTED GRACE INC 26980-02088-090-00** TAHENCALA RIDGE S/D LOT 9 Moved-Seconded (Weisenberg-Ewing) Change land value from \$47,560 to \$35,850. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0064 GRANTED GRACE INC 26980-02088-100-00** TAHENCALA RIDGE S/D LOT 10A Moved-Seconded (Weisenberg-Ewing) Change land value from \$51,460 to \$42,190. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0065 GRANTED GRACE INC 26980-02088-110-00** TAHENCALA RIDGE S/D LOT 11A Moved-Seconded (Ewing-Weisenberg) Change land value from \$51,940 to \$42,970. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0066 GRANTED GRACE INC 26980-02088-120-00** TAHENCALA RIDGE S/D LOT 12 Moved-Seconded (Johnson-Weisenberg) Change land value from \$52,700 to \$44,200. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0067 HAGER, JEFFREY 20000-00602-362-23** T-006 R-02 LOT 1C SE1/4 NW1/4 Moved-Seconded (Johnson-Weisenberg) No change in land value. Change structure value from \$314,230 to \$305,230. Motion Carried. Remarks: After an on-site review the record was corrected.

**#0068 HALVERSON, STEVEN T & CONSTANCE 26760-01775-010-10** MINERAL 1765 THRU 1887 M.S. 1775 TRACT 1 OF LAST CHANCE LODE Moved-Seconded (Weisenberg-Johnson) Change land value from \$60,230 to \$45,000. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0069 HARDIE, PATRICIA 20000-00602-362-21** T-006 R-02 LOT 1A SE1/4 NW1/4 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$281,710 to \$264,630. Motion Carried. Remarks: After an on-site exterior review and adjustment was made.

**#0070 HILLS HIDEAWAY LLC 31730-00100-090-40** PARK PLACE S/D LEAD LOT B Moved-Seconded (Weisenberg-Ewing) Change land value from \$11,430 to \$4,910. Change

structure value from \$116,560 to \$107,760. Motion Carried. Remarks: After an inspection of the property a change of classification is necessary to properly reflect the current use of the structure, it is now a duplex with no commercial usage. This adjustment equalizes the structure with other similar properties in the neighborhood.

**#0071 HOEFER, RONALD G & DARWIN M 26190-00403-020-00** GREENWOOD S/D M.S.403 LOT B OF TRACT 2 OF PC 403 Moved-Seconded (Weisenberg-Ewing) Change land value from 64,500 to \$16,430. Motion Carried. Remarks: Adjustment reflects a contiguous value with Lot A of Tract 2.

**#0072 HOMES IN THE HILLS LLC 26710-01652-100-00** OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 10 OF TRACT A Moved-Seconded (Weisenberg-Johnson) Change land value from \$57,640 to \$48,990. No change in structure value. Motion Carried. Remarks: Land was adjusted to reflect current listing price.

**#0073 HUBER, RANDOLPH L & JULI A 26500-01210-001-05** MINERAL 1208 THRU 1216 M.S. 1210 WABASH #5(2.43) Moved-Seconded (Weisenberg-Ewing) Change land value from \$49,490 to \$70,230. Motion Carried. Remarks: Contiguous with parcel #26500-01210-001-04

**#0074 HUBER, RANDOLPH L & JULI A 26500-01210-001-04** MINERAL 1208 THRU 1216 M.S. 1210 WABASH #4(3.95) Moved-Seconded (Weisenberg-Ewing) Change land value from \$57,490 to \$0. Motion Carried. Remarks: Contiguous with parcel #26500-01210-001-05  
"Combining Wabash #4 and # 5 for tax purposes."

**#0075 HUFFMAN, LOUIS E & JANICE J 22000-00604-332-60** T-006 R-04 LOT 6A(3.11) OF JV S/D S1/2 NW1/4 Moved-Seconded (Weisenberg-Johnson) Change land value from \$48,440 to \$140,520, No change in structure value. Motion Carried. Remarks: Combining lots 6A and 6B for tax purposes.

**#0076 HUFFMAN, LOUIS E & JANICE J 22000-00604-332-65** T-006 R-04 LOT 6B(23.02) OF JV S/D S1/2 NW1/4 Moved-Seconded (Weisenberg-Johnson) Change land value from \$128,080 to \$0. Motion Carried. Remarks: Combining lots 6A and 6B for tax purposes.

**#0077 JOB, LESLIE D & CHRISTINE L 26681-01566-120-00** BRIGHTER DAY S/D M.S. 1566 ETAL LOT 12 OF TRACT A & B Moved-Seconded (Weisenberg-Johnson) No change in land value. Change structure value from \$29,390 to \$22,280. Motion Carried. Remarks: Corrections were made to the property record.

**#0078 LOLL, JOSEPH A & BECKY R 22200-00604-060-00** CREEK VIEW ESTATES LOT 6 Moved-Seconded (Weisenberg-Johnson) No change in land value. Change structure value from \$251,220 to \$219,050. Motion Carried.

**#0079 MEIDINGER, MICHAEL M & KRISTENA 28800-00400-090-00** TOWN LOTS S. HALF-ST.ONGE LOTS 6-7-8 & 9 BLK 4 Moved-Seconded (Weisenberg-Johnson) No change in land value. Change structure value from \$20,110 to \$11,490. No change in remaining structure value. Motion Carried. Remarks: Stick built home with no power or water and is unlivable at this time.

**#0080 PETERSON, ALAN J 18050-00504-104-22** FLORENCE S/D 10-5-4 LOT 2 OF LOT 12A REVISED E/12 SW1/4-W1/2 SE1/4 Moved-Seconded (Weisenberg-Johnson) No change in land value. Change structure value from \$108,930 to \$96,400. Motion Carried. Remarks: After an interior on-site review of the property, corrections were made to the property record.

**#0081 SORENSON, LOWELL R 28400-00703-064-00** NORTH HALF - ST. ONGE SE1/4 SE1/4 Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$24,960 to \$19,390. Motion Carried. Remarks: Follow recommendation from the Director of Equalization and remove concrete assessment from the building.

**#0082 TIMMER, CHAD & KIRSTEN 26640-01563-036-00** BLACK FOREST RANCH. #3 LOT 36 Moved-Seconded (Weisenberg-Johnson) Change land value from \$54,660 to \$45,710. Motion Carried. Remarks: Assessment was more than what the property could be listed for, one year adjustment only.

**#0083 VOTE, KEVIN & LANETTE 14000-00404-100-10** T-004 R-04 TRACT 1 OF HES 618 LOC. IN N1/2 SEC. 10 Moved-Seconded (Weisenberg-Ewing) Change land value from \$62,880 to \$51,750 No change in structure value. Motion Carried. Remarks: Adjustment was made to the land value as it is an isolated parcel surrounded by Forest Service. Review of properties with similar access average \$7,700 per acre, adjustment reflects \$7,700 per acre.

**#0084 SHULTZ, WILLIAM L 20100-00602-043-86** SUB 4-6-2 LOT K & N 40' OF LOT N OF LOTS 3 & 4 (DEED READS INCORRECTLY ON THIS) & S 100' OF LOT N OF LOTS 4 & 5 W1/2 SE1/4 Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

**#0085 SAMPSON, VIVIAN J TRUSTEE 32640-00500-005-00** ROLLING HILLS ADDITION LOT 5 BLK 5 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$209,900 to \$177,210. Motion Carried. Remarks: Follow recommendation of Director of Equalization and remove basement finish on property.

**ADJOURN:** Being no further appeals to be heard Moved-Seconded (Weisenberg-Johnson) to adjourn the 2010 Board of Equalization at 4:32 p.m. the 13<sup>th</sup> day of April 2010.

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
Connie H. Douglas, Chairperson

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 27, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 27, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Ewing-Johnson) to approve the minutes of April 13, 2010 County Commission Meeting and the April 13, 2010 Board of Equalization Meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Johnson-Weisenberg) to approve the travel request for Rob Ruffato to attend the Firearms Instructor School in Artesia, New Mexico on September 13-24<sup>th</sup>, 2010. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Johnson-Douglas) to approve the travel advance for Amber Vogt on April 27-30, 2010 in Sioux Falls, SD. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Ewing) to approve Christina Nash as a Correctional Officer I G3 at the base rate of \$14.54 an hour upon the completion of 40 hours of training at \$9.31 an hour, effective April 17, 2010. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Weisenberg-Thompson) to approve Shad Schneider as a Sprayer/GPS G3 at \$13.81hr, Thomas W. Coleman as a Sprayer/GPS G2 at \$12.36hr, Josh Redden as a Sprayer/GPS G2 at \$12.36hr, Josh Breskie as a Sprayer/GPS G2 at \$12.36hr, Joseph Nicholes as a Sprayer/GPS G2 at \$12.36hr, and Ryan Palmer as a Sprayer/GPS G1 at \$11.05hr, effective April 27, 2010. Motion Carried.

**PUBLIC DEFENDER / COST & EXPENSE BILLING REVIEW:** Eric Whitcher, Public Defender was present to review the procedures of the Public Defender's Office. Douglas questioned why they charge so much less than a Court Appointed Attorney would charge. Whitcher reviewed the process and how the fees are set. Whitcher stated they bill out at \$82.00 an hour as set by the UJS. Whitcher stated they are working within his office on billing out the full amount of hours they work on the case. The Board stressed the importance and the responsibility of the Public Defender's Office of billing out the full hours worked. Whitcher stated his office currently sees about 500 cases a year and the court appointed attorney cases are about 100 with about 50 of those being A&N cases. Whitcher suggested a contract for A&N cases only.

**EIS ULTIMA C600 BID OPENING:** No bids were received. This item will be sold at the county auction.

**CONDITIONAL USE PERMIT #303-10 / COLE CABINS:** A public hearing was held on an Application for Conditional Use Permit #303-10 Cole Cabins. Owner/Representative: David Cole. Description: Lot 17 except H1 of HES 137, Section 18, T7N, R4E. Location: Hwy 385. Purpose: To add another cabin to his specialty resort CUP. Zoning: PF. Vogt explained Mr. Cole has purchased this lot with an existing structure, and wishes to add this parcel to his present CUP. No public input was received and the public hearing was closed. Moved-Seconded (Ewing-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 #303-10 for Cole Cabins. Motion Carried.

**CHANGE OF ZONING #290 HAYENGA:** First Reading and a public hearing was held on an Application for Change of Zoning #290 for Eric Hayenga-A-1 to A-2. Owner/Representative: Eric & Molly Hayenga/Cal Hayenga/Bart Eastwood. Description: E ½ NE ¼ NW ¼ & E ½ SE ¼ NW ¼ Section 12, T6N, R1E. Location: Moeller Road/Crow Peak Bench. Purpose: Change Zoning in order to be able to subdivide into 2 lots and plat property. Zoning: A-1. Vogt stated this is a 40 acre parcel, zoned A-1 is adjacent to A-2 zoned property. The owners would like to split the property into two lots, allowing a building right on the second lot. No public input was voiced and the public hearing was closed. Planning and Zoning recommended approval. Second Reading will be May 11, 2010.

**PROPOSED ORDINANCE #10-01 / CEMETERY, BUILDING PERMIT, & FEE CHANGE:** First Hearing and a Public Hearing was held on Proposed Ordinance #10-01 for Cemetery, Building Permit & Fee Changes. Vogt reviewed the proposed Ordinance and fees. No public input was voiced and the public hearing was closed. Planning and Zoning recommended approval. Second Reading will be May 11, 2010.

**PROPOSED ORDINANCE #10-02 / WHITEWOOD SUPERFUND SITE DISTRICT REGULATION UPDATES:** First Hearing and a Public Hearing was held on Proposed Ordinance #10-02 for Whitewood Superfund Site District Regulation Updates. Vogt reviewed the proposed Ordinance. No public input was voiced and the public hearing was closed. Planning and Zoning recommended approval. Second Reading will be May 11, 2010.

**PROPOSED ORDINANCE #10-03 / BUILDING PERMIT FEE CHANGES TO ICC:** First Hearing and a Public Hearing was held on Proposed Ordinance #10-03 for Building Permit Fee Changes to ICC. Vogt reviewed the proposed Ordinance. No public input was voiced and the public hearing was closed. Planning and Zoning recommended approval. Second Reading will be May 11, 2010.

**OLD BELLE ROAD PLANNING STUDY:** Vogt presented the Old Belle Road Planning Study Land Use Recommendations Part 2 of 2. Jayna Watson, City of Spearfish was present for discussion and questions. Johnson questioned why the feed lot was not noted on the map. Vogt responded the Study Team felt it was an allowed AG use and it would be too hard to analyze what is happening in the area. Discussion followed if there is a need to note the AG operations.

Moved-Seconded (Weisenberg-Douglas) to follow the recommendation of Planning and Zoning and accept the Old Belle Road Planning Study Land Use Recommendations Part 2 of 2 as a guideline. Motion Carried.

**ORDINANCE #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS:** Moved-Seconded (Johnson-Weisenberg) to remove from the table the proposed Ordinance #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS (CAFO). Motion Carried. Douglas expressed concern over the lack of cooperation and compromises. The Board reviewed the proposed Ordinance. Ewing stated he has talked to a few people and feels there is some cooperation and suggested changes to haul road agreements, typical farm operation definitions, references, and setbacks were among the changes suggested. Thompson recommended leaving column B out. Douglas recommended reinserting column B referencing anything under 1000 head and setbacks. Douglas stated if you can't meet or don't want to meet the setbacks or guidelines you would then have to apply for a permit. Johnson referenced the current ordinance already in place and stated if you define a CAFO within the Ordinance nothing else would need to be done. Johnson stated if the definition of a CAFO is anything over 1000 than a CUP would be needed if you go over the number.

Moved-Seconded (Weisenberg-Thompson) to approve proposed Ordinance #09-07 / CONCENTRATED ANIMAL FEEDING OPERATION REGULATIONS Ordinance with the



following changes made by Commissioner Ewing: Section 1.2- Allowed Uses; 25. Typical Farm/Ranch Operation (Amended ORD 09/07). Section 1.1 (add) It is not the intent of Lawrence County to regulate a typical ranch/farm operation. A typical farm/ranch operation, as defined herein, is a cow/calf or yearling operation based on grazing of rangeland or tame grass pastures with supplemental feeding needed for 5-7 months out of every year. This operation may require confinement of livestock in non-vegetated lots/open lots for calving and weaning operations for more than 45 days. Section 1.2 (under CAFO add) A Typical Farm/Ranch operation does not constitute a CAFO, see definition of a Typical Farm/Ranch operation. (ADD) TYPICAL FARM/RANCH OPERATION: Involves a cow/calf or yearling operation or equivalent based on grazing of rangeland or tame grass pastures with supplemental feeding needed for 5-7 months out of every year. This operation may require confinement of livestock in non-vegetated lots/open lots for calving and weaning operations for more than 45 days. (Section 1.5 (12) add) If subject well is at a higher elevation – no setbacks. If subject well is on same elevation or lower – setbacks would apply. Public wells 1,000 feet, Private wells other than owner 250 feet, Private wells of the owner 150 feet. Motion Carried. Aye-Ewing, Weisenberg and Thompson. Nay-Douglas and Johnson. Motion Carried. The complete Ordinance, in its legal form and wording, is on-file in the Office of Planning and Zoning.

### **STURGIS 3-MILE JURISDICTION:**

**EXECUTIVE SESSION:** 11:12 a.m. Moved-Seconded (Ewing-Thompson) to go into executive session to discuss possible litigation. Motion Carried. 11:30 Reopened. Board members discussed reengaging Sturgis officials in discussions and maybe reappointing the previous committee to cooperatively discuss the extra-territorial jurisdiction. Johnson suggested the County's original concerns about areas north of the Interstate, Boulder Canyon and Whitewood's jurisdiction to be re-discussed. Moved-Seconded (Johnson-Thompson) to propose the above to Sturgis and reappoint the same committee members if needed. Motion carried. Aye – Douglas, Johnson, Weisenberg and Thompson. Nay – Ewing.

**EXECUTIVE SESSION:** 11:35 a.m. Moved-Seconded (Weisenberg-Thompson) to go into executive session to discuss legal matters. Motion Carried. 11:43 a.m. Reopened with no action taken.

**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-\$6,470.87; Aud-\$7,561.13; Treas-\$10,026.38; Comp-\$7,607.95; States Atty-\$12,555.16; Pub Def-\$9,659.74; Equal-\$14,602.33; Rod-\$6,785.94; Vso-\$1,175.74; Disp-\$15,635.58; Sher-\$33,297.59; Jail-\$22,448.31; Emerg Mgnt-\$3,443.61; E911-\$1,652.00; Highway-\$37,518.37; Air-\$1,403.62; Mh Serv-\$82.00; Exten-\$1,393.96; Weed-\$2,403.77; Pz-\$4,387.45; Bills: Drago, Shelley-\$61.00; Greeley, Laurie-\$61.00; Hamilton, Marian-\$61.00; Sandvick, Thomas-\$1,210.75; Vogt, Amber-\$405.72; Whitcher, Eric-\$22.47; White, Richard-\$61.00; A&B Business Equip-\$335.82; A&B Welding Supply-\$68.00; Abc Business Supply-\$622.02; Alltel-\$779.27; Amcon Distributing-\$270.29; Armstrong Extinguish-\$698.98; At&T-\$8.54; BH Chemical Company-\$332.03; BH Federal Credit Union-\$9,400.00; BH Pioneer-\$127.90; BH Power-\$9,495.02; BH Window Cleaning-\$17.50; Best Business Prod-\$20.80; Best Western Ramkota Hotel-\$81.00; Biegler, Greg-\$180.00; Big Sky Communications-\$85.00; Binder, Tracy-\$136.80; Black Hills Pure-\$11.50; Brady Pluimer-\$6,645.29; Brown & Saenger-\$134.91; Butler Machinery Co-\$16.34; Century Business Products-\$582.95; Chemical Sanitizing Sys-\$198.84; Christensen Law Office-\$562.85; City/County Alcohol & Drug-\$2,680.00; Credit Collections Bureau-\$204.16; Custer County Sheriff Office-\$10.00; Dakota Graphics-\$240.00; Day Of Excellence-\$75.00; Days Of '76 Incorporated-\$25,000.00; Deadwood Home Center-\$5.99; Dept Of The Treasury-\$47,810.33; Designed Iv-\$400.00; Election Sys&Software-\$6,674.82; Esri-\$400.00; Fastenal-\$356.49; Fish, Veronica-\$8.00; Fisher Sand & Gravel-\$667.03; Galls, An Aramark Company-\$98.95; Great Plains Chemical-\$90.00; Greens Alignment-\$63.00; Havemeier, Leslie-\$148.20; Heartland Paper Co-\$1,417.00; Hemre, Robert-\$2,070.00; Hobart Sales & Service-\$200.40; Howell, Jack Ken-\$1,421.20; Johnson, Rodenbrug&Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$3,193.10; Karpinen, Sharon-\$315.00; Kosel, Joseph-\$5,105.80; LC Journal-\$276.12; Lawson Products-\$83.58; Lead Volunteer Fire Dept-\$568.85; Mcpherson Auction & Realty Co-\$24,963.00; Meade County Sheriff-\$48.00; Mg Oil Company-\$4,715.95; Montana-Dakota Util-\$248.51;

Nacvso-\$300.00; Neighbor Works Dakota-\$254.00; Nelson,Tonya-\$225.00; Neve's Uniforms-\$119.85; Newman Traffic Signs-\$8,233.70; Office Of Child Support-\$338.52; Pennington County Sheriff-\$1,075.95; Planning Association Of Wash-\$300.00; Postmaster, Deadwood-\$220.00; Powerplan-\$10.44; Precise Kit Promotions-\$4,227.00; Program Works-\$70.00; Quill Corporation-\$148.20; Qwest-\$1,095.65; RC Finance Office-\$1,155.00; RC Regional Hospital-\$2,247.05; Regional Behavioral Health Ctr-\$354.42; Reindl,Staci-\$2,761.33; Rsinet-\$297.00; SD Public Assur Alliance-\$1,073.00; Sand Creek Printing-\$3,071.35; Sdaco-\$65.00; Sdrs Supplemental Retirement-\$1,304.00; Servall Towel & Linen-\$300.05; Seward & Odenbach-\$2,519.82; Seward,Jim-\$117.11; Shell Fleet Plus-\$123.43; Silverado-\$1,439.13; Spearfish Auto Supply-\$38.18; Spearfish Husky-\$12.50; Spearfish Police Dept-\$19,211.25; Subway-\$55.05; Tigerdirect-\$691.38; Twin City Hardware & Lumber-\$284.94; United Parcel Service-\$15.40; Verizon Wireless-\$96.22; Victims Of Violence-\$1,060.00; Walmart Store-\$60.73; Western Communication-\$1,300.00; White's Queen City Motors-\$70.38; **Witness & Jurors:** Aldinger,S-\$24.80; Arneson,J-\$21.10; Barkley,J-\$32.20; Barrett,A-\$21.84; Bock,C-\$28.50; Brandt,J-\$152.22; Brien,J-\$22.58; Bryan,R-\$28.50; Cleberg,L-\$194.40; Conrad,J-\$158.88; Dosch,D-\$18.14; Doud,N-\$12.22; Edwards,C-\$28.50; Fiester,M-\$10.74; Garrity,J-\$13.70; Garton,J-\$10.74; Gehrts,G-\$158.88; Griffith,R-\$183.30; Harris,P-\$10.74; Harrison,B-\$24.80; Hart,M-\$24.80; Hartman,G-\$23.32; Hoard,E-\$21.10; Hokana,J-\$21.10; Ivers,K-\$19.62; Janssen,C-\$12.22; Jaskela,T-\$18.88; Jongeling,E-\$212.16; Kershner,J-\$21.84; Kjelsrud,P-\$24.80; Lafayette,R-\$183.30; Larvie,C-\$156.66; Lococo,M-\$21.10; May,W-\$21.10; Meyer,S-\$21.10; Mondloch,J-\$176.64; Nicholas,B-\$29.98; Norris,K-\$12.22; Omdahl,M-\$21.10; Pratt,S-\$176.64; Reed,R-\$21.10; Richey,M-\$24.80; Ringelspaugh,J-\$194.40; Risdal,S-\$11.48; Schulze,J-\$16.66; Shearer-Cremean,C-\$194.40; Sorenson,N-\$194.40; Tupper,J-\$24.80; Wangen,T-\$23.32; Williams,L-\$12.22; Brockman,M-\$45.90; Brumfield,M-\$20.00; Forget,E-\$20.00; Pontius,T-\$20.00; Solvie,P-\$31.84; Teel,M-\$22.59; Tetrault,T-\$20.00

**ADJOURN:** 11:43 a.m. there being no further business it was Moved-Seconded (Weisenberg-Thompson) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 11, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 11, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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-Thompson) to approve the minutes of April 27, 2010 County Commission Meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**VSO:** Moved-Seconded (Ewing-Johnson) to approve the travel request for William Locken to attend the National Association of County Veterans Service Officer Annual Training and Re-certification in Minneapolis MN on June 6-12, 2010. Motion Carried.

**SHERIFF:** Moved-Seconded (Johnson-Ewing) to approve the travel request for Deputy Robert Williams to attend the instructor Certification Program in Pueblo CO, on June 9-12, 2010. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Johnson-Thompson) to approve the travel request for Paul Thomson, Joe Harmon, Brian Dean, Ken Hawki, Misty Peck, Brian Hambek, Anthony Vopat, Larry Groll, and Keith Wellard to attend the SD Homeland Security Summit on June 14-17, 2010 in Sioux Falls, SD. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Thompson) to approve Michael McCarty as a full-time Correctional Officer II G3 at the base rate of \$16.73 an hour effective May 24, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve David Riley as a part-time Correctional Officer I G3 at the base rate of \$14.54 an hour effective May 7, 2010, upon the completion of 40 hours of training at \$9.31 an hour. Motion Carried.

Moved-Seconded (Johnson-Douglas) to approve Zack Bell as a part-time Correctional Officer II G3 at the base rate of \$16.73 an hour, effective May 7, 2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Jeremy Compos as a part-time Correctional Officer I G3 at the base rate of \$14.54 an hour effective May 7, 2010, upon the completion of 40 hours of training at \$9.31 an hour. Motion Carried.

**REGISTER OF DEEDS:** Sheree Green, Register of Deeds was present to discuss wages. Green stated she received a 10% cut in base pay when she took office. Green stated she has shown them that their trust was not displaced by cutting personnel and improving production and accuracy within the office. Green stated she has revamped processes and changed attitudes within the office. She is now preserving books and she has applied for and received grant money. She stated she brought experience, knowledge and drive to the office. Green asked that her base salary be returned to what it would have been if the previous Register of Deeds was still in office.

Moved-Seconded by (Thompson-Ewing) to approve Sheree Green, at the base rate of \$52,702 a year. Motion Failed. Aye-Thompson and Ewing. Nay-Johnson, Douglas and Weisenberg. The Board discussed the precedence set if granting a raise at this time.

Moved-Seconded (Johnson-Douglas) to approve Sheree Green at the base rate of \$49,495 a year. Motion Carried. Aye-Johnson, Douglas, Thompson and Ewing. Nay-Weisenberg. The Board will discuss any additional increase at budget time.

**WELLS FARGO CORPORATE CARDS:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the letter for Wells Fargo Corporate Card total indebtedness at \$150,000. Motion Carried.

**COUNTY LEASED PROPERTY:** AIRPORT HAY LEASE: Moved-Seconded (Ewing-Johnson) to set a public hearing for the approval of the Airport Hay Lease Agreement for June 15, 2010 at 9:45 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 April 30, 2010 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)-\$1,398,996.74; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$27,119.08; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$11,035,890.90, Money Market \$527,387.41; Bank Balance-\$3,296,784.31; Total \$21,489,288.44.

**HERBICIDE BID OPENING:** The following bid was received from CPS – Crop Protection Services: 2,4-D Amine-\$11.45; 2,4-D Low Volatile Ester-\$16.50; Picloram 1 gal-\$60.00; Picloram, 2.5 gal-\$49.60; Dicamba – \$34.50; Metsulfuron methyl, 8-16oz-\$8.00; Metsulfuron methyl, Precision Package-\$8.00; Chlorsulfuron, 16 oz cont.-\$18.50; Chlorsulfuron, Precision Package-\$18.50; Aminopyralid, 2.5 gal.-\$282.50; Aminopyralid, Quart Cont.-\$74.50; Imazapic, 1 gal. cont.-\$150.00; Imazapic, Quart cont.-\$66.25; 2, 4-Dichlorophenoxyacetic-\$23.00; Methylated Seed Oil, 2.5 gal. cont.-\$10.00; Methylated Seed Oil, 1 gal. cont.-\$11.00; 90% Non-Ionic Surfactant, 2.5 gal. cont.-\$11.00; 90% Nin-Ionic Surfactant, 1 gal. cont.-\$12.00. Moved-Seconded (Ewing-Thompson) to accept the only bid received from CPS/Crop Protection Services for herbicide. Motion Carried.

**INSECTICIDE BID OPENING:** The following bid was received from CPS – Crop Protection Services: Diflubenzuron-\$177.00; Carbaryl-\$42.40; Malathion 2.5gal-\$29.90 ; Malathion 1 gal-\$32.80; Crop Oil Concentrate-\$7.50. Moved-Seconded (Ewing-Thompson) to accept the only bid received from CPS/Crop Protection Services for insecticide. Motion Carried.

#### **HIGHWAY BUSINESS:**

**HOUSE MOVE:** Dick Birk, Highway Superintendent, stated he has received a request to move a house and stated he doesn't expect any damage to the County Road. Moved-Seconded (Johnson-Weisenberg) to allow the moving of the House from Crow Peak to McGuigan Road. Motion Carried. The Board requested they coordinate with the Sheriff's Office during the move.

**GRAVEL / NJS ENGINEERING:** Moved-Seconded (Weisenberg-Johnson) to contract with NJS Engineering to draw up specs for gravel crushing of 50,000 ton at the Lead/Deadwood land fill and to set a bid opening for June 29, 2010 at 8:30 a.m. Motion Carried.

**MAITLAND ROAD:** Dick Birk, Highway Superintendent, informed the Board that the City of Spearfish is discussing work on the Maitland Road. Birk stated he has told the City that this would be looked at during Budget discussions and posting a weight limit might be a temporary fix at this time.

**DITCH DAMAGE:** Dick Birk stated he received a call in regards to damage in the ditches from off road vehicles by the Nemo Road. Birk stated there are no restrictions at this time and he will discuss this with the Sheriff's Office.

**WHITEWOOD 3 MILE JURISDICTION:** The Board discussed the Whitewood 3-Mile Jurisdiction. Whitewood would like to have the County do the Platting and the City would be notified and allowed to comment on Platting issues. The Board was in agreement to work with Whitewood and take Whitewoods comments into consideration. Amber Vogt, Bruce Outka, Tommy Thompson and a Planning and Zoning member will meet with the City of Whitewood to draw up an agreement.

**CHANGE OF ZONING #290 HAYENGA:** Second Reading was held on an Application for Change of Zoning #290 for Eric Hayenga-A-1 to A-2. Owner/Representative: Eric & Molly Hayenga/Cal Hayenga/Bart Eastwood. Description: E ½ NE ¼ NW ¼ & E ½ SE ¼ NW ¼ Section 12, T6N, R1E. Location: Moeller Road/Crow Peak Bench. Purpose: Change Zoning in order to be able to subdivide into 2 lots and plat property. Zoning: A-1. Moved-Seconded (Ewing-Weisenberg) to approve Change of Zoning #290 for Eric Hayenga from A-1 General Agriculture District to A-2 Residential Agriculture District. Motion Carried.

**ORDINANCE #10-01 / CEMETERY, BUILDING PERMIT, & FEE CHANGE:** The Second Hearing was held on Proposed Ordinance #10-01 for Cemetery, Building Permit & Fee Changes. Vogt reviewed the proposed Ordinance and fees. Moved-Seconded (Ewing-Johnson) to approve Ordinance #10-01 An Ordinance Amending the Lawrence County Zoning Ordinance, Amendments and Additions Thereto. Cemetery, Building Permit & Fee Change. Motion Carried.

**ORDINANCE #10-02 / WHITEWOOD SUPERFUND SITE DISTRICT REGULATION UPDATES:** The Second Hearing was held on Proposed Ordinance #10-02 for Whitewood Superfund Site District Regulation Updates. Vogt reviewed the proposed Ordinance. Moved-Seconded (Ewing-Weisenberg) to approve Ordinance #10-02 An Ordinance Amending the Lawrence County Zoning Ordinance, Amendments and Additions Thereto. Whitewood Superfund Site District Regulation Updates. Motion Carried.

**ORDINANCE #10-03 / BUILDING PERMIT FEE CHANGES TO ICC:** The Second Hearing was held on Proposed Ordinance #10-03 for Building Permit Fee Changes to ICC. Vogt reviewed the proposed Ordinance. Moved-Seconded (Johnson-Thompson) to approve Ordinance #10-03 An Ordinance Amending the Lawrence County Zoning Ordinance, Amendments and Additions Thereto. Building Permit Fee Changes to ICC. Motion Carried.

**RETAIL ON-OFF SALE WINE LICENSE / MYSTIC MINER RESORT:** A public hearing was held on an application for Retail On-Off Sale Wine License for Mystic Miner Resort located at Deer Mountain. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Thompson-) to approve the Retail On-Off Sale Wine License for Mystic Miner Resort. Motion Carried.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #205 TINTON ENTERPRISES:** An annual review was held on CUP #205 for Tinton Enterprises. No complaints have been received. The Board will review in November 2010.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #307:** An annual review was held for CUP #307 Charles Ramsey second Residence. No complaints were received. The Board will review on a yearly basis.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #374 / CORCORAN:** An annual review was held on Conditional Use Permit #374 - Virginia Corcoran/Spearfish Greenhouse. Schroeder

reported that he reviewed the property and all conditions have been met at this time. The Board will review on a yearly basis.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #375:** An annual review was held on CUP #375 Wind Energy System– Robert Mattox. Moved-Seconded (Ewing-Weisenberg) CUP #375 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**USFS TELEGRAPH PROJECT:** Bill Coburn, Timber Committee was present to update the Board on the status of the USFS Telegraph Project. Coburn reviewed the project summary and concerns about the USFS process and policy on the Telegraph EIS. The Board discussed what action can be taken to manage the Mountain Pine Beetle infestation in the forest. The Board expressed concerns that the County dropped the appeal on the Telegraph Project because they were under the understanding that they would utilize the sanitation acres in the project. Moved-Seconded (Johnson-Ewing) to send a letter to Craig Bobzien, USFS District and forward a copy to the Congressional Delegation and the Governor requesting that they use the sanitation acres allowed in the project. Motion Carried.

The Board will also be requesting a meeting with the congressional delegation in regards to this issue. Bob Ewing will try and attend on the County's behalf. Darlene Piekkola recommended they contact the Home Builders Association for additional support.

**USFS TRAVEL MANAGEMENT PLAN:** Mike Whalen, Ron Rust, and Troy Saye were present from the Nemo Area to discuss their concerns on the Travel Management Plan. Whalen expressed concerns that you can not travel from the Guest Ranch to Boxelder Road. Whalen stated you can not get from Nemo Guest Ranch to the Trailhead, however, you can access the Trailhead from the Forest Service Campground. Whalen stated it is an issue for out of state ATV's because they have to be licensed in SD to travel on the roads. The Board discussed proposing legislation to allow a temporary permit for out of state OHV. Moved-Seconded (Weisenberg-Ewing) to have the County submit a resolution to the Black Hills District Meeting for proposed legislation to allow for temporary permits for out of state Off Road Highway Vehicles. Motion Carried.

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

**EMERGENCY PLANNING COMMITTEE:** The Board was in support of accepting the Emergency Planning Committee as an entity within Lawrence County Control. Paul Thomson will submit a list of the Volunteers in the Committee for approval. The Committee meets over lunch and the County buys the lunch for the Committee members through grant funds. The Board recommended the Committee be limited to 20 members.

**FIRE AGREEMENT:** Paul Thomson stated he received the State Wildland Fire Agreement but was not in support of the agreement unless they are signed with Fire Departments in the County.

Moved-Seconded (Ewing-Weisenberg) to allow Connie Douglas and Paul Thomson to order resources if needed in an emergency situation. Motion Carried.

**LINDSTEAD / KERWIN LANE:** Wayne Lindstead was present to discuss ag/non-ag valuation and Highway lots on his property on Kerwin Lane. The Board stated they considered the Highway Deed legal. Lindstead will survey his property to see if he meets the 41 acre requirement.

**AIRPORT CONCERNS:** Tommy Thompson raised concerns on the Airport Board and the waiting list for airport hangars. Thompson felt this record should be public.

**BILLS:** Moved-Seconded (Ewing-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-\$6,470.87; Aud-\$7,566.24; Treas-\$9,524.63; Comp-\$7,631.03; States Atty-\$12,555.87; Pub Def-\$9,659.74; Gen Govt Bldg-\$9,183.13; Equal-\$14,962.85; Rod-\$6,785.94; Vso-\$1,175.74; Disp-\$12,241.72; Sher-\$31,910.38; Jail-\$20,053.03; Emerg Mgnt-\$3,462.61; E911-\$1,658.00; Highway-\$36,574.36; Air-\$1,087.20; Ext-\$1,363.44; Weed-\$2,034.54; Pz-\$4,299.37;

**Bills:** Frerichs,Amy-\$125.06; Little,Tavis-\$188.85; Mowell,Richard-\$6,990.00; Rombough,Debra-\$65.96; Schroeder,Jeffery-\$64.00; American Family Life-\$3,532.87; BH Federal Credit Union-\$9,100.00; Credit Collections Bureau-\$104.16; Deadwood Recreation Center-\$134.00; Delta Dental Of South Dakota-\$6,154.46; Dept Of The Treasury-\$45,845.35; Hartford-Priority Accounts-\$1,385.60; Johnson, Rodenbrug & Lauinger-\$75.00; Knology-\$1,869.07; Medica-\$66,927.30; NH Family Ymca-\$415.80; Office Of Child Support-\$338.52; SD Retirement System-\$77,502.75; Sdrs Supplemental Retirement-\$1,304.00; A&B Business Equip-\$280.42; A&B Welding Supply-\$17.98; Abc Business Supply-\$202.75; Aberdeen Llc-\$1,395.94; Accurint Account-\$75.00; Alco Store-\$20.31; Amcon Distributing-\$198.71; American Traffic Safety Servc-\$139.50; Applied Concepts-\$114.00; Arapahoe County Sheriff Dept-\$39.00; BH Chemical Company-\$1,093.58; BH Land Analysis-\$607.50; BH Pest Control-\$95.00; BH Pioneer-\$1,514.10; BH Power-\$617.56; Bierschbach Equip & Supply-\$76.00; Black Hills Auto Parts-\$31.31; Black Hills Neurology-\$318.73; Black Hills Pure-\$11.50; Brady Pluimer-\$1,322.32; Brevik Law Office Prof-\$196.88; Bureau Of Personnel Train Dept-\$144.00; Butte Electric Coop-\$559.28; Central Parts-\$310.20; Century Business Products-\$75.90; Chain Saw Center/Dakota Equip-\$49.99; Chemical Sanitizing Sys Ltd-\$75.17; Chemsearch-\$274.48; Christensen Law Office-\$1,042.50; City/County Alcohol&Drug-\$1,830.00; Cooper Body Shop-\$702.93; Crawford Supply Company-\$58.56; Dakota Graphics-\$240.00; Deadwood Home Center-\$41.74; Deadwood, City Of-\$5,933.99; Decastro Law Firm-\$633.47; Dena Sheets Property Mgnt-\$1,250.00; Dietrich,Donna-\$138.56; Ecolab-\$121.00; Et Sports-\$60.00; Extension Service-\$92.15; First Gold Hotel-\$48.50; First Western Bank-\$335.21; Fish,Veronica-\$97.60; Fleet Services-\$1,320.86; Fsh Communications-\$60.00; Galls, An Aramark Company-\$364.88; Gene's Lock Shop-\$81.98; Great Western Tire-\$14.00; Greens Alignment-\$423.24; Grimm's Pump Service-\$36.00; Haakon County Extension-\$79.18; Heisler Hardware-\$147.19; Hewlett-Packard Company-\$2,576.00; Holiday Inn Express-\$211.07; Holiday Inn Express Fort-\$46.50; Juneks' Chrysler/Dodge-\$1.85; Kadrmas, Lee And Jackson-\$1,731.15; Keefe Supply Company-\$510.80; Kimball-Midwest Co-\$209.79; Knecht True Value-\$1,862.94; Knology-\$109.07; Kooistra,Nelva-\$15.00; LC Journal-\$1,317.44; Lead, City Of-\$77.75; Lead-Deadwood Regional Hospital-\$371.56; Lead-Deadwood Sanitary-\$417.56; Lee,James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Matthew Bender-\$224.43; Lustre-Cal-\$329.00; Manlove Psychiatric Group-\$425.00; McClure,Susan-\$135.00; Mcgas Propane-\$258.00; Mcpherson Propane-\$69.00; Mid-Night Star-\$114.25; Minitman-\$149.00; Minnehaha County Sheriff-\$10.00; Montana Dakota Utilities-\$4,781.88; Nelson,Tonya-\$315.00; Neve's Uniforms-\$91.80; Office Technology/Supply-\$45.91; Pcs Mobile-\$209.00; Pennington Co Auditor-\$82.00; Pennington County Sts Attny-\$200.00; Postmaster,Deadwood-\$110.00; Priority Dispatch-\$78.00; Quik Signs-\$186.00; Qwest-\$1,243.18; RC Regional Hospital-\$274.14; Radio Shack/Kazco-\$49.98; Refhuss,Cathryn-\$15.00; Reindl,Staci-\$803.50; Rocket Lube-\$504.06; Royal Electric-\$247.20; S D State Treasurer-\$1,479.10; Secure Sd Partnership-\$1,350.00; Servall Towel & Linen-\$150.91; Spearfish Auto Supply-\$596.07; Spearfish City Of-\$5,000.00; Spearfish Electric & Heating-\$90.00; Spearfish Husky-\$12.00; Spearfish Police Dept-\$8,380.54; Tellinghuisen & Gordon-\$2,126.33; Tigerdirect-\$875.87; Triple K Tire & Repair-\$997.92; Twilight First Aid & Safety-\$316.19; Twin City Hardware & Lumber-\$940.33; Waste Connections-\$531.87; West Group-\$721.61; Western Communication-\$1,284.50; White's Queen City Motors-\$258.00; Wolf, Ione-\$26.00; Yankton County-\$207.50; Z&S Dust Control-\$9,035.26; Ziggy's Building Center-\$57.12; **Witness & Jurors:** Addington,T-\$58.88; Bachand,D-\$56.66; Bensen,C-\$52.96; Boerman,D-\$122.20; Bogan,C-\$61.10; Boullion,M-\$58.88; Brengle,S-\$64.80; Callaway,D-\$61.10; Carlson,J-\$62.58; Davis,M-\$58.88; Dimick,D-\$68.50; Donovan,B-\$64.80; Geffre,J-\$59.62; Hannah,J-\$52.22; Hubbard,B-\$53.70; Kaiser,K-\$64.80; Weaver,J-\$61.10; Gustafson,J-\$528.38; Meyers,R-\$31.10; Deis,D-\$31.10; Doyle,J-\$31.10; England,C-\$31.10; Gaddy,B-\$53.30; Green,C-\$31.10; Hampton,J-\$31.10; Kasten,D-\$32.58; Loken,M-\$31.10; Mayo,M-\$31.10; O'bryan,H-\$31.10; Peters,M-\$42.20; Price,S-\$42.20; Rawlins,E-\$309.34; Sable,L-\$31.10; Salaseider,K-\$33.32; Simmons,R-\$31.10; Stalder,T-\$31.10; Toller,D-\$20.00; Tope,R-\$49.60; Waisanen,M-\$20.00; Weishaupl,C-\$53.30; Wurtele,B-\$34.80; Graves,S-\$31.10; Versteeg,J-\$40.00; Rose,N-\$42.20; Hobernicht,P-\$31.10; Downs,B-\$27.40; Audiss,B-\$36.28; Kranz,M-\$70.32; Nehmer,J-\$40.72; Yost,L-\$22.22; Yost,M-\$20.00;

**ADJOURN:** 11:54 a.m. there being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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



## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 25, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 25, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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 (Ewing-Johnson) to approve the minutes of May 11, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Thompson-Douglas) to approve Brian Wurtele as a part-time Special Deputy I at the base rate of \$14.23 an hour effective August 7-15, 2010. Motion Carried.

**PLANNING & ZONING:** Moved-Seconded (Ewing-Thompson) to approve the donation of leave to Sheryl Schultz due to medical reasons. Motion Carried.

### **TREASURER:**

Moved-Seconded (Weisenberg-Thompson) to approve Carleen Brownlow as a Secretary I G3 at the base rate of \$15.60 an hour, effective June 7, 2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Julie Adams as a Secretary I G3 at the base rate of \$15.60 an hour, effective July 5, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Laurie Marshall as a Secretary I G3 at the base rate of \$15.60 an hour, effective July 5, 2010. Motion Carried.

### **FUEL QUOTES:**

The following fuel quotes were submitted as of May 18, 2010: Spearfish Diesel 2500 Gallons: (prices per gallon) CBH Coop. \$2.434\*, Southside Oil – \$2.56; MG Oil \$2.44 (\*represents lowest quote). Unleaded 650 Gallons: (prices per gallon) CBH Coop. \$2.507; Southside Oil - \$2.59; MG Oil \$2.56\* (\*represents lowest quote). Deadwood Diesel 6300 Gallons: (prices per gallon) CBH Coop. \$2.414, Southside Oil – \$2.39\*; MG Oil \$2.3973 (\*represents lowest quote). Unleaded 6600 Gallons: (prices per gallon) CBH Coop. \$2.487; Southside Oil - \$2.52; MG Oil \$2.3986\* (\*represents lowest quote). Whitewood Diesel 850 Gallons: (prices per gallon) CBH Coop. \$2.434\*, Southside Oil – \$2.56; MG Oil \$2.44 (\*represents lowest quote).

**RESOLUTION OF SUPPORT / ATV LICENSES:** Deb Tridle, Treasurer, discussed the temporary ATV licenses. Tridle stated the Department of Revenue will now allow a temporary permit for ATV's and detailed the process to receive a temporary license or permanent license.

### **COUNTY PROPERTY:**

**CITY OF DEADWOOD:** Moved-Seconded (Ewing-Weisenberg) to declare Lawrence County's Interest In: An irregular strip of land in front of west 57' of lot 2 block 72 and to the rear of the westerly part of block 71 of the City of Deadwood, according to Roger's Map, Lawrence County, SD surplus and authorize the Chairman to sign the Quit Claim Deed to the City of Deadwood. Motion Carried.

**EIS ULTIMA C600:** Moved-Seconded (Ewing-Thompson) to declare the EIS Ultima C600 scanner/printer surplus and give to the City of Deadwood. Motion Carried.

**VACATION OF SECTION LINE:** Homeowners affected by the vacation of section line were present to state that two landowners previously affected by the vacation were no longer interested in taking part of the vacation. Increased taxes and unusable land were among the reasons stated. The Board discussed the Resolution passed on April 13, 2010 that was conditioned upon the recording of the final re-plat reflecting access easements to all platted lots. Discussion followed if landowners needed to grant easements to the back lots or plat as one lot prior to the vacation of section line, as the proposed vacation of section line would result in lots without a recorded access. Amber Vogt suggested they condition the re-plat upon approval of the vacation of section line.

Moved-Seconded (Thompson-Weisenberg) to rescind the following motion made on April 13<sup>th</sup>, 2010 to approve and authorize the Vice-Chairman to sign LAWRENCE COUNTY RESOLUTION #2010-09 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE, conditioned upon the recording of the final re-plat by September 1, 2010 reflecting access or easements to all platted lots. Motion Carried.

Moved-Seconded (Ewing-Johnson) to deny the petition to Vacate a Portion of Section Line in Section 14, T5N, R4E, located in lots 1, 4, 5, 8A, 9A, 12, 13 of Block F of Boulder Hights Addition Number 1 located in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. Motion Carried.

The Board instructed the remaining interested landowners to begin the petition process if they were still inclined to vacate a portion of section line bordering their properties.

**STURGIS 3-MILE JURISDICTION:** Vogt updated the Board on the progress of the Sturgis 3-Mile Jurisdiction. Discussion followed on the intent of the County Board as previously discussed.

**EXECUTIVE SESSION:** 9:08 a.m. Moved-Seconded (Thompson-Ewing) to go into executive session to discuss legal matters. Motion Carried. 9:20 Reopened.

Moved-Seconded (Johnson-Weisenberg) to authorize staff to prepare and re-submit to the City of Sturgis the original written proposal, together with the attached area map, previously approved by the County which would purport to limit the area of the City's extra-territorial jurisdiction to the area south of I-90 along the Whitewood Service Road and would also exclude property owned by the USFS and the Apple Springs Subdivision. This authorization would also allow Commissioners Thompson and Johnson and County staff to meet with City officials to discuss the re-submitted proposal. The map included with the proposal shall be amended to reflect the area encompassed by the City of Whitewood's 3 mile extra-territorial jurisdiction as it abuts the proposed extra-territorial area of the City of Sturgis. The written proposal shall be sent to the City attorney, the Mayor and those on the City Council. Motion Carried.

**HIGHWAY SAFETY GRANT:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Highway Safety Grant Application Form for Federal Fiscal Year 2011. Motion Carried.

**AIRPORT BROWN BAG PERMITS:**

Moved-Seconded (Johnson-Thompson) to approve the Brown Bag Permit for the Spearfish Airport Improvement Association Mixer at the Clyde Ice Field Airport on June 10, 2010 from 5-7 p.m. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve the Brown Bag Permit for Eagle Aviation to host a gathering of camping pilots at the Clyde Ice Field Airport on June 10, 2010. Motion Carried.

**SPEARFISH CANYON ASSOCIATION / USFS TRAVEL MANAGEMENT PLAN:** Jim Nelson reviewed the USFS Travel Management Plan that affects Spearfish Canyon. Little Spearfish Creek is still listed in the Travel Management Plan and they now need to appeal the USFS Record of Decision. Nelson asked if he could discuss the issue with Outka to make sure the appeal is filed correctly. The Board directed Outka to work with Nelson in filing the appeal.

**RESOURCE ADVISORY COMMITTEE (RAC):** Johnson updated the Board on the first RAC meeting that was held. Johnson and Weisenberg are Lawrence County's representative on the RAC. Johnson stated they will be allotting Title II funds for projects that meet certain criteria, approximately \$140,000 is available. Johnson encouraged people and organizations to apply for the funds.

**USFS MEETING WITH REPRESENTATIVE HERSETH-SANGLIN:** Ewing updated the Board on the meeting with Representative Herseth-Sandlin in regards to the Mountain Pine Beetle infestation in the forest. Ewing stated they encouraged Herseth-Sandlin to support further resources and funding to the Forest Service to combat the Mountain Pine Beetle. Ewing stated he felt the meeting was very beneficial and the Board will send a letter thanking Representative Herseth-Sandlin for taking the time to meet on the issue.

**PARTISAN OFFICES:** Thompson suggested the County pursue legislation making county offices non-partisan. The Board will research the issue further.

**BILLS:** Moved-Seconded (Ewing-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-\$6,470.87; Aud-\$7,566.24; Treas-\$10,779.02; Comp-\$7,631.04; States Atty-\$12,557.71; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,166.76; Equal-\$13,729.65; Rod-\$6,785.94; Vso-\$1,175.74; Disp-\$11,050.78; Sher-\$32,623.26; Jail-\$20,213.08; Emerg Mgnt-\$3,560.61; E911-\$1,655.00; Highway-\$37,337.60; Air-\$1,007.20; Mh Serv-\$328.00; Ext-\$1,404.92; Weed-\$2,319.41; Pz-\$4,539.37; **Bills:** Atkinson,Sally-\$48.00; Ewing,Robert-\$296.00; Green,Sheree-\$48.00; Hansen,David-\$31.00; Mcgruder,Brenda-\$48.00; Nelson,Melody-\$31.00; Peck,Ina-\$31.00; Sargent,Debbie-\$31.00; Schroeder,Jeffery-\$51.00; Tridle,Deborah-\$48.00; Vogt,Amber-\$51.00; A&B Business Equip-\$948.16; A&B Welding Supply-\$64.58; A&I Distributors-\$2,183.95; A&J Supply-\$21.20; Abc Business Supply-\$341.44; Air Connection-\$61.20; Aldinger Funeral Home-\$500.00; Alltel-\$827.20; Amcon Distributing-\$128.48; Andersen,Norma-\$15.00; BH Federal Credit Union-\$9,100.00; BH Pioneer-\$14.47; BH Power-\$8,423.37; Best Business Prod-\$20.80; Best Western Ramkota Hotel-\$751.97; Brady Pluimer-\$5,783.71; Bullberry Systems-\$900.00; Carol Butzman Consluting-\$532.85; Cedar Shore-\$163.90; Central Parts-\$28.34; Century Business Products-\$253.00; City/County Alcohol & Drug-\$3,935.00; Correctional Billing-\$44.18; Credit Collections Bureau-\$104.16; Dakota Graphics-\$80.00; Deadwood Thymes Cafe & Bistro-\$90.00; Dena Sheets Property Mgnt-\$1,636.00; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$45,586.04; Dietrich,Donna-\$393.60; Ds Solutions-\$50.00; Eddie's Truck Sales/Serv-\$2.61; Fastenal-\$155.23; Fleet Services-\$44.65; Frederickson,John-\$869.20; Great Western Tire-\$129.04; Greens Alignment-\$204.52; Hamann,Chris-\$270.00; Havemeier, Leslie-\$13.60; Heaton Drilling-\$2,313.55; Heisler Hardware-\$66.43; Hughes County Sheriffs-\$25.00; Infoprint Solutions Co-\$486.00; JP Towing-\$114.00; Janke,Wendy-\$1,035.00; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmas, Lee And Jackson-\$1,591.63; Kinney,Matthew-\$298.86; Knology-\$1,451.73; Kooistra,Nelva-\$30.00; LC Extension-\$21.42; LC Journal-\$52.50; LC Sheriff-\$204.00; Lead Volunteer Fire Dept-\$974.54; Lead-Deadwood Regional-\$78.56; Lead-Deadwood Regional Hospital-\$56.56; Lueders-\$7.18; Mearthur,Janet-\$90.00; Mg Oil Company-\$15,830.76; Midwest Alarm Co-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$136.83; Nelson, Christy-\$135.00; Nelson,Tonya-\$360.00; Neve's Uniforms-\$78.85; Office Of Child Support-\$338.52; Ore Car Express-\$133.71; Orion Sleds & Trailers-\$882.98; Pcs Mobile-\$514.00; Pennington Co Jail-\$1,982.20; Pennington County Sts Attny-\$200.00; Program Works-\$70.00; Qwest-\$122.61; RC Finance Office-\$1,330.00; RC Police Dept-\$11.20; RC Regional Hospital-\$312.55; Radiology Associates-\$173.67; Rasmussen Mechanical Serv-\$945.61; Reds Fixit Shop-\$335.00; Rehfuss,Cathryn-\$45.00; Reindl,Staci-\$1,576.20; Rena M. Hymans-\$5,282.16; SD Dept Of Transportation-\$5,280.00; SD Federal Property Agency-\$150.00; SD Planners Association-\$25.00; Sdrs Supplemental Retirement-\$1,304.00; Servall Towel & Linen-\$600.10; Spearfish Ambulance Service-\$199.95; Spearfish Police Dept-\$122.95; Superior Lamp And Supply-\$374.16; Superior Sanitation-\$660.00; Thurman Law Office-\$179.86; Tigerdirect-\$652.94; Triple K Tire & Repair-\$114.29; Twin City Hardware & Lumber-\$298.85; Verizon Wireless-\$96.22; Victims Of Violence-\$450.00; Watertree-\$44.00; Wells Fargo Business Card-\$779.65; Wells Plumbing & Farm

Supp-\$94.85; Western Communication-\$125.00; Western Sd Juvenile Serv-\$5,800.00; White Drug-\$2,043.76; Wsi Corp-\$780.00; Xerox Corporation-\$61.42; Yankton Co Sheriff-\$25.00; Z&S Dust Control-\$24,179.38; **Witness & Jurors:** Addington,T-\$58.88; Bachand,D-\$56.66; Bensen,C-\$52.96; Boerman,D-\$61.10; Callaway,D-\$61.10; Carlson,J-\$62.58; Donovan,B-\$64.80; Kaiser,K-\$64.80; Weaver,J-\$61.10; Ducheneaux,J-\$31.84; Kinzie,A-\$21.48; Turner,M-\$24.81; Bukovac,W-\$20.37; Gerving,D-\$22.22; Phillips,R-\$22.98; Ritter,K-\$29.62; Dunn,J-\$22.22; Carr,E-\$22.22

**ADJOURN:** 10:05 a.m. there being no further business it was Moved-Seconded (Johnson-Ewing) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

**LAWRENCE COUNTY COMMISSIONERS MEETING – June 11, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 11, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing and Tommy Thompson present. Terry Weisenberg 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. Absent Weisenberg

**2010 PRIMARY ELECTION:** Moved-Seconded (Johnson-Thompson) to canvass the 2010 Primary Election Results for Lawrence County. Motion Carried. Absent Weisenberg

**ADJOURN:** 8:35 a.m. there being no further business it was Moved-Seconded (Ewing-Johnson) to adjourn. Motion Carried. Absent Weisenberg

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

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 15, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 15, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Johnson-Weisenberg) to approve the minutes of May 25, 2010 and June 11, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**REGISTER OF DEEDS:** Moved-Seconded (Johnson-Ewing) to approve Sheree Green at the base rate of \$49,495 a year, effective May 10, 2010. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of May 31, 2010 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)-\$52,844.19; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,531.63; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$4,286,384.65, Money Market \$527,650.38; Bank Balance-\$3,391,739.67; Total \$13,466,260.52.

**PRAIRIE HILLS TRANSIT:** Moved-Seconded (Weisenberg-Douglas) to authorize the chairman to sign and send a letter of support for Prairie Hills Transit for a grant application. Motion Carried.

**SANFORD LAB UPDATE:** John Scheetz, Environmental Manager updated the Board on the Sanford Lab, and reviewed projects for the summer.

### **HIGHWAY BUSINESS:**

**APPROACH PERMIT / DAVID ELSOM:** Moved-Seconded (Thompson-Weisenberg) to approve the approach permit for David Elsom located NE1/4SE1/4 section 17 T6NR2E BHM west side of McQuigan Road. Motion Carried.

**CENTENNIAL HILLS ROAD DISTRICT:** Lyle Kofoed was present to discuss gravel on a section line road. They are maintaining seven tenths of a mile of section line and asked if the County would have a source of gravel that they could access to put on the road. Dick Birk, Highway Superintendent, stated the County is purchasing the gravel from Johner & Son's Excavating for 2010. Birk stated they could request that Johner & Son's honor the same bid price for the Road District since they are a government entity.

**TERRY VALLEY ROAD DISTRICT:** Bill Hauck, President Terry Valley Road District was present to discuss the Terry Valley Road District issues. Hauck expressed issues with the ATV's in the area and respectfully requested increased law enforcement in the area. The Board will forward the request to the Sheriff's Office.

**ABATEMENTS:**

**LAWRENCE COUNTY:** Moved-Seconded (Ewing-Weisenberg) to approve the abatement for Lawrence County on parcel #30023-07100-000-20. Motion Carried. This property was taken on tax deed.

**LAWRENCE COUNTY** Moved-Seconded (Johnson-Ewing) to approve the abatement for Lawrence County on Mobile Home Title #10063556. Motion Carried. This property was taken on a distress warrant.

**ANNUAL MALT BEVERAGE LICENSE RENEWALS:** A public hearing was held on the renewal of the applications for 2010-2011 Malt Beverage licenses and for new On-Off sale Malt Beverage Licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Thompson-Ewing) to approve the following 2010-2011 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.

**TRAILSHEAD 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. OR MARCIA 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 JORGENSEN, (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 (PUB N GRUB)** Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E.

**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.

**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**

**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.

**WHITETAIL COURT RESORT** 11295 U.S. HWY 14A, Lead, SD 57754 Tract 54 Secs 5-6-7&8 (Whitetail Court), Lawrence County.

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

**MATT LARSON / RED DOG PROPERTIES LLC:** 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.

**STEVE HALL (TROUT HAVEN RESORT LLC):** Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7.

**LEAD FIRE PROTECTION DISTRICT:** Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of Jerry Apa, Lead Fire Protection Board President, and appoint Rick Wisser to the Lead Fire Protection District Board. Motion Carried.

**AIRPORT LEASE OF PROPERTY FOR HAYING:** A public hearing was held to consider adoption of a resolution for Airport Hay Harvesting Lease. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Thompson) to adopt and authorize the Chairman to sign the following Resolution #2010-11. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2010-11 A RESOLUTION DECLARING INTENT TO ENTER INTO LEASE OF COUNTY OWNED PROPERTY WHEREAS, Lawrence County ("County") owns the premises known as Black Hills Airport/Clyde Ice Field ("Airport"), and WHEREAS, the Airport premises contains certain agricultural ground suitable for growing and harvesting hay; and WHEREAS, the County has for many years leased portions of the Airport to individuals with the highest bid for purposes of harvesting hay, and WHEREAS, the income received from the lease of the Airport for haying contributes to off-setting the costs of the operation of the Airport and therefore reduces expenses to the County, and WHEREAS, subject to a bid process, the County desires to enter into a lease with a private individual for the right to harvest hay at the Airport, and WHEREAS, pursuant to SDCL 7-18-3, if the County Commission decides to lease any county-owned property to any private individual for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value it shall adopt a resolution of intent to enter into such lease and fix a time for public hearing the adoption of the resolution, and WHEREAS, the hay lease to be offered by the County shall be for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value, and NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners has given its notice of intent to lease certain County owned property at Black Hills Airport/Clyde Ice Field for harvesting hay and that a public hearing on adoption of this Resolution was held on the 15 day of June, 2010, and that notice of said hearing was published in the official newspapers once, at least ten days prior to the hearing, and BE IT FURTHER RESOLVED, that the Board of County Commissioners authorizes the Lawrence County Airport Board to enter into a lease of County owned land at Black Hills Airport/Clyde Ice Field following a competitive bidding process and according to the such lease terms as the Board of County Commissioners has approved in the past. Dated this 15 day of June, 2010. FOR THE BOARD: Connie H. Douglas, Chairman. ATTEST: Connie Atkinson, AUDITOR

**NEMO CHEMICAL CLEANUP / FOREST SERVICE ISSUES:** Brian Beam, Black Hills National Forest, was present and provided history and progress on the Nemo Chemical Cleanup Project. Steve Mott, USFS updated the Board on current Forest projects. Douglas expressed the Boards frustration with the Forest Service and lack of action on the mountain pine beetle infestation. Concerned Citizens expressed frustration on the planning process, exclusions of treatment areas, falling timber, economical impacts, lack of action and the impacts on the forests and species affected. Ewing asked what the County can do to help to get action now. Ewing recommended the Counties get together in the area to see what can be done to help.



**AIRPORT BOARD ORDINANCE:** First Reading was held on the Proposed Airport Board Ordinance “An Ordinance Providing For Establishment Of The Lawrence County Airport Board And For The Repeal Of All Resolutions And Ordinances In Conflict Herewith, Specifically, An Ordinance Dated July 25, 1984, An Ordinance Dated March 28, 1990, An Ordinance Dated January 12, 1994, An Ordinance Dated February 28, 1996, And An Ordinance Dated January 4, 2000.

**PLANNING & ZONING**

**SPEARFISH JOINT POWERS AGREEMENT:** Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Joint Powers Agreement and Resolution #2010-10 with the City of Spearfish. Motion Carried. The only change to the agreement is the City of Spearfish can now charge for a flood plain analysis.

RESOLUTION NO. #2010-10 A Resolution To Enter Into A Joint Powers Agreement Between The City Of Spearfish And Lawrence County Covering That Designated Area Extraterritorial to The City Limits Of The City Of Spearfish. WHEREAS, the Common Council of the City of Spearfish and the Lawrence County Board of Commissioners believe it to be in the best interests of their citizens to enter into a Joint Powers Agreement governing International codes and licensing regulations in an area adopted by Lawrence County and the City of Spearfish. BE IT RESOLVED by Lawrence County as follows: Lawrence County is hereby authorized to enter into and execute the Joint Powers Agreement, a true and correct copy of which is attached to this Resolution as Exhibit “A”, and the Chair and Auditor are directed to sign the Joint Powers Agreement in the name of Lawrence County as of the date of this Resolution. Dated this 15<sup>th</sup> day of June, 2010. Lawrence County By: Connie Douglas, Chair Lawrence County Commissioners. ATTEST: Connie Atkinson, Auditor.

**ANNUAL REVIEW WHARF / GOLDEN REWARD MINING COMPANY:** Ron Waterland, Environmental/Governmental Affairs and Lynne Blackman presented the Annual Review for Wharf and Golden Reward Mining Company.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #377:** An Annual Review 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 complaints were received.

**ANNUAL REVIEW CONDITIONAL USE PERMIT #373:** An Annual Review 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 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. Moved-Seconded (Johnson-Ewing) CUP #360 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**BILLS:** Moved-Seconded (Ewing-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.

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

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 13, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 13, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Ewing) to approve the minutes of June 29, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Weisenberg-Thompson) to approve Kristine Nash as a Corrections Officer 2 GIII at the base rate of \$16.73 an hour, effective 7-1-10. Motion Carried.

**EXECUTIVE SESSION:** 9:21 a.m. Moved-Seconded (Johnson-Ewing) to go into executive session to discuss personnel matters. Motion Carried. 9:30 Reopened.

**SOUTH DAKOTA RETIREMENT SYSTEM:** Moved-Seconded (Weisenberg-Thompson) to sign the South Dakota Retirement System letter in regards to Randall McGruder's retirement. Motion Carried. Aye-Ewing, Weisenberg, Thompson and Douglas. Nay-Johnson.

The Board discussed the minimum standard for advertisement of county job openings. The Board recommended a minimum of advertising in the local newspapers. The Board will review the current policy and discuss at a future meeting.

**HEALTH INSURANCE:** Moved-Seconded (Weisenberg-Johnson) The County will pay 65% of the health insurance premiums. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 30, 2010 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)-\$29,502.97; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,788.36; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$4,287,437.58, Money Market \$527,885.29; Bank Balance-\$1,294,146.92; Total \$11,344,871.12.

### **LAWRENCE COUNTY PROPOSED RESOLUTION OF FINANCIAL INTEREST**

**AMENDMENT #7:** The Board discussed the proposed FINANCIAL INTEREST DECLARATION Resolution. The Commissioners felt the proposed resolution extended to far and asked Outka to review the requirements.

**TREASURER'S TRUST APPLICANT:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Treasurer's Tax Trust agreement to delay taking action to take treasurer's deed and accept partial payment of taxes with Gerald Schumacher. Motion Carried.

**SEVERANCE TAX SUPPLEMENTAL BUDGET:** A public hearing was held on a supplemental budget for Impact Economic Diversification Severance Tax Funds. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Douglas) to approve and authorize the Chairman to sign Resolution # 2010-12. Motion Carried.

**RESOLUTION #10-12 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **SEVERANCE TAX FUND Economic & Diversification Severance Tax - \$25,000** 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 13 day of July, 2010 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 13 day of July, 2010. **FOR THE BOARD OF COUNTY COMMISSIONERS** Connie Douglas, Chairperson. **ATTEST:** Connie Atkinson Auditor

**HIGHWAY BUSINESS:**

**LEAD/DEADWOOD SANITARY DISTRICT APPROACH PERMIT:** Moved-Seconded (Ewing-Thompson) to approve the Approach Permit for Lead/Deadwood Sanitary District located on the east side of the Englewood Road, 1.2 miles S of the Brownsville Road Intersection. Motion Carried.

**MIDCONTINENT UTILITY PERMIT:** Moved-Seconded (Weisenberg-Johnson) to approve the Utility Permit for Mid-continent Communication located north of Spearfish for construction of communication cable beginning section 34 T7N R2E. Motion Carried.

**US FOREST SERVICE:** Bill Coburn, Timber Committee, was present to discuss the USFS Nautilus Draft EIS and the Mountain Pine Beetle problem. Coburn reviewed the Timber Committee comments on the Nautilus Project. Coburn stated the Committee appreciates the USFS efforts on this project to try to get ahead of the mountain pine beetle problems that are plaguing in the Black Hills. Moved-Seconded (Ewing-Weisenberg) to accept the comments of the Timber Committee as the County's official comments. Motion Carried.

**MOUNTAIN PINE BEETLE:** Coburn presented copies of letters to send to Counties and other officials asking them to send letters to Governor Rounds and SD Congressional Delegation asking for support. Moved-Seconded (Ewing-Johnson) to send letters to adjoining Counties, Mayors, State Officials, Chambers of Commerce, Black Hills Council of Local Government, Black Hills Forest Advisory Council, State and Federal Congressional Delegation, Candidates for Office, and other supporting organizations asking them to send letters to Governor Rounds and SD Congressional Delegation asking for support in securing additional resources to address the mountain pine beetle epidemic that is destroying our forests; and to authorize the Board to sign the letters. Motion Carried.

**BLACK HILLS VISION:** Mike Derby, Black Hills Vision was present to request funding for 2011. Derby thanked the Board for their past support of Black Hills Vision. Derby reviewed the past efforts and success of Black Hills Vision. Derby requested funding of \$10,000 per year for the next five years. Douglas questioned what specifically the funds will be used for. Derby stated an Executive Director would be hired to administer the program. Derby stated \$120,000 a year is budgeted for administration leaving \$250,000 over five years to market the Black Hills. Douglas questioned how Board members will be selected. Derby stated they are looking at restructuring the Board of Directors and final decisions have not been made.

**ABATEMENTS:** Moved-Seconded (Ewing-Weisenberg) to approve the abatement on parcel #30800-00200-030-00 for disabled veteran status. Motion Carried.

## **PLANNING & ZONING**

Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters

**COZ #288 / DARREL VIG:** Darrell and Lois Vig requested that Change of Zoning #288 be voided. Moved-Seconded (Thompson-Johnson) to void at the owners request Change of Zoning #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 because the conditions of the change of zoning were never met, therefore the COZ never took effect. Motion Carried. Aye-Johnson, Weisenberg, Thompson and Douglas. Nay-Ewing.

## **ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #309 / BH CHRISTIAN ACADEMY:** An annual review was held on CUP #309 for BH Christian Academy. No complaints have been received and will be reviewed in 12 months.

**CONDITIONAL USE PERMIT #355 / CENTENNIAL TRAIL RIDES:** An annual review was held on CUP #355 for Centennial Trail Rides. No complaints have been received and will be reviewed in 12 months.

**CONDITIONAL USE PERMIT #376 / BARB MOORE - ACORN MEADOW LODGE:** An annual review was held on CUP #376 for Barb Moore – Acorn Meadow Lodge. CUP #376 will be reviewed in 12 months.

**CONDITIONAL USE PERMIT #379 / JO DICKERT:** An annual review was held on CUP #379 for Jo Dickert for a second residence. CUP #379 will be reviewed in 12 months.

**CONDITIONAL USE PERMIT #172 / GREG DITTMAN:** An annual review was held on CUP #172 for Greg Dittman for a second residence. CUP #172 will be reviewed in 12 months.

**2011 BUDGET REVIEW:** The Board reviewed the 2011 Preliminary Budget.

**EXTENSION:** Shawn Burke, West River Extension District Director, was present to discuss the Extension budget for 2011. Burke explained how the travel is handled across the state and asked to stay consistent with all the other counties. Douglas stated the County has a policy that they only pay travel for County employees. Douglas also questioned the amount of rent paid in the current building. Ewing questioned if providing an allocation to SDSU to provide the service would be an option.

**EMERGENCY MANAGEMENT:** Paul Thomson stated he could get by for another year without a new vehicle but may need to have maintenance funds for his current vehicle.

**SHERIFF:** Brian Dean, Deputy Sheriff, was present to discuss the Sheriff, Dispatch, E911 and Jail budget.

**AIRPORT:** Bob Golay and Travis Lantis were present to discuss the Airport Board.

The 2011 budget requests were reviewed and changes were made. The Board set the preliminary budget for 2011.

## **ITEMS FROM COMMISSIONERS:**

**EMPLOYEE PARKING:** Moved-Seconded (Weisenberg-Ewing) to allow Bruce Outka to enter into a parking agreement for County Employees to park in the old Blondie's parking lot. 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-\$6,470.87; Aud-\$7,566.25; Treas-\$10,016.62; Comp-\$7,631.03; States Atty-\$12,592.68; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,176.13; Equal-\$14,258.60; Rod-\$6,862.86; Vso-\$1,175.74; Disp-\$10,877.14; Sher-\$33,032.88; Jail-\$20,890.13; Coroner-\$300.00; Emerg Mgnt-\$3,549.61; E911-\$1,655.00; Highway-\$37,292.19; Air-\$991.20; Ext-\$1,361.52; Weed-\$5,599.91; Pz-\$4,579.37; **Bills:** Rans,Amy-\$32.61; Johns,Timothy-\$20.00; Mowell,Richard-\$5,046.00; A&B Business Equip-\$454.20; A&B Welding Supply-\$17.98; Abc Business Supply-\$763.88; Accurant Account-\$75.00; Active Data Systems-\$62.21; American Family Life-\$3,373.67; LC Treasurer-\$10.00; Amcon Distributing-\$183.42; BH Chemical Company-\$130.01; BH Federal Credit Union-\$9,400.00; BH Land Analysis-\$585.00; BH Pest Control-\$95.00; BH Pioneer-\$1,005.85; BH Power-\$477.91; BH Window Cleaning-\$2,817.00; BH Windshield Repair-\$50.00; Benson Technical Works-\$1,668.75; Black Hills Pure-\$34.50; Brady Pluimer-\$145.70; Butler Machinery Co-\$1,140.68; Butte Electric Coop-\$382.25; Campbell Co Sheriffs Off-\$30.00; Carol Butzman Consulting-\$713.67; Central Parts-\$623.21; Century Business Products-\$76.08; Chain Saw Center/Dakota Equip-\$80.60; City/County Alcohol & Drug-\$140.00; Clinical Lab Of BH-\$48.19; Conocophillips Fleet-\$116.41; Credit Collections Bureau-\$104.16; Dakota Radiology-\$462.00; Datec-\$360.00; Deadwood,City Of-\$796.78; Dena Sheets Property Mgnt-\$800.00; Dept Of The Treasury-\$46,468.38; Diamond Mowers-\$443.70; Eagle Aviation-\$115.50; Eddie's Truck Sales/Serv-\$58.32; Et Sports-\$1,415.90; Extension Service-\$266.03; Fastenal-\$177.07; First Western Ins Deadwood-\$50.00; Fleet Services-\$1,462.41; Fox,Youngberg & Lewno-\$171.16; Frederickson,John-\$114.80; Fsh Communications-\$60.00; Godfrey's Brake Serv-\$544.67; Great Western Tire-\$372.30; Greens Alignment-\$64.00; Hamann,Chris-\$225.00; Heisler Hardware-\$195.91; Hobart Sales & Service-\$252.94; Huron Culvert & Tank Co-\$398.05; Johnson, Rodenbrug & Lauinger-\$75.00; Kadrmaz, Lee And Jackson-\$1,256.59; Knecht True Value-\$391.66; Knology-\$51.56; LC Conservation Dist-\$5,000.00; LC Journal-\$2,202.76; Lead, City Of-\$52.55; Lead-Deadwood Regional-\$51.90; Lead-Deadwood Sanitary-\$452.52; Lee,James-\$15.00; Mcclure,Susan-\$180.00; Mcleod's Office Supply-\$157.11; Mcpherson Propane-\$45.00; Meade County Sheriff-\$57.60; Mg Oil Company-\$19,683.84; Minitman-\$179.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$1,624.10; Moore Medical-\$106.96; NH Alliance For Children-\$25,000.00; Neve's Uniforms-\$191.90; Office Of Child Support-\$403.38; Outdoor Motor Sports-\$34.50; Pennington Co Auditor-\$130.00; Pennington County Sheriff-\$703.00; Pitney Bowes-\$117.69; Qwest-\$1,318.56; RC Regional Hospital-\$3,036.75; Rasmussen Mechanical Serv-\$9,270.00; Regional Behavioral Health-\$253.68; Regional Health Physicians-\$22.29; Reindl, Staci-\$504.93; Reliable-\$271.47; Rena M. Hymans-\$785.47; Rocket Lube-\$158.20; SD Assn Of Co Comm-\$1,120.00; SD Cvso-\$50.00; SD Dept Of Labor Unemployment-\$2,270.18; SD Public Assur Alliance-\$857.00; SD State Treasurer-\$14,429.72; Sdrs Supplemental Retirement-\$1,304.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$300.05; Spearfish Auto Supply-\$370.84; Spearfish Regional Med Clinic-\$41.53; Stinger Systems-\$250.00; Tellinghuisen & Gordon-\$311.51; Triple K Tire & Repair-\$755.46; Turbiville Industrial Electric-\$82.42; Twin City Hardware & Lumber-\$533.24;US Postal Service-\$600.00; Verizon Wireless-\$96.20; Warne Chemical-\$1,394.66; Waste Connections-\$531.87; Watertree-\$37.50; Wellard,Keith-\$308.00; Wells Fargo Business Card-\$2,249.29; Wells Plumbing & Farm Supp-\$149.95; West Group-\$818.61; West River Anesthesiology-\$293.99; West River International-\$3,090.32; Western Communication-\$142.50; Western Sd Juvenile Serv-\$5,800.00; White Drug-\$655.67; White's Queen City Motors-\$56.52; Williams Standard Serv-\$144.85; Xerox Corporation-\$185.79; Z&S Dust Control-\$58,408.76; **Witness & Jurors:** Bridenstine,N-\$15.18; Sebade,B-\$21.11; Aalbu,S-\$21.10; Aiken,P-\$24.80; Anderson,K-\$22.58; Bennett,S-\$12.96; Boatwright,C-\$14.44; Boenisch,L-\$10.74; Bohlmann,J-\$21.10; Brimm,P-\$18.88; Bristow,B-\$22.58; Brown,M-\$19.62; Burrer,L-\$12.22; Chamberlain,J-\$21.10; Daum,J-\$18.88; Douglass,B-\$30.72; Edwards,N-\$21.10; Erion,R-\$21.10; Goings,L-\$57.40; Halsey,K-\$63.32; Heintz,D-\$59.62; Huhnerkoch,T-\$18.14; Koski,J-\$64.80; Kushman,C-\$21.10; Lammers-Camp,C-\$71.46; Larsen,J-\$24.80; Luecke,P-\$12.22; Markley,J-\$22.58; Martin,G-\$21.10; Medrud,T-\$21.10; Nelson,C-\$12.22; Nelson,J-\$24.80; Newell,C-\$12.96; Nichols,N-\$59.62; Peplow,S-\$20.36; Robertson,J-\$21.10; Rodriguez,R-\$61.10; Rogers,M-\$17.40; Ryan,A-\$53.70; Schuchhardt,J-\$21.10; Simpson,R-\$52.96; Sulentic,D-\$10.74; Thorpe,S-\$12.96; Tschida,J-\$12.96; Vanveghel,R-\$55.92; Walker,J-\$23.32; Zubrod,L-\$28.50; Demaranville,M-\$20.00; Demarest,S-\$20.00; Fitzgerald,B-\$22.59; Frias,M-\$31.10; Galland,R-\$20.00; Gengler,C-\$38.50; Huber,D-\$27.40; Kephart,S-\$29.62; Kline,T-\$20.00; Lynn,D-\$27.40; Mcanley,M-\$20.00; Feterl,B-\$11.48

**ADJOURN:** 1:31 p.m. there being no further business it was Moved-Seconded (Ewing-Douglas) to adjourn. Motion Carried.

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Date Approved

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 27, 2010**

Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 27, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing and Tommy Thompson present. Absent Connie Douglas and Daryl Johnson.

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

**CHAIRPERSON:** Moved-Seconded (Ewing-Thompson) to appoint Terry Weisenberg as Chairperson Pro Tem. Motion Carried. Absent Douglas and Johnson.

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

**MINUTES:** Moved-Seconded (Ewing-Thompson) to approve the minutes of July 13, 2010 County Commission Meeting. Motion Carried. Absent Douglas and Johnson.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to allow the Sheriff's Office to pursue a 5 year contract with Black Hills State University to employ a Full Time Deputy Sheriff to work 40 hours a week at the college and present a proposal to the commission at a later date. All expenses will be paid by the college. Motion Carried. Absent Douglas and Johnson.

Moved-Seconded (Ewing-Thompson) to allow Joe Leveque a residency wavier and live outside the county. Motion Carried. Absent Douglas and Johnson.

**VOLUNTEER FIRE FIGHTER MEMBER:** Moved-Seconded (Ewing-Thompson) to approve Paul Fredrick Hover as a Volunteer Fire Fighter for St Onge Fire Department for insurance purposes. Motion Carried. Absent Douglas and Johnson.

### **LAWRENCE COUNTY RESOLUTION NO. 2010-13 FINANCIAL INTEREST**

**DECLARATION:** Moved-Seconded (Ewing-Weisenberg) to adopt and authorize the Chairman to sign the following Resolution #2010-13. Motion Carried. Absent Douglas and Johnson.

LAWRENCE COUNTY RESOLUTION NO. 2010-13 AMENDMENT #7 A RESOLUTION AMENDING THE LAWRENCE COUNTY PERSONNEL POLICY HANDBOOK ADDING SECTION 2.19 "FINANCIAL INTEREST DECLARATION" REQUIRING THE FILING OF A STATEMENT OF FINANCIAL INTEREST AND ADDING THE CORRESPONDING FORM CAPTIONED "STATEMENT OF FINANCIAL INTEREST" AS APPENDIX #16 HEREAAS, Lawrence County ("County") is required to follow certain accounting standards pursuant to state regulatory authority; WHEREAS, the accounting the standards the County must adhere to are those promulgated by the Government Accounting Standards Board commonly known as "GASB"; WHEREAS, the County is audited, typically on a semi-annual basis, by the South Dakota Department of Legislative Audit for compliance with GASB standards; WHEREAS, GASB codification 2300 requires the filing of a Statement of Financial Interest by all elected officials, appointed department heads, and all other employees of the County; WHEREAS, the County is required to demonstrate compliance with GASB standards; WHEREAS, accordingly, the Lawrence County Auditor's has developed a proposed "Statement of Financial Interest" form that is attached hereto and incorporated herein for purposes of demonstrating compliance with GASB standards; and WHEREAS, as the aforementioned reporting requirement is a perpetual obligation affecting all County employees – including: elected officials and appointed department heads - it is deemed advisable to incorporate this reporting obligation as part of the County Personnel Policy Handbook; NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby creates Section 2.19 "Financial Interest Declaration" and incorporates the mandatory reporting requirement of GASB as detailed in the attached "Statement Of Financial Interest" as Appendix #16 of the Lawrence County Personnel Policy Handbook. Dated this 27 day of July, 2010. FOR THE BOARD: Terry Weisenberg, Chairman Pro Tem ATTEST: Brenda McGruder, DEPUTY AUDITOR

**LAWRENCE COUNTY RESOLUTION NO. 2010-14 “GENERAL POLICES” JOB**

**VACANCIES:** Moved-Seconded (Thompson-Ewing) to adopt and authorize the Chairman to sign the following Resolution #2010-14. Motion Carried. Absent Douglas and Johnson. LAWRENCE COUNTY RESOLUTION NO. 2010-14 AMENDMENT #8 A RESOLUTION AMENDING THE LAWRENCE COUNTY PERSONNEL POLICY HANDBOOK ARTICLE II “GENERAL POLICES” SECTION 2.3 REGARDING JOB VACANCIES WHEREAS, Lawrence County (“County”) has adopted a policy regarding filling job vacancies as outlined in Article II “General Policies” Section 2.3 “Job Vacancies” of the Lawrence County Personnel Policy Handbook; WHEREAS, the current policy requires only that a job vacancy be posted on the official bulletin board in the Auditor’s Office for a minimum of five (5) days and leaves further notice, e.g. publication in an official newspaper of the County, to the discretion of the respective department head; WHEREAS, as the County is a public entity entrusted with the public’s business, and in order to ensure that interested and qualified persons have a meaningful opportunity to apply for job vacancies, it is appropriate that notice be required to be given to the public that a job vacancy exists within the County via publication in an official newspaper of the County; NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby amends Article II “General Policies”, Section 2.3 “Job Vacancies” to read as follows: JOB VACANCIES: All department heads are required to post notice on the official bulletin board in the Auditor’s Office for a minimum of five (5) working days of any job vacancies they may have within their department. It shall also be required that notice of any job vacancy be advertised at least once in an official newspaper of the County. A department head may also deliver a copy of the notice to other departments, post on the Lawrence County web page or list the job vacancy with the South Dakota One Stop Career Center. This does not include promotions within the same department. Emergency situations maybe considered by the Board of County Commissioners to waive the five (5) days posting requirement. In the event an emergency situation is declared, the newspaper publication requirement is also waived. Dated this 27 day of July, 2010. FOR THE BOARD: Terry Weisenberg, Chairman pro tem ATTEST: Brenda McGruder Deputy Auditor.

**LAWRENCE COUNTY RESOLUTION NO. 2010-15 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION:**

Moved-Seconded (Ewing-Weisenberg) to adopt and authorize the Chairman to sign the following Resolution #2010-15. Motion Carried. Absent Douglas and Johnson. LAWRENCE COUNTY RESOLUTION #2010-15 “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 15%. Dated this 27<sup>th</sup> day of July, 2010 FOR THE BOARD: Terry Weisenberg CHAIR pro tem ATTEST: Brenda McGruder, Deputy Auditor

**NATIONAL FOREST COUNTIES AND SCHOOLS COALITION:** Moved-Seconded (Thompson-Ewing) to authorize a payment in the amount of \$342.14 for reauthorization of Secure Rural Schools and Communities Act. Motion Carried. Absent Douglas and Johnson.

**EMERGENCY MANAGEMENT:**

**STATE POINT OF DISTRIBUTION AGREEMENT:** Moved-Seconded (Ewing-Thompson) to approve the chairman to sign the State Point of Distribution Agreement. Motion Carried. Absent Douglas and Johnson.

**JUVENILE DETENTION COMPACT AGREEMENT AND BYLAWS:** Moved-Seconded (Thompson-Weisenberg) to authorize the chairman to sign the Juvenile Detention Compact Agreement and Bylaws. Motion Carried. Absent Douglas and Johnson.

**HIGHWAY BUSINESS:**

**GRAVEL CRUSHING & STOCKPILING BID OPENING:** The following bids were received for Gravel Crushing & Stockpiling Bid: Fisher Sand & Gravel Co. in the amount of \$5.60/ton or a total of \$140,000.00 and Aggregate Construction, Inc in the amount of \$6.74/ton or a total of



\$168,500.00. Moved-Seconded (Thompson-Weisenberg) to accept the low bid from Fisher Sand & Gravel in the amount of \$5.60/ton or a total of \$140,000.00. Motion Carried. Absent Douglas and Johnson.

**RIGHT OF WAY PERMIT:** Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to sign the Application to Occupy County Highway Right of Way for the South Dakota Science and Technology Authority located in T5N R3E in Section 33 along County Road Kirk Road. Motion Carried. Absent Douglas and Johnson.

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

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #389/PATRICK AUER/GUNSHOP:** A public hearing was held on CUP # 389-Patrick Auer-Gun Shop, Owner/Representative: Patrick Auer. Description: Tract A of Auer Subdivision in Section 30, T6N, R4E Location: Off Crook City Road Purpose: Build custom rifles-gun repair-firearms dealer Zoning: A-1. Greg Wolf and Jim Bishop from Black Hills Forest Acres expressed their concern with the testing of the firearms outside of the building and that the property was not being used as a firing range. Patrick Auer stated that he fired them for testing purposes only in a Steel Frame Sandbox but would be willing to do that testing inside the building and that the property was not open to the public as a firing range. Public Hearing was closed. Moved-Seconded (Ewing-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report; site plan, and development plan for the reasons set forth therein and approve the conditions with changes to #3, #9 and #24 and as on file in the Planning and Zoning Office, Conditional Use Permit #389 for Patrick Auer-Gun Shop. Motion Carried. Absent Douglas and Johnson.

**CONDITIONAL USE PERMIT #391 / 7<sup>TH</sup> DAY ADVENTIST CHURCH OF SPEARFISH/:**

A public hearing was held on CUP # 391-7<sup>TH</sup> Day Adventist Church of Spearfish-Church, Owner/Representative: 7<sup>th</sup> Day Adventist Church Description: Lot 1 of SW1/4SE1/4 in Section 33, T7N, R2E. Location: Corner of Hwy 14 & Terry Lane (Spearfish Valley) Purpose: Church Zoning: SRD. Judy Meverden was present to express her concern with the use of the road and that the Church would help maintain the road because of heavy usage. Moved-Seconded (Ewing-Weisenberg) to table until next meeting due to the fact that no one was present for the 7<sup>th</sup> Adventist Church of Spearfish. Motion Carried. Absent Douglas and Johnson.

**ORDINANCE #10-05 / FIRE PROTECTION REGULATIONS IN SUBDIVISION AND ZONING ORDINANCES:**

A public hearing was held on Ordinance #10-05-Fire Protection Regulations in Subdivision and Zoning Ordinances. Amber Vogt, Planning and Zoning Administrator, gave an overview of what the changes were to the Ordinance. Rob Mattox stated that the changes will make the process a lot smoother and that there is funding available through the Department of Interior. Public Hearing was closed. Second reading will be held August 17, 2010 at 9:15 a.m.

**DEVELOPMENT PLAN #10-03 / KEN NELMS / THE RANCHER IN ST ONGE:**

A public hearing was held on Development Plan #10-03-Ken Nelms-The Rancher in St Onge, LOCATION: St. Onge-214 Center Street. LEGAL DESCRIPTION: Lots 4 & 5 of St. Onge Town Lots, Section 23, T7N, R3E PRESENT ZONING: GC (General Commercial District) Ken Nelms owner spoke in favor of the development plan. He stated that he would be using the cooking shack for cooking and a drive thru window. He stated that no alcohol would be served outside the building. Eric Strawn, attorney for Greg and Sonja Merrow spoke against any outside activity. Strawn presented a petition to stop the outside cooking area. Sonja Merrow spoke and expressed her concern with outside activity as she has small children. Debbie Diseco spoke in favor of the business and stated she circulated a petition asking the residence to sign if they were for or against the business and that she did not received any signatures that were against the business. Strawn asked that the names on the petition be verified. Ken Nelms stated that he did not present the petitions as they did not reflect his development plan completely. Strawn read a letter from LPN Holdings speaking in opposition of the development plan. Greg Wiedner spoke in

opposition of the development plan and the outside activity. Strawn stated that the building should be the center and no activity be held outside. Nelms stated that the cooking shack will serve people inside but would like to allow people to eat outside the building and on the sidewalk around the building. Public Hearing closed. Moved-Seconded (Ewing-Weisenberg) to table until August 17, 2010 at 10:30 a.m. when a full board is present. Motion Carried. Absent Douglas and Johnson.

**AIRPORT:**

**NEW COMMERCIAL LEASE RATES AT AIRPORT:** Moved-Seconded (Ewing-Thompson) to follow the recommendation of the airport board and set the new rates for Private Hangar Leases at \$.12 per square foot and Commercial Hangar Leases at \$.15 per square foot. Motion Carried. Absent Douglas and Johnson.

**FEDERAL FUNDING AGREEMENT FOR PARALLEL TAXIWAY PROJECT:** Moved-Seconded (Ewing-Weisenberg) to authorize the Chairman to sign the Federal Funding Agreement for the Parallel Taxiway Project. Motion Carried. Absent Douglas and Johnson.

**APPROVE RECEIPT OF 1977 FORD PICKUP FOR AIRPORT:** Moved-Seconded (Ewing-Weisenberg) to accept the gift of a 1977 Ford Pickup Truck from the Rapid City Regional Airport. Motion Carried. Absent Douglas and Johnson.

**STURGIS EXTRA-TERRITORIAL JURISDICTION:** 10:27 a.m. Moved-Seconded (Ewing-Thompson) to go into executive session for legal consultation with Bruce Outka. Motion Carried. 10:45 a.m. the Board re-opened for business. No action was taken.

**EQUALIZAITON:**

**SURPLUS CABINETS & CARDS:** Moved-Seconded (Ewing-Weisenberg) to surplus the Cabinets and Assessment Work Cards in the Equalization Office since they are now a paperless office and give to the City of Deadwood and the Spearfish Historical Society. Motion Carried. Absent Douglas and Johnson.

**ABATEMENT:** Moved-Seconded (Ewing-Weisenberg) to approve the abatement on parcel #22300-00604-280-00 for disabled veteran status. Motion Carried. Absent Douglas and Johnson.

**BILLS:** Moved-Seconded (Ewing-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. Absent Douglas and Johnson. **Payroll:** Comm-\$6,470.87; Aud-\$7,566.25; Treas-\$10,245.74; Comp-\$7,631.03; States Atty-\$12,592.67; Pub Def-\$9,659.74; Gen Govt Bldg-\$7,176.37; Equal-\$13,340.77; Rod-\$7,176.46; Vso-\$1,175.74; Disp-\$12,657.39; Sher-\$34,301.04; Jail-\$22,675.83; Coroner-\$100.00; Emerg Mgmt-\$3,443.61; E911-\$1,649.00; Highway-\$36,967.56; Air-\$1,343.20; Mh Serv-\$164.00; Ext-\$1,314.00; Weed-\$4,713.73; Pz-\$4,299.37; **Bills:** Rans,Amy-\$40.20; Rombough,Debra-\$55.50; Vogt,Amber-\$155.00; Weisenberg,Terry-\$150.59; Woodle,Sharon-\$16.50; A&B Business Equip-\$855.47; A-Z Shredding-\$30.80; Abc Business Supply Corp-\$60.14; Alco Store-\$20.97; Alltel-\$818.93; At&T-\$16.82; BH Chemical Company-\$1,553.92; BH Federal Credit Union-\$9,400.00; BH Pioneer-\$14.92; BH Power-\$8,344.97; BH Window Cleaning-\$17.50; BH Windshield Repair-\$50.00; Best Business Prod-\$20.80; Black Hills Neurology-\$226.81; Bob Barker Company-\$106.15; Brady Pluimer-\$689.00; Breit Law Offices-\$175.99; Bullberry Systems-\$3,750.00; Carls Trailer Sales-\$104.87; Century Business Products-\$549.00; Cooperative Extension Service-\$126.12; Crawford Supply Company-\$102.36; Credit Collections Bureau-\$104.16; Dakota Ranch Outfitters-\$330.00; Dakota Travel-\$396.80; Deadwood Recreation Center-\$254.00; Deadwood Thymes Cafe & Bistro-\$90.00; Delta Dental Of South Dakota-\$6,004.34; Dept Of The Treasury-\$47,585.60; Ellingson,Joseph-\$2,668.38; Evercom Systems-\$2,236.00; Farm Plan/Rdo-\$39.99; Fastenal-\$31.39; Fred Pryor Seminars-\$128.00; Great Plains Chemical-\$120.00; H&S Sand & Gravel-\$2,800.52; Hartford-Priority Accounts-\$1,297.40; Havemeier,Leslie-\$2.40; Heartland Paper Co-\$1,509.78; Heisler Hardware-\$75.95; Hills Material Comp-\$2,478.81; Janke,Wendy-\$1,080.00; Johnson,Rodenbrug & Lauinger-\$75.00; Jurgens Printing-\$80.50; Keefe Supply Company-\$97.92;

Kimball-Midwest Co-\$214.22; Knology-\$1,685.33; Koala Electric-\$787.79; LC Auditor-\$29.00; Language Line Services-\$90.20; Lead-Deadwood Regional Hospital-\$189.00; Lighting Maintenance Co-\$8.86; Lustig,Karl Md-\$305.00; Manlove Psychiatric Group-\$1,054.65; Marshall & Swift-\$793.65; Medica-\$66,504.20; Montana-Dakota Util-\$48.93; NH Family Ymca-\$382.80; Nelson,Christy-\$225.00; Nelson,Tonya-\$585.00; Neve's Uniforms-\$203.30; Northern Hills Law-\$266.50; Northwest Regional Conference-\$250.00; Office Of Child Support-\$403.38; Pennington Co Jail-\$1,187.10; Pheasantland Industries-\$521.87; Pmb 0112-\$376.86; Program Works-\$80.00; Queen City Tire-\$799.88; Quik Signs-\$81.36; Qwest-\$76.60; RC Finance Office-\$1,260.00; RC Police Dept-\$15.00; Rabe Elevator-\$761.79; Regional Health Physicians-\$9.98; Reindl,Staci-\$2,640.85; Rocket Lube-\$39.98; Rsinet-\$297.00; SD Assn Of Co Comm-\$160.00; SD Retirement System-\$52,215.34; Sdrs Supplemental Retirement-\$1,304.00; Servall Towel & Linen-\$426.98; Shell Fleet Plus-\$222.89; Southside Oil Co-\$9,482.37; Spearfish Police Dept-\$2,572.66; Stinger Systems-\$38.00; Subway-\$7.98; Summit Signs & Supply-\$101.20; Teen Court-\$10,000.00; Thompson Publishing Group-\$438.50; Tigerdirect-\$290.58; Triple K Tire & Repair-\$597.77; Twin City Hardware & Lumber-\$269.75; Ultramax-\$574.00; United Parcel Service-\$56.03; Victims Of Violence-\$1,655.00; Wellard,Keith-\$150.00; West Group-\$2,412.00; West River Anesthesiology-\$160.00; Westcoast Sales & Marketing-\$54.46; Western Communication-\$623.50; **Witness & Jurors:** Melcher,K-\$22.22; Aiken,P-\$64.80; Anderson,K-\$62.58; Bristow,B-\$62.58; Daum,J-\$58.88; Douglass,B-\$70.72; Erion,R-\$61.10; Huhnerkoch,T-\$58.14; Luecke,P-\$52.22; Thorpe,S-\$52.96; Groen,C-\$27.40; Mannion,C-\$31.84; Parrow,D-\$20.00; Patterson,C-\$22.22; Patterson,J-\$22.22; Setzler,R-\$27.40; Wagner,C-\$31.84;

**ADJOURN:** 11:05 a.m. there being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 17, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 17, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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 as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Thompson) to approve the minutes of July 27, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Johnson) to accept the resignation of Ashlee Cook effective August 24, 2010 as a FT Correctional Officer and to approve her as a PT Correctional Officer II G3 at a base rate of \$16.73 effective August 25, 2010. Motion Carried.

Moved-Seconded (Thompson-Johnson) to approve David Riley as a FT Correctional Officer II G2 at a base rate of \$16.40 effective August 14, 2010. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Wendy Berndt as a FT Correctional Sergeant G3 at a base rate of \$17.39 effective August 17, 2010. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Julie Rakow as a Temporary FT Sec G3 to fill in for Laurie Vrem while on Family Medical Leave at a Base Rate of \$15.60. Motion Carried

Moved-Seconded (Ewing-Weisenberg) to approve Julie Rakow as a PT Dispatcher II G3 at a base rate of \$16.73 effective August 17, 2010. Motion Carried

**TRAVEL REQUESTS:** Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Seth Brennen to travel to Des Moines, IA for a Court Security Seminar September 13-17, 2010. Motion Carried.

**LIEN WAIVER REQUEST:** Moved-Seconded (Ewing-Weisenberg) to deny the request for a Lien Waiver for MS due to the fact that the taxpayer's dollars were expended for such service and should be repaid. Motion Carried.

**ARTEMIS HOUSE FUNDING REQUEST:** A letter was sent to the Artemis House informing them that no additional funds were available for the 2011 budget.

**DISCRETIONARY FORMULA FOR CENTRALLY ASSESSED COMPANY:** Moved-Seconded (Johnson-Ewing) to send a letter to Todd Bailey, SD Central Assessor, stating that Montana-Dakota Utilities Company built in a commercially zoned area and is considered commercial. The City of Spearfish only allows discretionary formulas for industrial uses/area. Therefore, not qualifying for the discretionary formula. Motion Carried.

**RESOLUTION #10-16 LIQUOR LICENSES:** Moved-Seconded (Thompson-Weisenberg) to approve the following Resolution #10-16 Liquor Licenses for 2011. Motion Carried  
RESOLUTION #10-16 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 2010, whichever is less for the ensuing year, and Five (10) 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, Mystic Miner F&B / Mine Shaft Tavern, Boulder Canyon Country Club, Tomahawk Lake Country Club. B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00: Nemo Mercantile, St. Onge 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, Barefoot Resort, Crow Peak Brewing Company LLC, Mystic Miner Resort. DATED at Deadwood, South Dakota, this 17<sup>th</sup> day of August, 2010. FOR LAWRENCE COUNTY COMMISSIONERS: Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor

**AUTOMATIC SUPPLEMENTS:**

**FIRE PROTECTION:** Moved-Seconded (Weisenberg-Thompson) to approve the automatic supplement for the Fire Protection / Fire Wise for \$10,942.80 for grant funds received. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Johnson-Ewing) to approve the automatic supplement for the Invasive Species Management Supplies for \$70,000 for grant funds received. Motion Carried.

**EMERGENCY MANAGEMENT:** Moved-Seconded (Ewing-Johnson) to approve the automatic supplement for the Emergency Management Grants for \$14,071.53 for grant funds received. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement for the Sheriff Computer Supplies for \$2,640 for grant funds received. 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 July 31, 2010 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)-\$23,231.80; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,132.31; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$3,195,943.09, Money Market \$528,047.27; Bank Balance-\$2,288,533.79; Total \$11,243,998.26.

**BLACK HILLS STATE UNIVERSITY AGREEMENT:** Bruce Outka and Brian Dean meet with Myron Sullivan from Black Hills State University. The County is in the process of putting together a proposal for the College.

**HIGHWAY BUSINESS:**

**FUEL QUOTES:** The following is the only fuel quote submitted from MG Oil as of August 2, 2010: Spearfish Diesel 2200 Gallons: \$2.5347 (prices per gallon) Unleaded 900 Gallons: \$2.6398 (prices per gallon) Deadwood Diesel 3900 Gallons: \$2.5347 (prices per gallon) Unleaded 3500 Gallons: \$2.6398 (prices per gallon).

**BID OPENING FOR ACORN RIDGE ROAD:** Moved-Seconded (Ewing-Johnson) to set a bid opening for a Full Depth Recycling with a 4" mat on Acorn Ridge Road for September 7, 2010 at 8:30 a.m. Motion Carried

**ABATEMENTS:**

**LAWRENCE COUNTY:** Moved-Seconded (Johnson-Weisenberg) to approve the abatement for Lawrence County on parcel #30025-07100-000-20 for the assessment year 2010. Motion Carried. This property was taken on tax deed.

**LAWRENCE COUNTY:** Moved-Seconded (Johnson-Weisenberg) to approve the abatement for Lawrence County on parcel #31090-02800-090-10 for the assessment year 2010. Motion Carried. This property was taken on tax deed.

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

**INSURANCE SUPPLEMENTAL BUDGET:** A public hearing was held on a supplemental budget for General Fund - Insurance. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign Resolution # 2010-17. Motion Carried.

**RESOLUTION #10-17 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS,** the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit:

**GENERAL FUND Insurance - \$20,000** 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 17 day of August, 2010 at the hour of 8:55 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 17 day of August, 2010. **FOR THE BOARD OF COUNTY COMMISSIONERS** Connie Douglas, Chairperson. **ATTEST:** Brenda McGruder, Deputy Auditor

**EAGLE AVIATION MORTON BUILDING LEASE RENEWAL:** Moved-Seconded (Johnson-Ewing) to set a Public Hearing for September 7, 2010 at 11:20 a.m. for the renewal of the Eagle Aviation Morton Building Lease. Motion Carried.

**SPEARFISH CANYON PINE BEETLE ISSUES:** Jim Nelson, Spearfish Canyon Owners Association, and Bill Corburn were present to discuss the Pine Beetle issues in Spearfish Canyon. Moved-Seconded (Ewing-Johnson) to commit \$50,000.00 to the Digital Imaging of the Black Hills National Forest as long as the State of South Dakota handles the contract. Motion Carried.

**PLANNING & ZONING**

Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters

**CHANGE OF ZONING #292 / CHAD ADAMS:** A public hearing and first reading was held on application for COZ # 292-SRD to HSC-Chad Adams, Description: Tract 61 Section 5, T4N, R3E., Location: Hwy 14A-next to Edge Sports. Purpose: Operation of Automotive Repair and used car sales, Zoning: SRD-Suburban Residential District. Bob Ewing excused himself from the discussion due to a conflict of interest. No public input was voiced and the hearing was closed. The board expressed concerns with the storage of cars that are being worked on outside the building. Chad Adams explained that he has another piece of property that he will be using for storage. Second reading will be held on September 7, 2010 at 9:00 a.m.

**ORDINANCE #10-05 / FIRE PROTECTION REGULATIONS IN SUBDIVISION AND ZONING ORDINANCES:** Second Reading was held on Ordinance #10-05-Fire Protection

Regulations in Subdivision and Zoning Ordinances. Moved-Seconded (Weisenberg-Thompson) to approve Ordinance #10-05/Fire Protection Regulations in Subdivision and Zoning ordinances. Motion Carried.

**CONDITIONAL USE PERMIT #391 / 7<sup>TH</sup> DAY ADVENTIST CHURCH:** A public hearing was held on CUP # 391-7<sup>th</sup> Day Adventist Church of Spearfish, Owner/Representative: 7<sup>th</sup> Day Adventist Church, Description: Lot 1 of SW1/4SE1/4 in Section 33, T7N, R2E, Location: Corner of Hwy 14 & Terry Lane (Spearfish Valley), Purpose: Church, Zoning: SRD. Moved-Seconded (Ewing-Weisenberg) to bring off the table from last meeting. Motion Carried. No public input was voiced and the hearing was closed. Brad Traxeler stated he had discussed with the neighboring property owners concerning the maintenance of the roads. James Taylor was also present. Moved-Seconded (Thompson-Ewing) to remove Condition #19. Motion Carried. Moved-Seconded (Johnson-Ewing) to approve the Conditional Use Permit #391/7<sup>th</sup> Day Adventist Church. Motion Carried.

**ANNUAL REVIEWS:**

**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. This will be reviewed again in one year.

**DEVELOPMENT PLAN #10-03 / KEN NELMS / RANCHER:** A public hearing was held on Development Plan #10-03 for Ken Nelms for the Rancher in St. Onge. Moved-Seconded (Weisenberg-Ewing) to bring off the table from last meeting. Motion Carried. Eric Strawn, Attorney for Sonja Merrow and Greg Weidner, was present to discuss the concerns of the exterior activities such as street dances to produce revenue and the cooking shack being used as a drive thru which would be a safety issue for kids in the area. He also stated that it was going to cost about \$250,000.00 to get the building structurally sound. Sonja Merrow asked who actually owns the sidewalks and who would be liable if something were to happen. The Public hearing was closed. Bruce Outka stated that the County is not in the sidewalk business and if the sidewalks were used they would probably need to get a permit to occupy the right of way. Ken Nelms submitted a petition with his Development Plan along with 44 signatures in favor of his plan. Daryl Johnson stated that he understands that this is going to be expensive to get up and running but doesn't feel he should use the outside business to finance his operation. Ken Nelms stated he could get the operation in sound condition for about \$100,000.00 but will take an additional \$100,000.00 to get the kitchen up and going. Daryl Johnson stated he should figure out a way to get the finances and get the business open. He feels he should get it done right and get the kitchen open on the inside. Connie Douglas stated that if he does not have the cooking shack on the outside the County has no say so in what he does on the inside. Bob Ewing stated he would like to see the building renovated but very uncomfortable with the outside activities. Connie Douglas stated she has no problem with the cooking shack and outside eating if they put a restriction on the Development Plan that if not completed in two years the Development Plan goes away. Douglas also stated if you have to access the outside area through the building and the back area is fenced you would have a control access. The board would like a more detailed plan. Thompson made a motion to deny because the development plan is so vague. Motion Died due to lack of Second. Moved-Seconded (Johnson-Ewing) to table till September 7, 2010 at 9:20 a.m. to give Ken Nelms a chance to better describe his development plan. Motion Carried.

**STURGIS EXTRA-TERRITORIAL JURISDICTION:** 11:30 a.m. Moved-Seconded (Ewing-Thompson) to go into executive session for legal consultation with Bruce Outka. Motion Carried. 11:40 a.m. the Board re-opened for business. No action was taken.

**ITEMS FROM COMMISSIONERS:** Residency policy was discussed and will be put on the agenda for the next meeting.

**BILLS:** Moved-Seconded (Ewing-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-\$6,470.87; Aud-\$7,568.64; Treas-\$9,994.86; Comp\$7,631.03; States Atty-\$12,593.47; Pub Def-\$9,659.74; Gen Govt Bldg-7,176.36; Equal-\$12,947.19; Rod-\$7,991.82; Vso-\$1,175.74; Disp-\$10,726.30; Sher-\$33,728.39; Jail-\$20,524.21; Emerg Mgnt-\$3,462.61; E911-\$1,652.00; Highway-\$36,976.78; Air-\$1,087.20; Ext-\$2,164.44; Weed-\$7,028.06; Pz-\$4,299.37; **Bills:** Rans,Amy-\$178.21; Mowell,Richard-\$4,932.00; Rombough,Debra-\$72.15; Whitcher,Eric-\$32.56; A&B Business Equip-\$803.52; A&B Welding Supply-\$17.40; A&J Supply-\$23.01; Abc Business Supply-\$205.61; Accurant Account-\$75.00; Alco Store-\$53.50; Amcon Distributing-\$183.75; American Family Life-\$3,373.67; BH Chemical Company-\$376.62; BH Federal Credit Union-\$9,400.00; BH Land Analysis-\$945.00; BH Pest Control-\$95.00; BH Pioneer-\$686.62; BH Power-\$10,196.48; Best Western Of Huron-\$80.00; Binder,Tracy-\$1,724.80; Black Hills Pure-\$46.00; Bomgaars Supply-\$536.14; Breit Law Offices-\$176.00; Brown & Saenger-\$82.93; Brownsville Fire Dept-\$2,761.74; Butler Machinery Co-\$1,556.77; Butte Electric Coop-\$333.01; Cabela's Retail-\$229.98; Carol Butzman Consulting-\$502.18; Central Parts-\$972.39; Century Business Products-\$31.57; Chain Saw Center/Dakota Equip-\$257.48; Chemical Sanitizing Sys-\$75.17; Clinical Lab Of BH-\$1,629.00; Cody,Denise-\$15.00; Community Health Services-\$126.00; Conocophillips Fleet-\$45.67; Credit Collections Bureau-\$104.16; Dakotas Saf-Fall Conference-\$150.00; Datec-\$115.00; Deadwood Home Center-\$63.74; Deadwood Thymes Cafe & Bistro-\$72.00; Deadwood Vol Fire Dept-\$10,158.50; Deadwood, City Of-\$839.09; Dept Of The Treasury-\$46,985.75; Dietrich,Donna-\$284.51; Ecolab-\$121.00; Eke Inc-\$32,551.10; Ellingson,Joseph-\$1,033.95; Et Sports-\$12,535.85; Extension Service-\$87.50; Fastenal-\$14.68; Fish,Veronica-\$2,824.60; Fleet Services-\$616.73; Fsh Communications-\$60.00; Gold Dust-\$51.75; Greens Alignment-\$1,023.92; Hamann,Chris-\$225.00; Havemeier,Leslie-\$132.60; Heisler Hardware-\$142.83; Howell,Jack Ken Jr-\$37.40; Huron Culvert & Tank Co-\$4,378.42; Infoprint Solutions Co-\$486.00; Int'l Security Products-\$372.84; Integrity Ford-\$8.58; Johnson,Rodenbrug & Lauinger-\$75.00; Karpinen,Sharon-\$405.00; Knecht True Value-\$485.45; Knology-\$109.08; Kosel,Joseph-\$1,423.33; LC Journal-\$714.84; LC Sheriff-\$128.00; LC Treasurer-\$14.00; Lead Fire Protection District-\$14,700.55; Lead, City Of-\$65.15; Lead-Deadwood Regional Hospital-\$498.86; Lead-Deadwood Sanitary-\$389.16; Lee,James-\$15.00; Lyle Signs-\$373.64; Mcarthur,Janet-\$45.00; McClure,Susan-\$225.00; Meade County Sheriff-\$74.00; Mg Oil Company-\$27,076.79; Midwest Alarm Co-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$1,081.71; Mutchler,Tricia-\$1,242.40; National Forest Counties-\$342.14; Nemo Volunteer Fire Dept-\$1,232.79; Neve's Uniforms-\$322.85; Office Depot-\$1,566.80; Office Of Child Support-\$403.38; Office Technology/Supply-\$68.03; Outdoor Motor Sports-\$191.98; Pennington Co Auditor-\$152.00; Pennington Co Jail-\$191.40; Pennington County Sts Attny-\$400.00; Quik Signs-\$121.80; Quill Corporation-\$104.95; Qwest-\$1,380.36; Qwest Corporation-\$229.54; RC Finance Office-\$1,470.00; RC Medical Center-\$639.50; RC Police Dept-\$45.00; RC Regional Hospital-\$804.14; Radio Shack/Kazco-\$1,399.91; Rapid Delivery-\$20.90; Regional Behavioral Health-\$182.65; Regional Health-\$722.00; Regional Health Physicians-\$91.16; Rehfuss,Cathryn-\$15.00; Reindl,Staci-\$2,361.00; Rochford Fire Protection Dist-\$688.71; Rocket Lube-\$267.15; Root Spring Scraper Co-\$10,324.54; SD Emergency Mgnt Association-\$120.00; SD Public Assur Alliance-\$36,214.95; SD State Treasurer-\$1,931.63; Sand Creek Printing-\$188.95; Sdrs Supplemental Retirement-\$1,304.00; Servall Towel & Linen-\$600.10; Seward & Odenbach-\$2,896.35; Sheridan County Sher Office-\$35.00; Span Publishing-\$152.10; Spearfish Alt/Starter Rebuild-\$135.00; Spearfish Auto Supply-\$836.92; Spearfish Canyon Fire-\$1,918.06; Spearfish Fire Dept-\$31,436.26; Spearfish Husky-\$12.00; Spearfish Police Dept-\$25,048.19; Stadler Ind Service-\$181.90; State Radio Communication-\$5,280.00; Sturgis Fire Department-\$1,670.13; Tellinghuisen & Gordon-\$435.16; Tigerdirect-\$782.75; Triple K Tire & Repair-\$615.63; Twilight First Aid & Safety-\$40.15; Twin City Hardware & Lumber-\$596.49; United Parcel Service-\$52.84; Verizon Wireless-\$96.17; Warne Chemical-\$145.00; Waste Connections-\$531.87; Watertree-\$76.50; Wells Fargo Business Card-\$996.47; West Group-\$705.61; West River International-\$307.25; Western Communication-\$7,124.41; Western Sd Juvenile Serv-\$5,200.00; Wheeler Lumber-\$1,026.50; White Drug-\$1,005.66; White's Queen City Motors-\$608.63; Whitewood Fire Prot District-\$4,304.45; Wolff's Plumbing & Heating-\$887.89; Xerox Corporation-\$66.32; Yahoo Custodian Of Records-\$20.44; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Wilburn,C-\$31.10; Aiken,P-\$64.80; Anderson,K-\$62.58; Bristow,B-\$62.58; Daum,J-\$58.88; Douglass,B-\$70.72; Goings,L-\$114.80; Halsey,K-\$126.64; Heintz,D-\$119.24; Koski,J-\$129.60; Lammers-Camp,C-\$142.92; Luecke,P-\$52.22; Nichols,N-\$119.24; Rodriguez,R-\$122.20; Ryan,A-\$107.40; Simpson,R-\$105.92; Tschida,J-\$52.96; Vanveghel,R-\$111.84; France,M-\$23.70; Morgan,J-\$52.56; Wilburn,C-\$45.90; Burrows,D-\$22.22; Doud,A-\$21.85; Ekeren,T-\$22.22; Ely,S-\$33.32; Franzen,M-\$32.06; Friend,T-\$31.84; Lydic,J-\$49.60; Mcgee,C-\$21.85; Mcgee,W-\$28.88; Nichols,T-\$31.84; Rhoads,C-\$31.84; Smith,P-\$32.06; Thornton,D-\$25.18



**ADJOURN:** 12:40 p.m. there being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 7, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 7, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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 August 17, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Thompson-Johnson) to approve Patrick Haley as a FT Correctional Officer I G3 at a base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective August 26, 2010. Motion Carried.

Moved-Seconded (Johnson-Thompson) to approve Jeremiah Fredericksen as a PT Correctional Officer I G3 at a base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective August 26, 2010. Motion Carried

Moved-Seconded (Thompson-Johnson) to approve Brian Heck as a PT Correctional Officer I G3 at a base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective September 7, 2010. Motion Carried

Moved-Seconded (Ewing-Douglas) to approve Katherine A Tkach as a FT Deputy I G1 at a base rate of \$19.16 an hour, effective September 20, 2010. Motion Carried

### **TRAVEL REQUESTS:**

**SHERIFF:** Moved-Seconded (Ewing-Douglas) to approve the travel request for Brian Dean to travel to Branson, Missouri for a MOCIC Conference on September 12-17, 2010. Expenses will be reimbursed by Homeland Security. Motion Carried.

**FOREST SERVICE CONTRACT:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Modification #3 to the Cooperative Law Agreement #09-LE-11020300-006 between Lawrence County and the Black Hills National Forest. 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 August 31, 2010 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)-\$72,236.30; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,751.80; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,288,954.06, Money Market \$528,209.30; Bank Balance-\$2,904,892.52; Total \$11,000,153.98.

**BROWN BAG PERMIT:** Moved-Seconded (Johnson-Ewing) to approve the Brown Bag Permit for the Cessna 120/140 International Convention at the Airport on September 22-25, 2010. Motion Carried.

**COUNTY COMMISSION MEETINGS:** Moved-Seconded (Weisenberg-Douglas) To schedule a special meeting on October 8<sup>th</sup>, 2010 at 8:00a.m for the Powderhouse Pass Development. Motion

Carried. Moved-Seconded (Johnson-Weisenberg) To change the October 26<sup>th</sup> meeting to October 19<sup>th</sup>. Motion Carried.

**TITLE III COMMENT PERIOD:** Moved-Seconded (Ewing-Johnson) to begin the 45 day comment period for the aerial photos of the mountain pine beetle problem. Motion Carried.

**EXTENSION BUDGET CUTS:** Shawn Burke, SDSU Extension Service, was present to discuss budget cuts to the 2011 Extension Budget. Discussion followed on the MOU for extension travel and proposed budget cuts. The Board expressed concerns that the County is paying travel expenses for State employees, and also paying travel for the extension agents to travel to other counties to provide services. Douglas discussed how the county could provide a stipend to the State to provide for extension services within the County. Burke stated they know it is a reality that budget cuts are happening throughout the state and hoped they could work out an agreement with the County. Deb Rombough and Amy (Frerichs) Rans were present to discuss the programs they facilitate.

**ABATEMENTS:**

Moved-Seconded (Thompson-Weisenberg) to follow the recommendation of the Treasurer and approve the abatement for TG on parcel #31090-03700-140-00, because the property qualifies for the elderly and disabled assessment freeze. Motion Carried. Aye-Ewing, Johnson, Thompson, Weisenberg. Nay-Douglas. Douglas stated they missed the deadline to apply for the program and the board needs to stay consistent.

**TREASURER TRUST AGREEMENT:** Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the Treasurer's Trust Agreement with GC on Lot 4, Block 2, Mountain Shadow Estates. Motion Carried.

**2011 BUDGET:** A public hearing was held on the proposed 2011 Budget. No public input was voiced and the hearing was closed.

**EXTENSION & COMMISSION:** Moved-Seconded (Ewing-Thompson) To make the following adjustments to Extension Budget: Salary from \$\$38,520 to \$36,525; OASI from \$2,940 to \$2,780; Unemployment from \$200 to \$100; Supplies from \$2,450 to \$2,205; Grant from \$2,050 to \$1,450; Travel from \$0 to \$5,000; Misc. from \$1,100 to \$900. Total Extension budget from \$71,881 to \$73,581 and adjust the Commissioners travel from \$5,000 to \$3,300 Total Commissioners budget from \$306,429 to \$304,729. Motion Carried.

**ADOPTION OF 2011 BUDGET RESOLUTION #2010-19:** Moved-Seconded (Weisenberg-Ewing) to adopt the 2011 Annual Budget and approve the following Resolution #2010-19. Motion Carried. Aye-Ewing, Johnson, Weisenberg and Douglas. Nay-Thompson. **RESOLUTION #10-: 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, 2011 and ending December 31, 2011 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 7<sup>TH</sup> day of September, 2010 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, 2011 through December 31, 2011.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
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GENERAL	7,751,445	3.924
SNOW REMOVAL	200,000	.101
HIGHWAY & BRIDGE	200,000	.101
COURTHOUSE & JAIL	100,000	.051
FIRE PROTECTION	69,562	.069
TOTALS	8,321,007	4.246

DATED at Deadwood, South Dakota, this 7<sup>TH</sup> day of September 2010. LAWRENCE COUNTY COMMISSIONERS: Robert Ewing, Chairman, Daryl Johnson, Connie H. Douglas, Terry Weisenberg and Tommy Thompson. ATTEST: Connie Atkinson, Auditor.

**RESIDENCY POLICY:** The Board discussed the residency policy. Douglas expressed concerns on the residency policy and the County going on a case by case basis. Douglas stated she felt all department heads and all on-call employees should be required to live in the County. Douglas stated the County could then give employees one year to move back to the County. Weisenberg and Ewing stated they felt it should be up to the department head to request a waiver. Douglas stated if the County is on a case by case basis a hardship should have to be proven first. Deb Tridle, Treasurer stated she supported the residency policy. Darlene Piekkola, Director of Equalization stated she supported the residency policy but could see a need for a waiver. George Stone, resident of the County stated he was in support of the residency policy and keeping the tax dollars within the County. No action was taken to the current residency policy.

**VACATION SECTION LINE / BOULDER HIGHTS:** A public hearing was held on an application to vacate a portion of highway. LEGAL DESCRIPTION FOR THE VACATION: Vacate a portion of the Section Line of Section 14, T5N, R4E, located adjacent to the southerly border of lots 1, 4, 5, and 8A, and 9A, (formerly lot 8 and lot 9) all in Block F of Boulder Hights Addition Number 1 in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: Rigsby, Olson Russell & Recinda G.; Wieczorek, Rick & Vicky; Peters, David S. & Judith F.; Karels, Gordon V. & Earla M.; Fairbanks, Larry & Cindy. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the following Resolution #2010-18 **LAWRENCE COUNTY RESOLUTION #2010-18 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS**, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: **LEGAL DESCRIPTION FOR THE VACATION:** Vacate a portion of the Section Line of Section 14, T5N, R4E, located adjacent to the southerly border of lots 1, 4, 5, and 8A, and 9A, (formerly lot 8 and lot 9) all in Block F of Boulder Hights Addition Number 1 in the SE1/4 SW1/4 and SW1/4 SW1/4 of Section 14, T5N, R4E, B.H.M., Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: Rigsby, Olson Russell & Recinda G. Wieczorek, Rick & Vicky; Peters, David S. & Judith F.; Karels, Gordon V. & Earla M.; Fairbanks, Larry & Cindy. **CONNIE DOUGLAS, CHAIRPERSON** Lawrence County Commissioner. **ATTEST: CONNIE ATKINSON** Lawrence County Auditor

**EMERGENCY OPERATIONS PLAN:** Paul Thomson discussed the proposed new Emergency Operations Plan for Lawrence County. The Board will review the proposed plan.

**TEN TEXKOTA EASEMENT:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Ten Texkota Easement for the parking ramp. Motion Carried.

**AIRPORT RULES, REGULATIONS & MINIMUM STANDARDS:** Moved-Seconded (Weisenberg-Thompson) to set a public hearing for the Airport Rules, Regulations & Minimum Standards for September 28, 2010 at 10:30 a.m. Motion Carried.

**AIRPORT FIXED BASE OPERATOR LEASE:** A public hearing was held on the Amendment to the Airport Fixed Base Operator Lease. No public input was voiced and the hearing was closed. Motion Carried. Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Amendment to the Airport Fixed Base Operator Lease. Motion Carried.

**SANFORD LAB UPDATE:** John Scheetz, Environmental Manager updated the Board on the Sanford Lab, and reviewed projects completed and in progress.

**HIGHWAY BUSINESS:**

**BID OPENING FOR ACORN RIDGE ROAD:** The following bids were received for Old Highway 14C, In Place Processing and Asphalt Mat: Simon Contractors of SD-\$243,748.03; Hills Material-\$224,902.98; Sacrison Paving-\$224,400. Moved-Seconded (Weisenberg-Thompson) to accept the low bid from Sacrison Paving for \$224,400. Motion Carried

**APPROACH PERMIT:** Moved-Seconded (Johnson-Ewing) to approve the Approach Permit for Monty Pedersen located on the north side of Homestake Road. Motion Carried.

**RIGHT OF WAY PERMIT:** Moved-Seconded (Ewing-Johnson) to approve the Permit to Occupy County Right of Way for Black Hills Power located in T4N, R3E, Section 10 along County Road: Yellow Creek Road. Motion Carried.

**PLANNING & ZONING**

Amber Vogt, Planning & Zoning Administrator, updated the board on Planning & Zoning matters and upcoming hearings. The Board discussed a building permit for Alan and Joann Wells. No action was taken at this time.

**CHANGE OF ZONING #292 / CHAD ADAMS:** Second reading and a public hearing was held on application for COZ # 292-SRD to HSC-Chad Adams, Description: Tract 61 Section 5, T4N, R3E., Location: Hwy 14A-next to Edge Sports. Purpose: Operation of Automotive Repair and used car sales, Zoning: SRD-Suburban Residential District. Bob Ewing excused himself from the discussion due to a conflict of interest. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Thompson) Based on the staff report to approve the Change of Zoning COZ # 292-SRD to HSC-Chad Adams, Description: Tract 61 Section 5, T4N, R3E., Location: Hwy 14A. Motion Carried. Ewing absent.

**RECESS:** 9:09 a.m. Moved-Seconded (Johnson-Thompson) to recess the County Commission Meeting. Motion Carried. 9:20 a.m. The Chairman called the meeting back to order.

**DEVELOPMENT PLAN #10-03 / KEN NELMS / RANCHER:** Moved-Seconded (Johnson-Ewing) to bring off the table from last meeting Development Plan #10-03 for Ken Nelms. Motion Carried. A public hearing was held on Development Plan #10-03 for Ken Nelms for the Rancher in St. Onge. No public input was voiced and the hearing was closed. The Board discussed the proposed Development Plan #10-03 and revised site plan dated 9-1-2010. The Board recommended adding another emergency exit gate on the back of the beer garden exiting in the Alley. Douglas suggested the gates be only exit and patrons will have to enter through the building.

Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of approval contained in the Planning and Zoning staff report; site plan, and development plan for the reasons set forth therein and approve the conditions with changes Development Plan #10-03 with the addition of adding another emergency exit gate on the back of the beer garden exiting in the Alley and that the gates into the beer gardens be only exit and not entrance. Motion Carried.

**CID OVERVIEW / POWDERHOUSE PASS DEVELOPMENT:** John Fredrickson, Attorney for Powderhouse Pass Development was present to give an overview of the Community Improvement District (CID).

**PRELIMINARY & FINAL PLAT UNION RESORTS LLC:**

Moved-Seconded (Weisenberg-Johnson) to approve the preliminary plat for Owner/Representative: Union Resorts LLC/CETEC Description: Mystic Miner Tracts A, B, C, D, E and F, Stewart Tract, and SJL Tract; of the Mystic Miner Subdivision, Location: Deer Mountain, Purpose: New Lots, Zoning: PUD. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve the final plat for Owner/Representative: Union Resorts LLC/CETEC Description: Mystic Miner Tracts A, B, C, D, E and F, Stewart Tract, and SJL Tract; of the Mystic Miner Subdivision, Location: Deer Mountain, Purpose: New Lots, Zoning: PUD. Motion Carried.

**CONDITIONAL USE PERMIT #391 / 7<sup>TH</sup> DAY ADVENTIST CHURCH:**

The Commissioners reviewed a request on CUP # 391-7<sup>th</sup> Day Adventist Church of Spearfish, Lot 1 of SW1/4SE1/4 in Section 33, T7N, R2E, Location: Corner of Hwy 14 & Terry Lane (Spearfish Valley). They have requested that they not have to pave the parking lot right away due to monetary reasons. The Board stated that will be up to the City to handle as they issue the occupancy certificate.

**BILLS:** Moved-Seconded (Ewing-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-\$12,948.14; Aud-\$15,137.26; Treas-\$19,864.29; Comp-\$15,262.08; States Atty-\$25,423.86; Pub Def-\$19,320.76; Gen Govt Bldg-\$14,341.30; Equal-\$26,750.69; Rod-\$16,109.08; Vso-\$2,351.48; Disp-\$24,848.80; Sher-\$85,065.20; Jail-\$47,779.36; Coroner-\$700.00; Emerg Mgmt-\$6,981.22; E911-\$3,295.00; Highway-\$74,290.38; Air-\$2,318.40; Mh Serv-\$82.00; Ext-\$2,663.04; Weed-\$5,815.15; Pz-\$8,878.74; **Bills:** Allen,Dawn-\$39.90; Bertch,Alyce-\$24.42; Rans,Amy-\$33.33; Heying,Bradley-\$104.25; Mowell,Richard-\$7,818.00; Sargent,Debbie-\$57.72; A&B Business Equip-\$615.06; A-Z Shredding-\$25.20; Brady,Daniel-\$5.07; Alltel-\$868.92; American Family Life-\$3,389.99; At&T-\$5.01; BH Federal Credit Union-\$18,800.00; Breit Law Offices-\$176.00; Credit Collections Bureau-\$104.16; Deadwood Recreation Center-\$293.00; Delta Dental Of South Dakota-\$6,004.34; Dept Of The Treasury-\$105,961.13; Hartford-Priority Accounts-\$1,287.90; Johnson, Rodenbrug & Lauinger-\$225.00; Knology-\$1,401.61; Medica-\$66,042.10; NH Family Ymca-\$316.80; Office Of Child Support-\$403.38; SD Retirement System-\$54,473.80; Sdrs Supplemental Retirement-\$1,304.00; Victims Of Violence-\$1,420.00; Abc Business Supply-\$544.30; Air Connection-\$272.44; Alco Store-\$34.86; Amcon Distributing-\$144.98; BH Chemical Company-\$2,194.74; BH Power-\$880.51; BH Windshield Repair-\$50.00; Best Business Prod-\$20.80; Bierschbach Equip & Supply-\$60.00; Binder,Tracy-\$54.40; Black Hills Auto Parts-\$20.00; Black Hills Neurology-\$270.96; Bob Barker Company-\$4,826.10; Brady Pluimer, PC-\$305.00; Breit Law Offices-\$176.00; Brown & Saenger-\$97.50; Butler Machinery Co-\$41.75; Butte Electric Coop-\$216.32; Campbell Supply-\$103.98; Carbon County Sheriff Dept-\$35.00; Central Parts-\$35.68; Century Business Products-\$792.08; Claggett,Dave Pc-\$204.74; Clinical Lab Of BH-\$3,275.00; Cna Surety-\$50.00; Cody,Denise-\$15.00; Conocophillips Fleet-\$107.01; Credit Collections Bureau-\$104.16; D Ware-\$160.00; Dakota Graphics-\$50.00; Dakota Radiology-\$1,869.52; Deadwood,City Of-\$1,081.26; Dept Of Hlth Lab Services-\$192.00; Dietrich,Donna-\$231.96; Ellingson,Joseph-\$649.34; Extension Service-\$174.36; Farm Plan/Rdo-\$205.63; Fastenal-\$16.20; Fidler-Isburg Funeral Chapel-\$500.00; Fitzgerald,John-\$450.00; Genpro Power Systems-\$510.00; Goodrich Motors-\$18,009.00; Great Western Bank-\$22.00; Greens Alignment-\$289.98; Hills Material Comp-\$17,704.45; Howell,Jack Ken-\$37.40; Jacobs Precision Welding-\$48.75; Janke,Wendy-\$1,035.00; Jilek,Ray-\$286.68; JI's Gifts-\$453.00; Johnson, Rodenbrug & Lauinger-\$225.00; Kadrmas, Lee And Jackson-\$1,787.75; Kaiser,Ruby-\$900.00; Karpinen,Sharon-\$990.00; Knecht True Value-\$6.29; Knology-\$386.15; LC Journal-\$1,273.77; LC Sheriff-\$92.00; Lead,City Of-\$196.61; Lead-Deadwood Regional Hospital-\$366.78; Lead-Deadwood Sanitary-\$560.96; Lee,James-\$15.00; Mcarthur,Janet-\$45.00; Meade County Sheriff-\$25.00; Michael Stonefield Atty-\$13,448.17; Microfilm Imaging Systems-\$2,877.45; Montana-

Dakota Util-\$1,334.64; Nelson,Tonya-\$1,620.00; Neurosurgical Associates Pc-\$45.98; Neustar, Inc-\$366.84; New World Systems-\$36,058.00; Nooney Solay & Van Norman, Llp-\$6,581.24; Northern Hills Law-\$369.00; Northern Truck Equip Corp-\$12,134.00; Office Of Child Support-\$403.38; Pcs Mobile-\$320.00; Pennington Co Auditor-\$82.00; Pennington Co Jail-\$210.60; Phoenix Investigations-\$520.02; Postmaster,Spearfish-\$300.00; Program Works-\$80.00; Public Safety Equip Co-\$783.00; Quill Corporation-\$136.48; Qwest-\$95.88; RC Regional Hospital-\$2,014.00; Regional Health Physicians-\$98.48; Regional Medical Clinics-\$133.36; Rehfuss, Cathryn-\$15.00; Reindl,Staci-\$2,023.95; Rocket Lube-\$46.73; Rocky Mountain Holdings-\$1,622.09; SD Federal Property Agency-\$5.00; SD State Treasurer-\$1,138.67; Sand Creek Printing-\$310.05; Sanitation Products-\$472.64; Sd State Fair-\$72.00; Servall Towel & Linen-\$450.96; Slowey,Yavonne-\$165.00; Spearfish Auto Supply-\$258.72; Spearfish Police Dept-\$2,157.80; Sturgis Tile Company-\$27.50; Superior Sanitation-\$165.00; Tigerdirect-\$635.66; Triple K Tire & Repair-\$15,667.56; Twin City Hardware & Lumber-\$262.51; Waste Connections-\$318.71; West Group-\$560.50; Western Communication-\$60.50; Williams Standard Serv-\$15.75; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Goings,L-\$57.40; Heintz,D-\$59.62; Nichols,N-\$59.62; Rodriguez,R-\$61.10; Ryan,A-\$53.70; Simpson,R-\$52.96; Vanveghel,R-\$55.92; Mannion,C-\$32.21; Adams,J-\$21.10; Ainsworth,J-\$20.36; Allart,S-\$24.80; Allen,T-\$21.10; Andersen,A-\$12.96; Baenen,A-\$12.96; Barden,S-\$21.10; Black,A-\$244.40; Black,G-\$22.58; Bunnell,M-\$247.36; Burns,R-\$12.22; Burrows,R-\$12.22; Cederstrom,D-\$247.36; Charlson,A-\$27.02; Colgrove,T-\$24.80; Cooper,J-\$247.36; Crooks,C-\$22.58; Dohman,G-\$24.80; Erickson,B-\$202.96; Erickson,E-\$21.10; Everson,D-\$21.10; Fisher,S-\$17.40; Fowler,R-\$24.06; Friend,T-\$23.32; Fundaun,K-\$10.74; Gellett,L-\$250.32; Gustafson,C-\$19.62; Hall,K-\$244.40; Hammond,H-\$24.80; Harding,K-\$21.10; Harlan,A-\$202.96; Hertel-Ballard,C-\$244.40; Higgins-Munro,H-\$21.10; Hopkins,L-\$12.22; Janke,D-\$238.48; Kaufman,R-\$21.10; Ladner,M-\$24.80; Lalonde,L-\$202.96; Lance,M-\$202.96; Luce,L-\$24.80; Madsen,D-\$223.68; Mattson,J-\$11.48; Miles,T-\$24.80; Montieth,T-\$28.50; Nagel,T-\$12.96; Nelson,J-\$259.20; Pearson,J-\$12.22; Perez,W-\$12.22; Pidde,L-\$19.62; Pritzkau,J-\$11.48; Roth,C-\$12.22; Russell,W-\$21.10; Scott,S-\$21.10; Secrest,M-\$26.28; Smith,N-\$15.92; Sullivan,T-\$10.74; Wilson,D-\$21.10; Carr,W-\$29.25; Clark,V-\$22.96; Hamilton,D-\$22.96; Heil,D-\$22.96; Hill,S-\$20.00; Huwe,J-\$34.06; Ricketts,O-\$22.96; Shumaker,B-\$33.32; Torpey,C-\$20.00; Tripp,T-\$29.25

**ADJOURN:** 12:19 p.m. there being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

**LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– September 7, 2010**

Chairperson Connie Douglas called the Lawrence County Board of Adjustment meeting to order at 9:10 a.m. on September 7, 2010 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.

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

**VARIANCE #127 / CHAND ADAMS:** A public hearing was held on an application for Variance #127 for Chad Adams for 17'7" and 6" Variance from the 25' setback from ROW, located on Highway 14A next to Edge Sports in Lead, SD. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Thompson) to approve the Variance #127 for Chad Adams for 17'7" and 6" Variance from the 25' setback from ROW, located on Highway 14A next to Edge Sports in Lead, SD, because of the topography of the property and the correspondence of the new building with the existing building per the current footprint. Motion Carried.

**ADJOURN:** 9:18 a.m. There being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE DOUGLAS, Chairperson

ATTEST:

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



**LAWRENCE COUNTY COMMISSIONERS MEETING – September 15, 2010**

Connie H. Douglas called the special meeting of the Lawrence County Commissioners to order at 2:00 p.m. on September 15, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present.

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

**AIRPORT:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Airport Taxiway Project Phase II Grant Application AIP-3-46-0065-017-2010 and to authorize the Chairman to sign the grant award when received. Motion Carried.

**ADJOURN:** 2:10 p.m. there being no further business the Chairman adjourned the meeting. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY COMMISSIONERS MEETING – September 22, 2010**

Connie H. Douglas called the special meeting of the Lawrence County Commissioners to order at 12:30 p.m. on September 15, 2010, in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioner Douglas appearing in person, and Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present, but appearing by phone, pursuant to roll call of the members.

**AIRPORT:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Airport Taxiway Project Phase III Grant Application AIP-3-46-0065-017-2010 (Runway 31 End Parallel Taxiway Grading - \$215,000.00, Apron Relocation - \$1,752,106.00, Construction Observation/Administration and Material Testing Services - \$135,000.00, Administration, Legal Advertising, etc. - \$3,157.00) and to authorize the expenditure of County matching funds in the amount of \$42,105.00. A roll call vote was conducted, with the members voting on the motion: Douglas – Aye Johnson – Aye Ewing – Aye Thompson – Aye Weisenberg – Aye Motion Carried.

Moved-Seconded (Ewing-Thompson) to authorize the Chairman to sign the Grant Agreement for the Airport Taxiway Project Phase III Grant. Douglas – Aye Johnson – Aye Ewing – Aye Thompson – Aye Weisenberg – Aye Motion Carried.

**ADJOURN:** 12:40 p.m. there being no further business the Chairman adjourned the meeting. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 28, 2010**

Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 28, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Robert Ewing, Tommy Thompson, and Terry 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-Ewing) to approve the minutes of September 7, 2010 County Commission Meeting, September 7, 2010 Board of Adjustment, and September 15 & 22, 2010 Special Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Thompson-Ewing) to approve Jeremiah Fredericksen as a full time Correctional Officer I G3 at a base rate of \$14.54 an hour, effective September 27, 2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Kerry Kampa as a part time Correctional Officer I G3 at a base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective September 23, 2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Christina Kerr as a part time Dispatcher I G3 at a base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective September 27, 2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve John Arnison, Matt Symonds and John Wainman as part-time as needed Special Deputy II, at the base rate of \$16.45 an hour, effective 9-13-2010. Motion Carried.

**INVASIVE SPECIES MANAGEMENT BOARD OPENING:** Moved-Seconded (Weisenberg-Ewing) to advertise for the open position of a north interstate representative on the Invasive Species Management Board. Motion Carried.

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Ewing-Thompson) to allow the Donation of Leave, as per policy, to Deb Leatherman. Motion Carried.

**DELTA DENTAL:** The Board discussed the changes to the Delta Dental Plan that would allow employees that have dependents under age 26, currently not covered under their plan, to enroll in the plan effective January 1, 2010. The Board was in agreement to accept this change as provided as there are no additional charges to the County.

**EXTENSION MEMORANDUM OF UNDERSTANDING:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Vice-Chairman to sign the Cooperative Extension Service and Counties of South Dakota Memorandum of Understanding. Motion Carried.

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

**CONSERVATION DISTRICT:** Moved-Seconded (Ewing-Thompson) To approve and authorize the Vice-Chairman to sign a letter of support for the Lawrence Conservation District. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Ewing-Thompson) to set a supplemental budget for October 12, 2010 at 10:00 a.m. for the Coroner Professional Services budget for \$10,000. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to set a supplemental budget for October 12, 2010 at 10:00 a.m. for the Jail Medical budget for \$50,000. Motion Carried.

**POWDER HOUSE PASS COMMUNITY IMPROVEMENT DISTRICT:** Moved-Seconded (Thompson-Weisenberg) to set a public hearing for the Community Improvement District for Powder House Pass for November 9, 2010 at 10:30 a.m. Motion Carried.

**PENNY LANE ROAD DISTRICT:** The Board recognized the receipt of the Penny Lane Road District Application for Organization.

**MOUNTAIN PINE BEETLES & COMMUNITY WILDFIRE PLAN UPDATE:** Bill Coburn, Timber Committee, was present to discuss the Mountain Pine Beetle infestation and Community Wildfire Update. Coburn suggested using Title III funds to help fund the Wildfire Plan Update. The Board stated the 45 day comment period is currently in process to spend Title III funds.

**MOUNTAIN PINE BEETLE DECLARATION:** Dave Heck, Invasive Species Supervisor, was present to discuss a Resolution Declaring the Mountain Pine Beetle as a nuisance and the importance of passing the resolution and beginning the process to manage the Mountain Pine Beetle infestation. Heck discussed SDCL 38-22; 41-20 & 41-21 and how it pertains to the situation in the Black Hills. Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice-Chairperson to sign the following Lawrence County Resolution #2010-20. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 10-20 A RESOLUTION DECLARING MOUNTAIN PINE BEETLE TO BE A PUBLIC NUISANCE WITHIN LAWRENCE COUNTY CONSTITUTING A SERIOUS THREAT TO THE FOREST AND TREE RESOURCES OF THE COUNTY WHEREAS, certain forest insects, like Mountain Pine Beetle, when allowed to increase to epidemic proportion, can cause serious damage to the forest and tree resources of the Lawrence County to the degree constituting a public nuisance; WHEREAS, many forested areas within Lawrence County are subject to Mountain Pine Beetle infestation at an epidemic level; WHEREAS, areas affected by the Mountain Pine Beetle include many tracts of privately owned forest lands; WHEREAS, it is necessary to ensure adequate control of the Mountain Pine Beetle on all lands regardless of ownership; WHEREAS, SDCL 41-21-1 declares that is the purpose of SDCL Ch. 41-21 to establish provisions whereby action can be taken to ensure that an adequate level of forest insect control is accomplished on all privately owned lands, and to establish the maximum state federal cost share assistance to a private landowner for such control; WHEREAS, SDCL 41-21-3 provides that a board of county commissioners may declare a forest insect to be a public nuisance within its jurisdiction when in the opinion of the board such insect constitutes a serious threat to the forest and tree resources of the county; and WHEREAS, SDCL 41-21-8 provides that the state forester may declare a forest insect emergency area, whereby the state may incur the total control cost out of any funds made available for this purpose by the Legislature; NOW THEREFORE, BE IT RESOLVED, in the opinion of the Lawrence County Commission, the Mountain Pine Beetle constitutes a serious threat to the forest and tree resources of Lawrence County; and BE IT FURTHER RESOLVED, that the Mountain Pine Beetle constitutes a public nuisance within Lawrence County; and BE IT FURTHER RESOLVED, the Lawrence County Commission hereby requests that the state forester declare Lawrence County as a forest insect emergency area owing to the Mountain Pine Beetle epidemic, and accordingly the state shall incur the total control cost out of any available funds made available for this purpose by the Legislature for the control of this insect on affected privately owned lands within Lawrence County. Dated this 28th day of September, 2010. FOR THE BOARD: Daryl Johnson, Vice Chairman. ATTEST: Connie Atkinson, AUDITOR

**JAIL POLICY CHANGE:** Bruce Outka informed the Board of a change to the Jail Policy regarding inmate mail. The County will provide a post card to inmates for mail purposes instead of paper and envelopes to save in supplies and postage cost. If it is legal correspondence the County will then provide paper and envelopes.

**EMERGENCY OPERATIONS PLAN:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Vice-Chairman to sign the Emergency Operations Plan Certificate of Adoption. Motion Carried.

**AIRPORT RULES, REGULATIONS & MINIMUM STANDARDS ORDINANCES:** First Reading and a Public Hearing was held on the Airport Rules, Regulations & Minimum Standards Ordinances. No public input was voiced and the hearing was closed. Thompson asked if there is a violation who it is reported to. Outka stated it is first reported to the Airport Manager and if in criminal nature will be forward to the Sheriff's Office and States Attorney. Thompson questioned who would be able to perform flight checks. The Airport Rules and Regulations & Minimum Standards would be used to qualify who could perform commercial flight checks. The public hearing was closed. The Second Reading will be October 12, 2010.

**STURGIS EXTRA-TERRITORIAL JURISDICTION:** 10:16 a.m. Moved-Seconded (Ewing-Thompson) to go into executive session for legal consultation with Bruce Outka. Motion Carried. 10:39 a.m. the Board re-opened for business. Outka explained that a plat was taken to the Register of Deeds office to be filed that was approved at the City of Sturgis pertaining to land within the proposed Sturgis Extra-Territorial Jurisdiction. Outka stated he instructed the Register of Deeds to not accept the plat as it was not approved by Lawrence County. Outka stated the landowner would need to present the plat to Lawrence County to be approved as the County doesn't recognize the Sturgis Extra-Territorial Jurisdiction. Outka stated the Landowner would be required to pay the fee charged by Lawrence County unless waived by the Commission. The Commission was in agreement that the fee would need to be paid to Lawrence County for the platting. The Commission stated it was unfortunate that the landowner is forced in the middle of the issue.

**HIGHWAY BUSINESS:**

**UTILITY PERMIT:** Moved-Seconded (Weisenberg-Ewing) to approve the Utility Permit for SDN Communications from the intersection of Colorado Blvd & Christensen Drive, S24&25, T6N, R2E for a buried fiber optic cable. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Ewing-Weisenberg) to approve the Utility Permit for SDN Communications from Hwy 14 & Kirk Road intersection, S4, T4N, R3E for a buried fiber optic cable. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Thompson-Johnson) to approve the Utility Permit for SDN Communications from Hwy 385 intersection, S33, T5N, R3E for a buried fiber optic cable. Motion Carried.

**CRACK SEALING:** Moved-Seconded (Ewing-Weisenberg) to follow the State Bid and contract with Highway Improvement to do crack sealing on the 014A (Service Road, starting at the Wyoming border to Exit 10 in Spearfish) and 110A (Whitewood Valley Road). Motion Carried.

**SAFETY AWARD:** Daryl Johnson presented Paul Thomson the Gold Level and Platinum Level for the Safety Award from SDML Safety Benefits. Thomson stated the Safety Committee and the Employees have worked very hard to achieve these levels.

**PLANNING & ZONING**

**ORDINANCE #10-04 PLANNING AND ZONING DEPARTMENT SIGN REGULATIONS:** First Reading and a Public Hearing was held on proposed ORDINANCE #10-04 Planning and Zoning Department Sign Regulations. No public input was voiced and the Public Hearing was closed. Second Reading will be held October 12, 2010 at 9:10 a.m.

**ORDINANCE #10-07 REGULATIONS FOR CHANGE TO THE TEXT CHANGE**

**AMENDMENTS PROCESS:** First Reading and a Public Hearing was held on proposed ORDINANCE #10-07 Regulations For Change To The Text Change Amendments Process. No public input was voiced and the hearing was closed. Second Reading will be held October 12, 2010 at 9:20 a.m.

**CONDITIONAL USE PERMIT#392 / TERRY & COLLEEN SCHMITZ:** A public hearing was held on an Application for Conditional Use Permit #392 for Terry & Colleen Schmitz, Description: Lot 2, N1/2SW1/4NE1/4 Ex Lot A, Section 1, T2N, R5E, Location: Off Nemo Road in SE corner of County. Purpose: Allow 2nd residence for family member, Zoning: PF. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-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 #392 for Terry & Colleen Schmitz. Motion Carried.

**CONDITIONAL USE PERMIT #390 / JIMMY & TAMARA MONTIETH:** A public hearing was held on an Application for Conditional Use Permit #390 for Saddle Mountain Church/ Jimmy & Tamara Montieth, Description: 62.5 acres in Section10, T6N, R3E., Location: North of Elkhorn Ridge Golf Course, off St. Onge Road., Purpose: Church, Zoning: A-1. Brian Hall was present to discuss the request for Conditional Use Permit. Hall stated they would only request tax exempt status on the building and small area around it and would not be applying for all acreage. Hall stated they are requesting that the County Road Specifications on the driveway be waived.

Jayna Watson, City of Spearfish, was present and stated they have chosen a reasonable location and stated a concern they have is dust control. Watson stated they have been handling this adequately at this point. Watson stated if this is a private drive they would not be addressing the road.

George Opitz, neighboring landowner, stated they keep a clean place and stated he appreciated the tax exempt position they are taking. The public hearing was closed.

The Board discussed the private driveway and questioned if the County can even impose specifications on private drives. The Board discussed having two conditional use permits for the same purpose. Hall stated they would only be utilizing the second one once the one on Deer Mountain is cancelled.

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, (with the elimination of condition #23 requiring the driveway to be up to County specs), as on file in the Planning and Zoning Office Conditional Use Permit #390 for Saddle Mountain Church/ Jimmy & Tamara Montieth. Motion Carried.

**ANNUAL REVIEW:**

**CONDITIONAL USE PERMIT #363 DENNIS REHORST:** An annual review was held for CUP #363 for Dennis Rehorst second Residence. No complaints were received

**CONDITIONAL USE PERMIT #383 CHARLES WENNBERG:** An annual review was held for CUP #383 Charles Wennberg second Residence. No complaints were received

**BILLS:** Moved-Seconded (Ewing-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-\$6,474.07; Aud-\$7,568.65; Treas-\$10,120.30; Comp-\$7,631.04; States Atty-\$12,599.73; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,164.94; Equal-\$13,639.81; Rod-\$7,866.38; Vso-\$1,175.74; Disp-\$12,686.88; Sher-\$35,082.72; Jail-\$22,731.01; Emerg Mgnt-\$3,459.61; E911-\$1,652.00; Highway-\$36,993.80; Air-\$1,327.20; MH Serv-\$82.00; Ext-\$1,517.04; Weed-\$1,932.14; Pz-\$4,539.37; **Bills:** Rans,Amy-\$195.37; Larson,Rene-\$426.38; Mcgruder,Brenda-\$139.86; Rombough,Debra-\$66.60; Schuchmann,Bernard-\$55.50; Thomson,Paul-\$71.57; Walker,John-\$59.95; 3d Specialties-\$653.04; A&B Business Equip-\$1,056.70; A&B Welding Supply-\$35.98;

A&I Distributors-\$3,215.35; A-Z Shredding-\$54.20; Abc Business Supply-\$1,193.16; Accurint Account-\$75.00; Air Connection-\$113.43; Alco Store-\$34.96; Aldinger, Kendall-\$242.40; Alltel-\$818.93; Amcon Distributing-\$203.69; At&T-\$38.40; BH Chemical Company-\$754.85; BH Federal Credit Union-\$9,900.00; BH Land Analysis-\$607.50; BH Pest Control-\$95.00; BH Pioneer-\$1,187.98; BH Power-\$9,779.78; BH Windshield Repair-\$50.00; Best Western Of Huron-\$279.00; Best Western Ramkota Hotel-\$243.00; Black Hills Pure-\$11.50; Bob Barker Company-\$204.66; Brady Pluimer-\$1,506.53; Breit Law Offices-\$176.00; Butler Machinery Co-\$1,852.81; Butte Electric Coop-\$169.27; Campbell Co Sheriffs Off-\$30.00; Campbell Supply-\$804.20; Carls Trailer Sales-\$340.48; Carol Butzman Consulting-\$677.93; Cedar Shore-\$145.50; Central Parts-\$1,789.37; Century Business Products-\$675.41; Certified Laboratories Div-\$219.20; Chemical Sanitizing Sys Ltd-\$75.17; Christensen Law Office-\$507.20; Clark Printing-\$365.86; Correctional Billing-\$16.25; Crawford Supply Company-\$279.36; Dakota Radiology-\$24.84; Dakota Security Systems-\$145.13; Deadwood Thymes Cafe & Bistro-\$90.00; Dena Sheets Property Mgmt-\$400.00; Dept Of Hlth Lab Services-\$153.00; Dept Of The Treasury-\$48,029.41; Diamond Mowers-\$488.51; Dietrich, Donna-\$137.06; Douglas County Clerk Of Crts-\$2.75; Ds Solutions-\$50.00; Ed Roehr Safety Products-\$209.26; Eddie's Truck Sales/Serv-\$659.21; Eke-\$17,421.02; Election Sys & Software-\$6,158.92; Ellingson, Joseph-\$308.64; Et Sports-\$219.27; Evercom Systems-\$2,236.00; Farm Plan/Rdo-\$216.99; Fastenal-\$922.08; Fidler-Isburg Funeral Chapel-\$1,170.00; First Interstate Bank-\$33.25; Fleet Services-\$985.73; Frederickson, John R-\$393.60; Fsh Communications-\$60.00; Genpro Power Systems-\$259.96; Governors Inn-\$720.00; Great Western Tire-\$754.02; H&S Sand & Gravel-\$473.11; Hamann, Chris-\$315.00; Havemeier, Leslie-\$91.20; Hawki, Ken-\$82.00; Hillside Disposal Service-\$75.00; Holiday Inn City Centre Sf-\$70.00; Horn Law Office, Prof-\$196.60; Hosmer, David M Law Office-\$114.75; Jacobs Precision Welding-\$399.48; Johnson, Rodenbrug&Lauinger-\$225.00; Kadrmas, Lee And Jackson-\$1,038.69; Keefe Supply Company-\$179.84; Knecht True Value-\$1,571.16; Knology-\$1,686.17; Koala Electric-\$94.26; Kooistra, Nelva-\$15.00; LC Sheriff-\$495.00; LC Treasurer-\$11.00; Lar-Jo's-\$43.68; Lead, City Of-\$403.64; Lead-Deadwood Regional Hospital-\$2,803.32; Lewis & Clark Bhs-\$142.00; Mack's Auto Body Llc Corp-\$11,907.65; Manlove Psychiatric Group-\$2,025.00; McArthur, Janet-\$135.00; McClure, Susan-\$225.00; Mcpherson Propane-\$69.00; Meade County Sheriff-\$31.60; Microfilm Imaging Systems-\$1,285.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$39.46; Nebraska Salt & Grain-\$21,678.28; Nelson, Christy-\$135.00; Neustar-\$122.28; Neve's Uniforms-\$1,319.40; Occupational Health Network-\$199.40; Office Of Child Support-\$403.38; Office Technology/Supply-\$589.90; Pennington Co Jail-\$1,230.35; Pennington County Sheriff-\$357.73; Pitney Bowes-\$1,197.00; Powerplan-\$385.10; Program Works-\$80.00; Pronto Auto Supply-\$63.97; Pump House Coffee & Deli-\$312.80; Quik Signs-\$106.60; Qwest-\$1,293.70; RC Finance Office-\$3,325.00; Radio Shack/Kazco-\$963.92; Radiology Associates-\$32.06; Regional Health-\$1,108.00; Regional Health Physicians-\$243.86; Reh fuss, Cathryn-\$15.00; Reindl, Staci-\$1,262.80; Rocket Lube-\$237.17; SD Planners Association-\$380.00; Safeway-\$103.49; Scott Peterson Motors-\$1,719.16; Sdrs Supplemental Retirement-\$1,354.00; Sdsu Ces-\$180.00; Secretary Of State-\$30.00; She-\$1,000.00; Servall Towel & Linen-\$751.01; Seward & Odenbach-\$5,529.54; Sign Express-\$271.42; Spearfish Auto Supply-\$161.99; Spearfish Police Dept-\$2,109.81; Spearfish Regional Hospital-\$521.12; Stretch's Glass & Mirror-\$135.00; Subway-\$7.98; T & W Appliance/Knothole-\$279.73; Tellinghuisen & Gordon-\$577.57; Tigerdirect-\$2,094.34; Triple K Tire & Repair-\$596.21; Turbiville Industrial Electric-\$74.46; Twin City Hardware & Lumber-\$759.49; US Geological Survey – Doi-\$15,640.00; US Identification Manual-\$82.50; Verizon Wireless-\$96.17; Victims Of Violence-\$1,930.00; Warne Chemical-\$263.20; Waste Connections-\$213.16; Watertree-\$44.00; Wells Fargo Business Card-\$1,373.95; West Group-\$705.61; Western Communication-\$60.50; Western Sd Juvenile Serv-\$13,700.00; White Drug-\$435.94; Wolff's Plumbing & Heating-\$270.63; Xerox Corporation-\$66.32; **Witness & Juror:** Aiken, P-\$64.80; Anderson, K-\$62.58; Bristow, B-\$62.58; Daum, J-\$58.88; Douglass, B-\$70.72; Erion, R-\$61.10; Halsey, K-\$63.32; Heintz, D-\$59.62; Huhnerkoch, T-\$58.14; Koski, J-\$64.80; Lammers-Camp, C-\$71.46; Luecke, P-\$52.22; Rodriguez, R-\$61.10; Ryan, A-\$53.70; Simpson, R-\$52.96; Thorpe, S-\$52.96; Vanveghel, R-\$55.92; Ladner, M-\$31.10; Anderson, T-\$27.40; Chandler, S-\$22.22; Bouta-Hannah, J-\$27.40; Fitzgerald, D-\$22.22; Garness, C-\$34.06; Jassman, J-\$20.18; McBride-Bear Killer, D-\$33.32; Peyton, B-\$32.58; Siemonsma, J-\$38.50; Weisser, P-\$97.70

**ADJOURN:** 11:07 a.m. there being no further business it was Moved-Seconded (Ewing-Johnson) to adjourn. Motion Carried.

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Date Approved

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 8, 2010**

Connie H. Douglas called the special meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 8, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, and Terry Weisenberg present Tommy Thompson was absent.

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

### **CHANGE OF ZONING # 291- CONCEPT PLAN & MASTER PLAN / POWDER HOUSE**

**PASS:** 1<sup>st</sup> Reading and a Public Hearing was held on COZ # 291, Concept Plan, and Master Plan for Powder House Pass from PF to PUD for Multi Zoned Development, Owner/Representative: BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter

Description: (See application for full legal description), Location: Hwy 85 next to Wilderness Estates, Purpose: To create a multi zoned development, Zoning: PF. One hearing was held on three requests being the Concept Plan, Master Plan and Change of Zoning.

John Frederickson, Attorney for Black Hills Development LLC, was present for the Hearings. Greg and Jennifer Kaschmitter introduced Al Block and Brad Ellis as the other members of their team that were in attendance. Kaschmitter's presented the history of their land development in Lawrence County and stated a water agreement should be signed today with the Lead/Deadwood Sanitary District.

Al Block, civil engineer, reviewed the master plan, concept plan and Change of Zoning #291 request as on file in the Planning and Zoning Office. Block stated they are petitioning for a Community Improvement District and he reviewed the sewage and water treatment plants as they are anticipating. Douglas questioned how much of the acreage will be disturbed before it is developed. Block stated the only disturbance expected at this time would be to accommodate the fire plan for the development. Block presented a slide show on the Powder House Pass.

Mr. Kaschmitter stated they are donating 90 acres to game fish and parks for a conservation easement for screening between the highway and the development. Kaschmitter stated they would be moving the snowmobile parking lot to better serve the community.

Amber Vogt, Planning and Zoning Director, noted the letters received recently from Dick Lee and Jason & Jennifer Erickson.

Ross Ortman, neighboring landowner, stated he is excited with this project and the quality of the proposed development, referencing a unified look through the entire area.

Tom Huhnerkoch, expressed concerns for the land, animals and water. Huhnerkoch expressed the need for an Impact statement. Richard Fort, expressed concerns on losing the rural landscaping in the Black Hills. Fort stated the current zoning of Park Forest would allow them to still develop their property profitably and stated they are creating a new town in an area that has never had such a development. Fort asked the Board to put this change of zoning request on the ballot so the citizens of the County can vote on the issue. Fort expressed concerns on water issues and the need to pump water from the creek.

Donna Watson questioned the need for this new town. Watson stated there are many lots and homes for sale and wondered where the people will come from. Watson asked when the development will stop as that is all you see now when you drive through the hills.

Daryl Johnson asked how many separate acreages are included in this proposal. It is estimated that 100-120 separate acreages are included. The Board discussed the affect of separate septic systems if developed individually. Connie Douglas questioned the requirement for an impact statement. Vogt stated it is not required in the County ordinances. Frederickson stated if a project is proposed the state can require a statement. Frederickson stated an environmental survey was done for the proposed Community Improvement District.

Terry Weisenberg asked if a project would be sold in phase one and another in phase two. Kaschmitter stated this is a 20-30 year project and will be developed as the market dictates. Bob Ewing questioned the water system. Kaschmitter stated they would be connecting to the main water system for the Lead/Deadwood Sanitary District. Kaschmitter stated they will be allowed to sell the

water to the Black Forest Ranch Estates. Frederickson stated the development would be receiving raw water from the sanitary district and they will then need to treat the water before use. Frederickson stated if it is necessary for the Lead/Deadwood Sanitary District to pump from Hanna the development would be required to pay the additional expense.

Johnson stated this development would be included in the Lead Fire Protection District. Kaschmitter stated they would be paying into the district through property taxes and would look at the need in the future to have a substation.

Douglas encouraged anyone having concerns to speak at the public meeting and not just personally call them on the phone. She expressed concerns on the land and affects of septic systems and stated they have more control with a planned unit development. Douglas stated the County Commissioner's are elected to make decisions and the citizens can refer their decisions if they are not happy with the outcome. Douglas stated the public hearing will remain open for the second reading on the 19<sup>th</sup> of October.

Vogt asked if the applicants could send their application in digital format so it can be posted on the County Web Site. The applicants presented a CD of the information. Vogt stated it should be available on the web site later in the day on a read-only basis.

**ADJOURN:** 9:10 a.m. there being no further business it was Moved-Seconded (Ewing-Douglas) to adjourn. Motion Carried.

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

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 12, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 12, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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-Ewing) to approve the minutes of September 28, 2010 and October 8, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve Julie Rakow as a full time Secretary G3 to fill the position vacated by Laurie Vrem at the base rate of \$15.60 an hour, effective 10-10-2010. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve a cell phone allowance of \$104.00 a month for Katie Tkach, effective 10-1-2010. Motion Carried.

**NURSE CONTRACT:** Joe Harmon stated he will be bringing a contract for nursing services with Wendy Janke at a future meeting.

### **TRAVEL REQUESTS:**

**EMERGENCY MANAGEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Rob Mattox, Brownsville Fire Chief, to attend the Hazmat training in Reno, NV. This will be reimbursed 100% through SD Homeland Security Grant funds. Motion Carried.

### **FEMA TRAVEL REQUEST & TRAINING APPLICATION:**

Moved-Seconded (Thompson-Ewing) to approve the travel request and training application for Amber Vogt and/or Jeff Schroeder to attend the EMI Course E273 Managing Floodplain Development through the NFIP in Maryland. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2010 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)-\$68,899.39; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,306.24; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,200,000; Savings \$2,289,197.68, Money Market \$528,411.90; Bank Balance-\$2,842,169.21; Total \$10,934,194.41.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of September 30, 2010 is \$1,502,473.30 or 11.44%.

### **AUTOMATIC SUPPLEMENTS:**

**REGISTER OF DEEDS:** Moved-Seconded (Johnson-Douglas) to approve the automatic supplement for the Register of Deeds Supplies for \$4,162.45 for grant funds received. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** A public hearing was held on a request for supplemental budget for Coroner Professional Services budget for \$10,000 and Jail Medical budget for \$50,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairman to sign the following Resolution #2010-21. Motion Carried.

RESOLUTION #10-21 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Coroner Professional Services budget -\$10,000; Jail Medical budget for \$50,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 12 day of October, 2010 at the hour of 10:00 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 12 day of October, 2010. FOR THE BOARD OF COUNTY COMMISSIONERS. Connie Douglas, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Ewing-Douglas) to set a supplemental budget for November 9, 2010 at 8:15 a.m. for the Extension Insurance budget for \$1,650. Motion Carried.

**WILD TURKEY SUBDIVISION:** Ewing excused himself. James Leonhardt discussed road access in the Wild Turkey Subdivision. Leonhardt stated a gate has been installed at the end of Gobbler Lane and Moller Road and he would like to have the gate removed. Outka stated this was a dedicated public right-of-way, supposed to be a secondary road access and the gate can't be locked. Outka stated they do have other access to the subdivision. Leonhardt stated the gate is not accessible by all as the elderly and younger drivers are not able to open or close the gate. He requested that the Sheriff's Office enforce SD State Law and make them take the gate down. Discussion followed on the responsibility of the County and history of the road in question. Douglas stated the Sheriff's Office has contacted the development and the lock was removed. Douglas stated this is a private issue between landowners. Moved-Seconded (Weisenberg-Thompson) To have Bruce Outka look into the matter and request an attorney general's opinion on the issue. Motion Carried.

**HIGHWAY BUSINESS:**

**FUEL QUOTES:**

The following fuel quotes were submitted as of September 27, 2010: Spearfish Diesel 3200 Gallons: (prices per gallon) CBH Coop. \$2.479\*, Southside Oil – \$2.51; (\*represents lowest quote). Unleaded 800 Gallons: (prices per gallon) CBH Coop. \$2.528\*; Southside Oil - \$2.53; (\*represents lowest quote). Deadwood Diesel 5250 Gallons: (prices per gallon) CBH Coop. \$2.479, Southside Oil – \$2.46\*; (\*represents lowest quote). Unleaded 5400 Gallons: (prices per gallon) CBH Coop. \$2.528; Southside Oil - \$2.50\*; (\*represents lowest quote). Whitewood Diesel: (prices per gallon) CBH Coop. \$2.499\*, Southside Oil – \$2.51; (\*represents lowest quote).

**RECREATION PATH:** Kyle Mathis and Tonya Vig, City of Spearfish, were present to discuss a recreation path in the Winterville Road Right-of-way. Mathis stated they are requesting access for a parking lot and 500 ft easement on county right-of-way for a recreation path. Birk stated he was not in support of using the highway for a recreation trail. Birk stated if the City of Spearfish takes over the road then it would be their choice to make. Birk suggested the Board adopt a resolution taking the portion of Canyon Road and Winterville Road in question off of the County Road System and give to the City of Spearfish. Johnson stated the County needs to get answers first on liability issues

before the County approves any recreation path. The Board was in agreement that the City needs to take over the portion on the Winterville Road in question. The Board asked Outka and Birk to work with the City of Spearfish on the issue.

**AIRPORT RULES, REGULATIONS & MINIMUM STANDARDS ORDINANCES:** Second Reading was held on the Airport Rules, Regulations & Minimum Standards Ordinances. Thompson questioned the standards for providing lessons and flight checks. Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the Airport Rules, Regulations & Minimum Standards Lawrence County Ordinance. Motion Carried. Aye-Ewing, Johnson, Weisenberg and Douglas. Nay-Thompson

LAWRENCE COUNTY ORDINANCE: BE IT ORDAINED by the Lawrence County Board of County Commissioners that there is hereby adopted the following rules and regulations intended to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport. Dated this 12<sup>th</sup> day of October, 2010. BY THE BOARD: Connie H. Douglas, Chairman. Daryl Johnson, Bob Ewing, Terry Weisenberg Tommy Thompson. ATTEST: Connie Atkinson, Auditor.

LAWRENCE COUNTY ORDINANCE: BE IT ORDAINED by the Lawrence County Board of County Commissioners that there is hereby adopted the following minimum standards intended to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport. Dated this 12<sup>th</sup> day of October, 2010. BY THE BOARD: Connie H. Douglas, Chairman. Daryl Johnson, Bob Ewing, Terry Weisenberg Tommy Thompson. ATTEST: Connie Atkinson, Auditor.

**A RESOLUTION CREATING A TRANSITION POLICY FOR MANAGEMENT OF THE LIST OF NAMES OF THOSE PERSONS WAITING TO LEASE COUNTY OWNED HANGARS:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2010-22. Motion Carried.

A RESOLUTION CREATING A TRANSITION POLICY FOR MANAGEMENT OF THE LIST OF NAMES OF THOSE PERSONS WAITING TO LEASE COUNTY OWNED HANGARS: WHEREAS, Lawrence County (the "County") owns and offers for lease, from time to time, County owned hangars situated at Black Hills Airport/Clyde Ice Field (the "Airport"); WHEREAS, the County's policy for maintaining and prioritizing the names of persons interested in County owned hangars (the "Old List") has been modified and a new method of tracking names (the "New List") has been adopted and formally incorporated into the Rules and Regulations for Black Hills Airport/Clyde Ice Field (the "Rules and Regulations") as revised and adopted October 12, 2010, as Section XIII of the Rules and Regulations; and WHEREAS, owing to the enactment of Section XIII of the Rules and Regulations, a method of transitioning the names of interested persons from the Old List to the New List for purposes of implementing Section XIII, referenced above, is required; NOW THEREFORE, BE IT RESOLVED, in order to facilitate a fair and equitable transition from the "Old List" to the "New List", the Airport Manager shall attempt to contact all such persons on the "Old List" advising them of the "New List" policy and procedure as of the effective date of the new policy. All such persons shall be offered the opportunity to transfer their current priority position from the "Old List" to the "New List". All such persons shall be given 30 days to confirm, in writing with the Airport Manager, their continued interest in a hangar space and shall be required to remit the \$250.00 fee established in the new policy in order to transfer their respective priority position to the "New List". Any person who cannot be contacted, or who does not express continued interest in having their name on the List, or who does not follow the confirmation steps established above in a timely fashion shall not be added to the "New List". Dated this 12 day of October, 2010. OR THE BOARD: Connie H. Douglas, Chairman. ATTEST: Connie Atkinson, AUDITOR

**AIRPORT STANDARD LEASE AGREEMENT FOR COUNTY-OWNED HANGARS:** Moved-Seconded (Johnson-Ewing) to approve the Airport Standard Lease Agreement Form to be used for future leases of county owned hangars, and note that any lease needs to be ratified by the County Commission. Motion Carried.

**BLACK HILLS VISION:** Mike Derby and Jim Aberle, Black Hills Vision, were present to request funding and discussed past and future projects. Derby asked that the Board reconsider funding to Black Hills Vision. Aberle stated they will not be hiring a full-time staff person but some funding may go towards personnel, contracts for professional services, and etc. Douglas

stated anyone putting funds into the fund should be represented on the Board. Douglas questioned that funds have not been designated at this time and feels it is important to have designated projects. Derby stated they are requesting a pledge of \$10,000 a year for five years. Johnson stated he has seen the importance of Black Hills Vision in promoting the Lab, affordable housing, and the other projects. The Board discussed the budget concerns of the County.

Moved-Seconded (Weisenberg-Johnson) To transfer \$10,000 from the 2010 contingency funds to Commissioners Professional Services and give \$10,000 to Black Hills Vision for the first payment and pledge \$10,000 a year for 2012, 2013, 2014, and 2015. Aye-Johnson, Weisenberg and Thompson. Nay-Ewing and Douglas. Motion Carried.

**VETERANS MEMORIAL:** Jim McGinnis was present to discuss a Veterans Memorial on County Courthouse Property. McGinnis stated they will raise the funds themselves and ask that they be allowed to put the memorial on Courthouse Property. The Board stated this would be a great thing but needs to encompass all Veterans. Moved-Seconded (Ewing-Weisenberg) To designate a spot on the Courthouse Property for the memorial, contingent upon the Board giving final approval of the wording on the monument. Motion Carried. The Board will discuss with the Building and Grounds Department possibly installing a light for the memorial.

**DITCH CLOSURES / OFF ROAD VEHICLES:** The Board discussed ditch closures to off-road vehicles on County Roads due to damages. Thompson stated he has received complaints from residents from Nemo on damage to the ditches in the area and would like to have a public hearing on the issue. Joe Harmon, Chief Deputy Sheriff, stated it would be hard to enforce and monitor. The Board discussed the cost to the County to sign the areas involved, enforcement, and lack of formal complaints. Thompson stated they will be having a meeting in Nemo to discuss the issue. No action taken at this time.

**MOUNTAIN PINE BEETLE EPIDEMIC:** Dave Heck, Invasive Species Supervisor, was present to discuss the Mountain Pine Beetle Epidemic. Heck presented the Beetle Management Plan and reviewed the mitigation approach. The Board discussed options available for funding a Beetle Management Plan. The Board is currently in the comment period for title III funds. Bill Coburn, Timber Committee was present to express concerns on the proposed plan. Heck stated education is so important to the landowners. Coe Foss, State Department, was present to comment on a possible state comprehensive plan. Foss stated they will survey private lands at landowners request to check for Mountain Pine Beetles. Douglas requested that Heck meet with the Timber Committee to work out the details of the plan and bring back to the Board at the next meeting.

### **PLANNING & ZONING**

Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters

**ORDINANCE #10-04 PLANNING AND ZONING DEPARTMENT SIGN REGULATIONS:** Second Reading was held on proposed ORDINANCE #10-04 Planning and Zoning Department Sign Regulations. Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to sign Ordinance #10-04 Planning and Zoning Department Sign Regulations. Motion Carried.

### **ORDINANCE #10-07 REGULATIONS FOR CHANGE TO THE TEXT CHANGE**

**AMENDMENTS PROCESS:** Second Reading was held on proposed ORDINANCE #10-07 Regulations For Change To The Text Change Amendments Process. Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign Ordinance #10-07 Regulations For Change To The Text Change Amendments Process. Motion Carried.

**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-\$6,474.07; Aud-\$7,573.63; Treas-\$9,869.42; Comp-\$7,631.03; States Atty-\$12,600.68; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,177.96; Equal-\$13,684.25; Rod-\$8,117.26; Vso-\$1,175.74; Disp-\$11,903.41; Sher-\$32,667.04; Jail-\$20,979.78; Emerg Mgmt-\$3,456.61; E911-\$1,655.00; Highway-\$36,980.48; Air-\$1,087.20; Mh Serv-\$164.00; Exten-\$1,366.56; Weed-\$2,204.06; Pz-\$4,313.37; **Bills:** Dean,Brian-\$152.00; Rans,Amy-\$299.40; Mowell,Richard-\$7,170.00; Rombough,Debra-\$409.80; Thomson,Paul-\$49.00; Brennan,Seth-\$16.50; American Family Life-\$3,361.19; BH Federal Credit Union-\$9,900.00; Breit Law Offices-\$176.00; Deadwood Recreation Center-\$355.00; Delta Dental Of South Dakota-\$5,970.34; Dept Of The Treasury-\$46,083.78; Hartford-Priority Accounts-\$1,302.76; Johnson, Rodenbrug & Lauinger-\$225.00; Medica-\$64,488.54; NH Family Ymca-\$314.60; Office Of Child Support-\$403.38; SD Retirement System-\$77,303.37; Sdrs Supplemental Retirement-\$1,354.00; A&B Business Equip-\$367.97; A&B Welding Supply-\$17.98; A&J Supply-\$8.83; Abc Business Supply-\$920.71; Accurint Account-\$75.00; Active Data Systems-\$3,679.00; Alert-\$395.00; Amcon Distributing-\$264.65; American Bar Association-\$170.00; BH Chemical Company-\$985.59; BH Land Analysis-\$720.00; BH Pioneer-\$642.57; BH Power-\$529.05; BH Regional Eye Insitute-\$75.92; Balkenhol, Ferd-\$600.00; Best Business Prod-\$20.80; Best Western Sundowner-\$372.00; Bickle's Truck & Diesel-\$239.40; Black Hills Pure-\$11.50; Butler Machinery Co-\$1,405.57; Butte Electric Coop-\$335.33; Cbh Cooperative-\$11,829.45; Central Parts-\$1,440.22; Chain Saw Center/Dakota Equip-\$23.87; City/County Alcohol & Drug-\$1,400.00; Clinical Lab Of BH-\$3,603.00; Cook, Tommy-\$49.00; Deadwood Home Center-\$26.04; Deadwood, City Of-\$1,029.80; Dena Sheets Property Mgmt-\$400.00; Eke-\$21,567.04; Et Sports-\$119.99; Extension Service-\$294.63; First Interstate Bank-\$63.80; Fisher Sand & Gravel-\$11,110.33; Foothills Seed-\$255.00; Frederickson, John-\$82.00; Fsh Communications-\$60.00; Gene's Lock Shop-\$557.92; Ginter,Branden-\$49.00; Glover,Bill-\$49.00; Great Western Tire-\$587.93; Hayford,Tate-\$49.00; Havemeier,Leslie-\$20.40; Heartland Paper Co-\$1,162.18; Hewlett-Packard Company-\$2,428.00; Huron Culvert & Tank Co-\$13,372.35; Iron Ridge Properties-\$500.00; Jacobs,Curt-\$338.66; Jilek,Ray-\$364.66; Kadrmas, Lee And Jackson-\$2,940.11; Kennedy, Pier & Knoff-\$314.60; Kinkade Funeral Chapel-\$1,760.00; Knecht True Value-\$139.30; Knology-\$109.20; LC Conservation Dist-\$5,000.00; LC Journal-\$572.87; LC Sheriff-\$110.00; Lead, City Of-\$257.87; Lead-Deadwood Reg Med Clinic-\$44.00; Lead-Deadwood Regional Hospital-\$378.00; Lead-Deadwood Sanitary-\$631.16; Lee,James-\$15.00; Lexisnexis Matthew Bender-\$244.23; Lyle Signs-\$532.45; M&T Fire & Safety-\$2,389.94; Mattox,Rob-\$602.80; Mcclure,Susan-\$135.00; Mcguigan,Curtis-\$49.00; Meade County Sheriff-\$36.80; Montana-Dakota Util-\$1,541.81; NJS Engineering-\$1,707.00; National Assoc Of Counties-\$485.00; Nebraska Salt & Grain-\$9,743.70; Neustar-\$122.28; Neve's Uniforms-\$764.76; Newman Traffic Signs-\$278.90; Nooney Solay & Van Norman-\$3,899.71; Northern Hills Law-\$430.59; Novus-\$385.00; Office Depot-\$379.29; Pennington Co Auditor-\$177.00; Pitney Bowes-\$127.68; Pullen, Orion-\$49.00; Quill Corporation-\$89.98; Qwest-\$95.88; Rabe Elevator-\$761.79; Radio Shack/Kazco-\$7.99; Radiology Associates-\$10.98; Ramada Hotel And Suites-\$875.40; Rapid Delivery-\$10.45; Rapid Reporting-\$111.70; Raubach,Frederick-\$337.14; Regional Behavioral Health-\$762.00; Regional Health Physicians-\$395.25; Reindl,Staci-\$736.94; Rocket Lube-\$112.96; SD Assn Of Co Comm-\$185.00; SD Dept Of Labor Unemployment-\$170.97; SD Human Services Center-\$99.00; SD State Treasurer-\$15,729.05; Safety Benefits-\$180.00; Salzsieder,Milan-\$3,735.00; Servall Towel & Linen-\$312.05; Seward & Odenbach-\$992.97; Silver Legacy Resort & Casino-\$221.37; South Dakota Ltap-\$70.00; Southside Oil-\$26,415.00; Spearfish Auto Supply-\$1,033.59; Spearfish Police Dept-\$12.25; Stone,George-\$3,180.00; Tellinghuisen & Gordon-\$825.67; Thompson Publishing Group-\$428.50; Triple K Tire & Repair-\$1,840.65; Turbiville Industrial Electric-\$399.76; Twilight First Aid & Safety-\$26.85; Twin City Hardware & Lumber-\$190.57; Twl Supplies-\$109.87; Versatile Carpets & Inter-\$87.94; Vopat,Anthony-\$49.00; Waste Connections-\$531.87; Watertree-\$37.50; Wellard,Keith-\$333.86; West River International-\$1,178.65; White Drug-\$452.85; White,Wallace-\$338.66; White's Queen City Motors-\$451.61; Winner Police Department-\$66.00; Wolff's Plumbing & Heating-\$639.98; Xerox Corporation-\$98.30; Yankton County-\$311.25; **Witness & Jurors:** Atyia,J-\$21.92; Forbes,S-\$31.84; Hansen,J-\$51.45; Herrera,A-\$267.90; Smith,C-\$31.84; Newland,C-\$31.84; Sternhagen,A-\$38.50; Whetham,J-\$32.95; Craig,W-\$20.00; Wood,T-\$31.84; Zopp,C-\$37.02; Zopp,D-\$37.02

**ADJOURN:** 11:37 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

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Date Approved

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 19, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 19, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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-Ewing) to approve the minutes of October 12, 2010 County Commission Meeting. Motion Carried.

**PENNY LANE ROAD DISTRICT:** The Board discussed the proposed Penny Lane Road District Order Declaring Area Incorporated And Subject To Vote. Bruce Outka stated there are some issues with the proposed Road District and recommended the Board postpone taking action at this time. John Fredericksen, representing landowners interested in forming the district presented history on the area within the proposed road district and stated they are not against postponing action at this meeting. Moved-Seconded (Johnson-Ewing) to table action on the proposed Penny Lane Road District until November 9, 2010.

**PEARSON SUBDIVISION ROAD DISTRICT:** The Board recognized the receipt of the Pearson Subdivision Road District Application for Organization.

**VETERANS MEMORIAL:** The Board discussed the proposed wording on the memorial and will continue checking on the cost of lighting the memorials.

**MOUNTAIN PINE BEETLE:** Dave Heck, Invasive Species Supervisor, was present to discuss the Mountain Pine Beetle Management Plan. Heck stated Lawrence, Pennington, Meade, Custer, and Fall River Counties will be joining together on the proposed plan and the State will be participating in marking green tree hits. They will begin having meetings to inform the public of the programs available for reimbursement.

Moved-Seconded (Ewing-Weisenberg) to advertise and hire three seasonal employees to mark trees at the base rate of \$11.85 an hour. Motion Carried. Amber Vogt stated Jeff Schroeder will be available to assist Heck in marking of trees.

**AIRPORT RESOLUTION OF INTENT TO LEASE COUNTY OWNED HANGARS & SITES FOR PRIVATE HANGARS:** A public hearing was held on the Counties intent to enter into lease of county owned airport hangars and bare land sites for private hangar construction. George Stone was concerned that there is not a schedule attached to the resolution setting the amount. Bill Hauck questioned where the lease for County hangars is deposited. Brooks Hanna questioned the waiting list for the hangar lease and the \$250 deposit to be put on the list. Hanna asked when he would receive the letter from the Airport Board pertaining to the list. Outka explained this is a new ordinance and the ordinance is currently in the 20 day period before it goes into affect. Johnson stated the letter will be going out as the process is completed. The funds are deposited into the County General Fund to offset expenses to operate the Airport and a schedule is not attached so fees can change without adopting a new ordinance. Johnson stated the County has been raising the lease amounts to try to get close to market rent and still be able to rent to capacity.

Cheryl Johnson, City of Spearfish, asked if the County requires Insurance and if any new hangars will become County property. Outka stated Insurance will be required and explained what options the County will have on the hangars. The public hearing was closed.

Moved-Seconded (Johnson-Thompson) to approve and authorize the Chairperson to sign the following Lawrence County Resolution No. 2010-23 A Resolution Declaring Intent To Enter Into Lease Of County Owned Airport Hangars And Bare Land Sites For Private Hangar Construction. Motion Carried.

**LAWRENCE COUNTY RESOLUTION NO. 2010-23 A RESOLUTION DECLARING INTENT TO ENTER INTO LEASE OF COUNTY OWNED AIRPORT HANGARS AND BARE LAND SITES FOR PRIVATE HANGAR CONSTRUCTION:** WHEREAS, Lawrence County ("County") owns the premises known as Black Hills Airport/Clyde Ice Field ("Airport"); WHEREAS, there are situated on the Airport premises, 42 County owned "T-Hangars" and up to 6 bare lot sites set aside for lease and construction of privately owned hangars; WHEREAS, from time-to-time, "T-Hangars" and bare lot sites become available for lease to private individuals; WHEREAS, the County desires to enter into lease agreements with private individuals for use of the "T-Hangars" and bare lot sites; WHEREAS, the income received from the lease of the "T-Hangars" and bare lot sites for private hangar construction contributes to off-setting the costs of the operation of the Airport and therefore reduces expenses to the County; WHEREAS, the County has adopted a policy for prioritization and allocation of County owned hangars and bare lot sites at the Airport; WHEREAS, the County has developed a standard lease agreement for lease of "T-Hangars" and bare lot sites; WHEREAS, pursuant to SDCL 7-18-32, if the County Commission decides to lease any county-owned property to any private individual for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value it shall adopt a resolution of intent to enter into such lease and fix a time for public hearing the adoption of the resolution; WHEREAS, the "T-Hangar" leases and bare lot leases to be offered by the County shall be for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value; and NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners has given its notice of intent to lease certain County owned property at Black Hills Airport/Clyde Ice Field, from time to time, and that a public hearing on adoption of this Resolution was held on the 19th day of October, 2010, and that notice of said hearing was published in the official newspapers once, at least ten days prior to the hearing; and BE IT FURTHER RESOLVED, that the Board of County Commissioners authorizes the Lawrence County Airport Board and/or the Airport Manager to enter into a lease of County owned "T-Hangars" and bare lot sites at Black Hills Airport/Clyde Ice Field according to the terms and conditions of the standard lease agreement, the Airport Rules and Regulations and Minimum Standards. Dated this 19<sup>th</sup> day of October, 2010. FOR THE BOARD: Connie H. Douglas, Chairman. ATTEST: Connie Atkinson, AUDITOR

**PRE-DISASTER MITIGATION GRANT & CONTRACT:** Moved-Seconded (Ewing-Weisenberg) to approve the application of the Pre-Disaster Mitigation Grant. Motion Carried.

**HOMELAND SECURITY GRANT:** Moved-Seconded (Ewing-Thompson) to approve the application of the 2010 Hazardous Materials Grant. Motion Carried.

**2011 STATE FUNDING AGREEMENT:** Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of Paul Thompson, Emergency Management Director and approve and authorize the Chairman to sign the 2011 FFY2011 State and Local Agreement (SLA) State Funding Agreement. Motion Carried.

**HIGHWAY BUSINESS:**

**RIGHT OF WAY PERMIT:** Moved-Seconded (Weisenberg-Douglas) to approve the Permit to Occupy County Right of Way for Black Hills Power located in T6N, R2E, Section 17 along County Road: McGuigan Road & Buena Vista Road. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Johnson-Thompson) to approve the Utility Permit for Midcontinent Communications on Kerwin Lane from east of HWY 85. Motion Carried.

**RECREATION PATH:** Tonya Vig and Cheryl Johnson, City of Spearfish were present to discuss a recreation path in the Winterville Road Right-of-way. Outka discussed an indemnification agreement with the City of Spearfish to cover the 24' driveway easement and 500' easement on the Winterville Road right-of-way. Outka stated the City of Spearfish has annexed the road on Canyon Road and by operation of law the City of Spearfish has ownership of the Road. The County will remove the roads within the City of Spearfish from the County Road System. Outka will prepare an agreement and bring back to the Board on November 9<sup>th</sup>.

## **PLANNING & ZONING**

### **ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #329 CINDY ARNIO-GILLES:** An annual review was held for CUP #329 Gilles second Residence. No complaints were received

**CONDITIONAL USE PERMIT #381 TARA & ELLEN REDDICK:** An annual review was held for CUP #381 Reddick second Residence. No complaints were received

**CONDITIONAL USE PERMIT #328 SADDLE MOUNTAIN MINISTRIES:** An annual review was held for CUP #328 Saddle Mountain Church. No complaints were received

### **CHANGE OF ZONING # 291- CONCEPT PLAN & MASTER PLAN / POWDER HOUSE**

**PASS:** 2<sup>ND</sup> Reading and a Public Hearing was held on COZ # 291, Concept Plan, and Master Plan for Powder House Pass from PF to PUD for Multi Zoned Development, Owner/Representative: BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter Description: (See application for full legal description), Location: Hwy 85 next to Wilderness Estates, Purpose: To create a multi zoned development, Zoning: PF. One hearing was held on three requests being the Concept Plan, Master Plan and Change of Zoning.

Dick Lee stated he is a resident in the area and moved there to find peace and quiet and this development would impact his quality of life and asked what about his rights. Lee expressed concerns on water issues stating it is an old antiquated flume system and questioned who would have priority on the water demand. He also expressed concerns on damage and maintenance repairs to the water system. Lee stated there would be increased fire danger due to the density of proposed development. Lee continued with concerns to the impact on the road into their subdivision, stating the road is fragile and they need to have something in writing that they will repair the road. Lee asked that further studies be done by hydrologists and other experts so the taxpayer isn't stuck for the next 20-30 years. Lee stated this needs to be scrutinized because they are putting in a city, the size of Lead, in a part of the County that is not easy to maintain. Dick Fort presented his concerns in a written format to the Board and also voicing his issues. Fort stated this area already allows development as long as the "park forest" nature of the area is retained. Fort stated the proposed change of zoning permits the building of a new town in the area. Police protection, fire protection, snow removal, water and waste water, and economic viability were concerns and Fort asked the Board to defer any decision and put the proposed Change of Zoning on a future ballot for the people of the County to vote on.

Lynn Nammenga expressed concerns on fire protection and response time, amount of homes and lots already for sale, lack of children being brought into the area and felt that there would be major expenses for something that probably won't be built. Jim Luze expressed concerns that his quality of life would be affected and also voiced safety issues. Dana Palmateer expressed concerns on the affect of the quality of life, impacts on the school district, loss of home equity in the area and asked the Board to take some time in making a decision. Donna Watson questioned the need for another development and the viability of the development due to the location.

George Stone stated caution is needed as this is a time of recession and this development is a huge gamble with risks. Stone stated he would hate to see if it was only partially developed with roads in and lots for sale but no houses built.

Ron Everett, Gold Corp / Wharf Operation stated he reviewed the plan and it is very comprehensive, well thought out, and is in support of the development. Ross Ortman stated he felt the plan is well thought out and will be developed in stages.

The public hearing was closed and the Board discussed issues and concerns. Douglas questioned the water issues and flume system. The developer stated they are tying into the Lead/Deadwood Sanitary District with underground pipes and there will be storage on hand. They are requesting additional water so neighbors will also be able to tap into the system. Fredericksen explained the legal agreements with the Sanitary District. The Developer explained they own the underlying land under the road to Black Forest Ranch Estates but Black Forest has an easement. They stated they will maintain and improve the road with the intention of paving the road in the future. The Developer stated this will be part of the Community Improvement District that they are trying to

form and the road will become a 66' platted Right-of-Way. The Fire Plan was reviewed for the development and bonding issues were discussed. The Board stated snow removal would not be the responsibility of the County and would be the developments responsibility. The Board discussed waste water management, the fact that this proposed development has been through multiple meetings, the Board has studied literature received and this is planned growth.

**CONCEPT PLAN:**

Moved-Seconded (Weisenberg-Johnson) to follow Planning and Zoning recommendation and approve the Concept Plan for Powder House Pass / BH Development. Motion Carried.

**MASTER PLAN:**

Moved-Seconded (Johnson-Ewing) to follow follow Planning and Zoning recommendation and approve the Master Plan for Powder House Pass / BH Development. Motion Carried.

**CHANGE OF ZONING:**

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of Planning and Zoning and approve Change of Zoning #291 for Powder House Pass / BH Development, LLC. Motion Carried.

**POWDER HOUSE PASS GENERAL DEVELOPMENT AGREEMENT:** A public hearing was held on the Powder House Pass Development Agreement. The proposed general development agreement was reviewed by the Board. No public input as voiced and the hearing was closed.

Moved-Seconded (Johnson-Weisenberg) to follow Planning and Zoning recommendation and approve and authorize the Chairperson to sign the Powder House Pass General Development Agreement. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**TERRY PEAK – VISIBILITY OF SHERIFF'S OFFICE:** The Board discussed a complaint about speeding traffic and four wheelers in the Terry Peak area. The Board discussed encouraging the Sheriff's Office to patrol the County roads around Terry Peak. Johnson will visit with the Sheriff and look at what routes the Sheriff's Office patrols.

**VALLEY CORNER / CROW PEAK BREWERY:** The Board discussed parking issues and the driveway to the Crow Peak Brewery property. The Board asked Dick Birk, Highway Superintendent to install posts to stop traffic from entering onto the road where they are not supposed to. The Board stated they need to use only designated access to the property. Birk suggested the landowner install curb bumpers to keep the property enclosed. Amber Vogt, Planning and Zoning Director, will look at the development plan to see what was designed to be the access points and check compliance.

**FOUR WHEELERS / BORROW PIT:** Thompson stated we will attend the meeting they are having in the Nemo area to see if they want to file a formal complaint of ATV's damaging the ditches.

**BILLS:** Moved-Seconded (Ewing-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-\$6,474.07; Aud-\$7,573.04; Treas-\$10,192.46; Comp-\$7,631.03; States Atty-\$12,600.68; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,178.76; Equal-\$13,562.74; Rod-\$7,795.82; Vso-\$1,175.74; Disp-\$10,976.99; Sher-\$32,396.96; Jail-\$20,316.42; Emerg Mgnt-\$3,542.61; E911-\$1,652.00; Highway-\$37,045.70; Air-\$1,007.20; Ext-\$1,376.52; Weed-\$2,169.05; Pz-\$4,580.17; **Bills:**Dias,Gregory-\$26.87; A&B Business Equip-\$560.20; A-Z Shredding-\$46.10; Abc Business Supply-\$332.18; Albany County Sher Office-\$35.00; Amcon Distributing-\$233.83; At&T-\$1.66; BH Chemical Company-\$348.71; BH Federal Credit Union-\$9,900.00; BH Legal Professionals Assoc-\$35.00; BH Pest Control-\$95.00; BH Physcial Therapy-\$375.00; BH Power-\$8,514.81; Benson Technical Works-\$1,668.75; Best Western Ramkota Hotel-\$77.00; Big Sky Communications-\$85.00; Brady Pluimer, PC-\$1,638.96; Breit Law Offices-\$176.00; Canyon Estates Apartments-\$691.02; Carol Butzman Consulting-\$1,428.65; Dakota Graphics-\$250.00; Dena Sheets Property Mgnt-\$995.00; Dept Of The Treasury-\$45,409.85; Esri-\$2,100.00; Fastenal-\$39.25; Fidler-Isburg Funeral Chapel-\$1,170.00; Fleet Services-\$1,917.14; Frederickson,John R-

\$73.80; Hamann,Chris-\$180.00; Highway Improvement-\$48,713.38; Johnson, Rodenbrug & Lauinger-\$225.00; Lab Safety Supply-\$124.40; Labcorp Of America Holdings-\$50.00; Lawrence Title Company-\$50.00; Lewis & Clark Bhs-\$142.00; Microfilm Imaging Systems-\$1,285.00; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$40.87; Moore Medical Llc-\$79.01; Neve's Uniforms-\$134.93; Office Of Child Support-\$403.38; Paperdirect-\$62.73; Pennington Co Jail-\$1,098.50; Pmb 0112-\$179.70; Qwest-\$1,335.95; RC Regional Hospital-\$2,792.00; Regional Health-\$361.00; Regional Health Physicians-\$66.54; Reindl,Staci-\$3,111.60; Reserve Account-\$6,000.00; Rocket Lube-\$29.74; Sacrison Paving-\$220,052.34; Sdrs Supplemental Retirement-\$1,354.00; Seward & Odenbach-\$328.00; Shell Fleet Plus-\$50.47; Spearfish Alt/Starter Rebuild-\$108.00; Sysaid Technologies-\$494.00; Triple K Tire & Repair-\$176.06; Twin City Hardware & Lumber-\$328.92; United Parcel Service-\$9.03; Verizon Wireless-\$96.12; Wells Fargo Business Card-\$4,037.29; West Group-\$705.61; Western Sd Juvenile Serv-\$9,400.00; White's Queen City Motors-\$706.82; Ziggy's Building Center-\$289.84; **Witness & Jurors:** Goings,L-\$57.40; Halsey,K-\$63.32; Heintz,D-\$59.62; Koski,J-\$64.80; Lammers-Camp,C-\$71.46; Nichols,N-\$59.62; Rodriguez,R-\$61.10; Ryan,A-\$53.70; Simpson,R-\$52.96; Vanveghel,R-\$55.92

**ADJOURN:** 10:43 a.m. there being no further business it was Moved-Seconded (Ewing-Johnson) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

**LAWRENCE COUNTY COMMISSIONERS MEETING – November 5, 2010**

Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 2, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry Weisenberg and Robert Ewing present. Connie H. Douglas and Tommy Thompson were absent.

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.

**2010 GENERAL ELECTION:** Moved-Seconded (Weisenberg-Ewing) to canvass the 2010 General Election Results. Motion Carried.

**ADJOURN:** 8:17 a.m. there being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
Daryl Johnson, Vice-Chairman

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 23, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 23, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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-Ewing) to approve the minutes of November 9, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**REGISTER DEEDS:** Moved-Seconded (Thompson-Ewing) to approve Marie Blaha for a step raise from a Recording Clerk G1 to Recording Clerk G2 at a base rate of \$12.99 an hour effective December 6, 2010. Motion Carried.

**SHERIFF:** Moved-Seconded (Ewing-Thompson) to approve Heather Buske as a part time Dispatcher I G2 at the base rate of \$14.22 an hour effective 11-19-2010 with the first 40 hours being at training wage of \$9.31. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve Larry Petersen as a guard/transport at the base rate of \$12.33 an hour, effective November 22, 2010. Motion Carried.

**FIRE PROTECTION:** Moved-Seconded (Ewing-Weisenberg) to approve Clint Sell as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective November 10, 2010 and Brandy Radigan-Dicks as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective November 22, 2010. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Weisenberg-Ewing) to approved Carmen Symonds and Tim Hodson for a step raise from Appraiser IV G1 to Appraiser IV G2 at a base rate of \$18.17 an hour effective November 22, 2010. Motion Carried.

**PENNY LANE ROAD DISTRICT:** No action was taken on the Penny Lane Road District.

### **ABATEMENT:**

**PRESERVE SOUTH DAKOTA:** Moved-Seconded (Thompson-Weisenberg) to deny the abatement for the Preserve South Dakota on parcel #29100-02800-270-00 because they have not been approved for tax exempt status with Lawrence County. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Weisenberg-Douglas) to approve the abatement for City of Spearfish on parcel #32202-00100-020-00 for 5 months because they are a tax exempt entity. Motion Carried.

**UNITED STATES OF AMERICA:** Moved-Seconded (Weisenberg-Douglas) to approve the abatement for the United States of America on parcel #32340-00602-034-25 for 6 months because they are a tax exempt entity. Motion Carried. Aye-4, Johnson excused himself from the vote.

**LAWRENCE COUNTY:** Moved-Seconded (Ewing-Johnson) to approve the abatement for Lawrence County on parcel #21000-00603-074-20 because they are a tax exempt entity. Motion Carried.

### **AUTOMATIC SUPPLEMENTS:**

**REGISTER OF DEEDS:** Moved-Seconded (Ewing-Johnson) to approve the automatic supplement for the Register of Deeds Supplies for \$1,285.00 for grant funds received. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve the automatic supplement for the Emergency Management Grants for \$4,379.92 for grant funds received. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve the automatic supplement for the Sheriff's Office Salary for \$1,952.81 for grant funds received. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the automatic supplement for the Fire Protection Grants for \$2,137.50 for grant funds received. Motion Carried.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for December 14, 2010 at 9:40 a.m. for Public Defender (Professional Services \$22,000 & Books for \$3,000.00). Motion Carried.

Moved-Seconded (Johnson-Thompson) to establish the 24/7 Sobriety Fund and Budget; and set a supplemental budget hearing for December 14, 2010 at 9:40 a.m. for the 24/7 Sobriety Fund (PBT Testing) in the amount of \$2,500.00 and Fire Protection (Hazardous Fuels Program for \$10,000.00). Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a request for supplemental budget for Fire Protection Budget for \$25,000. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the following Resolution #2010-27. Motion Carried.

RESOLUTION #10-27 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: FIRE PROTECTION: Fire Protection - \$25,000 (Salary-\$23,000 & OASI-\$2,000) 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 day of November, 2010 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 day of November, 2010. FOR THE BOARD OF COUNTY COMMISSIONERS. Connie Douglas, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**CANCELED CHECK RESOLUTION #2010-26:** Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #2010-26. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2010-26 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 21 checks totaling \$1,945.57 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 23<sup>rd</sup> day of November 2010. FOR THE BOARD: Connie H. Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor

**HIGHWAY BUSINESS:**

Dick Birk was present to update the board on Highway related business.

**FUEL QUOTES:**



The following fuel quotes were submitted as of November 19, 2010: Spearfish Diesel 3600 Gallons: (prices per gallon) CBH Coop. \$2.859, Southside Oil – \$2.83\*; MG Oil – \$3.080 (\*represents lowest quote). Unleaded 1000 Gallons: (prices per gallon) CBH Coop. \$2.747; Southside Oil - \$2.73\*; MG Oil – \$2.746 (\*represents lowest quote). Deadwood Diesel 4600 Gallons: (prices per gallon) CBH Coop. \$2.849, Southside Oil – \$2.79\*; MG Oil – \$3.080 (\*represents lowest quote). Unleaded 4300 Gallons: (prices per gallon) CBH Coop. \$2.737; Southside Oil - \$2.65; MG Oil – \$2.646\* (\*represents lowest quote). Whitewood Diesel: 550 (prices per gallon) CBH Coop. \$2.859, Southside Oil – \$2.83\*; MG Oil – \$3.180 (\*represents lowest quote).

**AIRPORT PROPERTY EASEMENT:** No action was taken on the Airport Property Easement for MDU.

**AIRPORT AGREEMENT:** Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the 2011 Runway/Apron/Taxiway Project Valid Agreement. Motion Carried.

### **PLANNING & ZONING**

**CHANGE OF ZONING #293 / GILDED MOUNTAIN:** 2<sup>nd</sup> reading was held on COZ #293 Gilded Mt-SRD to HSC, Owner/Representative: Gilded Mt LLC, Scot Munro, Action Required: Description: Lot C-1, Gilded Mt., Location: South of Lead, Purpose: Zoning change to allow light retail on one lot, Zoning: SRD to HSC, Acreage: 2 +/- acres. Moved-Seconded (Ewing-Johnson) to follow the recommendation of Planning and Zoning and approve COZ #293 Gilded Mt-SRD to HSC. Motion Carried.

**COMMUNITY WILDFIRE PROTECTION PLAN FUNDING:** Bill Coburn and Robert Mattox were present to discuss the Community Wildfire Protection Plan Funding. Moved-Seconded (Ewing-Johnson) to authorize \$5,000.00 from the Title III funds for two years for the Community Wildfire Protection Plan. Motion Carried.

**POWDER HOUSE PASS COMMUNITY IMPROVEMENT DISTRICT:** Moved-Seconded (Weisenberg-Thompson) to appoint Ron Island to the Powder House Pass Community Improvement District. Motion Carried.

**BILLS:** Moved-Seconded (Ewing-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-\$6,474.87; Aud-\$8,685.61; Treas-\$11,130.22; Comp-\$7,631.05; States Atty-\$13,193.11; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,178.76; Equal-\$13,838.38; Rod-\$6,862.87; Vso-\$1,175.74; Disp-\$10,840.80; Sher-\$33,536.73; Jail-\$19,416.96; Emerg Mgnt-\$2,974.85; E911-\$1,658.00; Highway-\$37,011.60; Air-\$1,023.22; Exten-\$1,310.92; Weed-\$2,157.26; Pz-\$4,500.17; **Bills:** Black,Sue-\$172.00; Schuchmann,Bernard-\$15.89; Whitcher,Eric-\$261.22; A&B Business Equip-\$828.32; A&B Welding Supply-\$17.40; A&J Supply-\$39.88; A-Z Shredding-\$42.35; Abc Business Supply Corp-\$1,813.01; Alltel-\$968.97; Apex Software-\$1,635.00; At&T-\$8.30; BH Chemical Company-\$53.00; BH Federal Credit Union-\$9,900.00; BH Pioneer-\$273.83; BH Power-\$9,948.32; BH Security & Systems-\$315.05; BH Windshield Repair-\$100.00; Best Western Ramkota Hotel-\$348.00; Bickle's Truck & Diesel-\$390.63; Binder,Tracy-\$27.20; Bob Barker Company-\$79.30; Brady Pluimer-\$1,295.50; Breit Law Offices-\$176.00; Central Parts-\$94.42; Central Restaurant Products-\$192.43; Century Business Products-\$576.09; Cody,Denise-\$15.00; Dakota Graphics-\$90.00; Dakota Security Systems-\$33.16; Dakotas Saf-Fall Conference-\$85.00; Dataspec-\$647.00; Dena Sheets Property Mgnt-\$400.00; Dept Of The Treasury-\$46,075.65; Dietrich,Donna-\$228.55; Eddie's Truck Sales/Serv-\$254.54; Election Sys & Software-\$1,830.65; Ellingson,Joseph-\$466.44; Esri-\$4,500.00; Fast Break Screen Printing-\$93.00; First Interstate Bank-\$21.00; Fisher Sand & Gravel-\$140,000.00; Fleet Services-\$887.65; Great Western Tire-\$85.20; Havemeier,Leslie-\$26.60; Hewlett-Packard Company-\$5,526.00; Hughes County Sheriffs-\$25.00; Johnson, Rodenbrug & Lauinger-\$225.00; Kabeiseman & Pollard-\$170.00; Karl's-\$474.99;

Kimbell's Auto Repair-\$275.96; Knology-\$1,437.20; LC Assessor-\$17.47; LC Auditor-\$5.95; LC Extension-\$20.80; LC Plan & Zone-\$24.50; LC Sheriff-\$261.59; Lead Volunteer Fire Dept-\$645.41; Lead-Deadwood Regional Hospital-\$578.71; Meade County Sheriff-\$10.80; Medtox Laboratories-\$421.45; Michael Stonefield Atty-\$8,487.00; Mid-Night Star-\$95.82; Minitman-\$82.15; Montana-Dakota Util-\$83.51; NJS Engineering-\$3,456.30; National Emergency-\$390.00; Neafcs-Sd Affiliate Treasurer-\$130.00; Nelson,Christy-\$90.00; Neve's Uniforms-\$508.05; Newman Traffic Signs-\$1,096.25; Nooney Soly & Van Norman-\$6,017.61; Office Of Child Support-\$403.38; Ore Car Express-\$135.83; Orion Sleds & Trailers-\$169.50; Paul Miller Enterprises-\$92.00; Pennington Co Jail-\$821.55; Performance One-\$109.44; Powerplan-\$315.00; Program Works-\$80.00; Quik Signs-\$114.57; Quill Corporation-\$367.24; Qwest-\$1,189.70; RC Finance Office-\$910.00; RC Regional Hospital-\$833.26; Rabe Elevator-\$761.79; Radio Shack/Kazco-\$22.96; Radiology Associates-\$68.87; Rasmussen Mechanical Serv-\$175.01; Regional Behavioral Health-\$203.31; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$3,398.58; Rocket Lube-\$50.48; Rose,Michael-\$600.00; SD Aao-\$275.00; SD Sheriff's Association-\$1,004.06; Sdrs Supplemental Retirement-\$1,354.00; Servall Towel & Linen-\$462.96; Seward & Odenbach-\$1,247.83; Shell Fleet Plus-\$53.23; Silverado-\$1,031.73; Slowey,Yavonne-\$55.00; Spearfish Auto Supply-\$649.15; Spearfish Electric & Heating-\$31.44; Spearfish Police Dept-\$10.87; T&W Appliance/Knothole-\$165.33; Tigerdirect-\$419.96; Triple K Tire & Repair-\$1,299.26; Twin City Hardware & Lumber-\$1,197.61; Ultramax-\$2,070.00; Verizon Wireless-\$96.12; Victims Of Violence-\$800.00; Watertree-\$44.00; Wells Fargo Business Card-\$3,736.31; West Group-\$633.00; West River International-\$204.16; Western Communication-\$2,810.40; Western Sd Juvenile Serv-\$3,600.00; White's Queen City Motors-\$6.81; Wolff Law Office-\$1,123.80; Xerox Corporation-\$66.32; **Witness & Jurors:** Whitted,D-\$33.32; Sherrard,J-\$31.10; Aiken,P-\$64.80; Anderson,K-\$62.58; Bristow,B-\$62.58; Douglass,B-\$70.72; Erion,R-\$61.10; Huhnerkoch,T-\$58.14; Luecke,P-\$52.22; Thorpe,S-\$52.96; Tschida,J-\$52.96; Baker,R-\$31.10; Bruce,A-\$32.58; Cox,B-\$31.84; Diamond,B-\$21.48; Duong,S-\$31.68; Graham,D-\$31.10; Hach,M-\$33.32; Heller,M-\$21.10; Jensen,P-\$20.74; Jones,S-\$31.10; Kor,J-\$57.00; Martz,M-\$22.22; Mattis,J-\$29.62; Mattson,J-\$25.61; Miles,A-\$22.22; Neiman,D-\$31.10; Ozuna,C-\$31.10; Payne,G-\$22.22; Pullen,J-\$22.96; Quenzer,N-\$22.22; Ramirez,J-\$31.84; Ramirez,R-\$31.84; Strong,J-\$20.00; Thoresen,S-\$21.85; Vansickle,J-\$31.10; Waisanan,D-\$20.00; Woeltge,S-\$57.00

**ADJOURN:** 9:31 a.m. there being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 14, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 14, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry Weisenberg present.

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

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

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of November 23, 2010 County Commission Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Ewing-Weisenberg) to approve Larry Birch as a part time Cook I G1 at the base rate of \$12.89 an hour, effective November 8, 2010 with the first 40 hours being at training wage of \$9.31. Motion Carried.

Moved-Seconded (Johnson-Thompson) to approve the authorization of a credit card to Katherine Tkach for \$1,000. Motion Carried.

### **BOARD APPOINTMENTS:**

**ENVIRONMENTAL REVIEW / TIMBER COMMITTEE:** Moved-Seconded (Ewing-Johnson) To appoint Rob Mattox to the Timber Committee to fill the term of Jim Seward for a term to expire 1-2012. Motion Carried

**MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE:** Moved-Seconded (Ewing-Weisenberg) To appoint Dave Heck, Bruce Outka, Bill Coburn, Rob Mattox and Bob Ewing to the Mountain Pine Beetle Plan Advisory Committee for six months. Motion Carried

**SANFORD LAB UPDATE:** John Scheetz, Environmental Manager updated the Board on the Sanford Lab, and reviewed projects completed and in progress. Sheetz discussed the funding for the Lab. Sheetz stated they have been assured that they are very optimistic that the funding will be secured.

**2011 COMMUNITY HEALTH AGREEMENT:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the 2011 Contract for Community Health Services between Lawrence County and the SD Department of Health. Motion Carried.

**SMOKING BAN:** The Board discussed the newspaper article where the County was criticized about not enforcing the smoking ban. Douglas asked if the Building & Grounds employees should enforce the smoking ban. Outka stated he has talked to the Court System about the smoking issue. Ewing stated by County Policy smoking is not allowed on County Property. Johnson stated they ask that all citizens in Lawrence County respect the County's Policy on no smoking on County property. Douglas asked that all employees who work in the County buildings and property receive a correspondence on the No-Smoking Policy.

**YEARLY BOARD APPOINTMENTS:** The Board asked that an advertisement be put in the paper noting all upcoming appointments that will be made at the beginning of the year allowing all interested individuals to apply.

**PENNY LANE ROAD DISTRICT:** Moved-Seconded (Johnson-Ewing) to take from the table the application for Penny Lane Road District. Motion Carried. The Board discussed the proposed Penny Lane Road District and the issues surrounding the private easement and Forest Service Property in the area. Moved-Seconded (Johnson-Ewing) to table the Penny Lane Road District to allow more time to research the issues involved. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Ewing-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of November 30, 2010 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)-\$266,977.26; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$12,666.45; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,250,000; Savings \$6,050,399.89, Money Market \$528,735.51; Bank Balance-\$2,640,374.79; Total \$14,752,263.90.

**SUPPLEMENTAL BUDGET HEARING:** Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for December 28, 2010 at 8:15 a.m. for Invasive Species Management Capitol Assets \$10,000 and Register of Deeds Salary \$5,000. Motion Carried.

**HIGHWAY BUSINESS:**

Dick Birk was present to update the board on Highway related business.

**PRIMARY COUNTY HIGHWAY SYSTEMS REVISION:** Dick Birk presented the proposed Primary County Highway Systems Revision to the following roads Trojan Road, Upper Red Water, North 27<sup>th</sup> Street, St. Onge Oil, College Lane, and the section of road from McGuigan and Mineral Place. The notice will be published in the legal newspaper and a hearing will be held at a future meeting.

**2011 LIQUOR LICENSE RENEWALS / 2010-2011 MALT BEVERAGE LICENSE:** A public hearing was held on the 2011 Liquor License Renewals. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing - Thompson) to renew the following liquor licenses for 2011. Motion Carried. **PACKAGE LIQUOR - OFF SALE LICENSE:** LARRY KAISER, 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 **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. ; MYSTIC MINER F&B LLC, MINE SHAFT TAVERN, Lead, SD, Mineral 1208 thru 1216; M.S. 1210 Connecting, Havana Lodes #1-10.. ; 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.; 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. MYSTIC HILLS CABINS & CAMPGROUND: 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E.; 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.; 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; CROW PEAK BREWING COMPANY, LLC: a consolidation of Lot Y-1 and Z-1, of Lot Y and Z of lot 8, located in NE1/4NE1/4, S4, T6N, R2E.; MYSTIC MINER F&B LLC, MINE SHAFT TAVERN, Lead, SD, Mineral 1208 thru 1216; M.S. 1210 Connecting, Havana Lodes #1-10.

A public hearing was held on the Retail (on-off) sale Malt Beverage licenses for 2010-2011 for LARRY KAISER, 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. No public input was voiced and the hearing was closed. Amber Vogt, Planning and Zoning Director updated the Board on the Building Permit. No bathroom facilities are on site at this time. Larry Kaiser stated they have not been able to come to an agreement for a septic field but are working on it. Larry Kaiser requested to withdraw his application at this time until an agreement can be reached.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a request for supplemental budget for **FIRE PROTECTION** Fire Protection Grant Funds - \$10,000; **24/7 SOBRIETY FUND** PBT Testing - \$2,500; **GENERAL FUND** Public Defender (Professional Services \$22,000 & Books \$3,000). 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 #2010-28. Motion Carried.

RESOLUTION #10-28 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **FIRE PROTECTION** Fire Protection Grant Funds - \$10,000; **24/7 SOBRIETY FUND** PBT Testing - \$2,500; **GENERAL FUND** Public Defender (Professional Services \$22,000 & Books \$3,000) 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 14<sup>th</sup> day of December, 2010 at the hour of 9:40 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 14<sup>th</sup> day of December, 2010. FOR THE BOARD OF COUNTY COMMISSIONERS. Connie Douglas, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**SHERIFF VEHICLE BID:** Moved-Seconded (Ewing-Thompson) to set a bid opening for three patrol vehicles in the sheriff's office and declare the 2006 Dodge Durango VIN#1D4HB48246F145867, the 2003 Ford Explorer VIN#1FMZU73K83ZA76871 and the 2007 Dodge Durango VIN#1D8HB48277F549164 surplus and allow to be traded in, for January 4<sup>th</sup>, 2010 at 8:45 a.m. Bids will be accepted with and without trade in. Motion Carried.

**ATV TRAIL SYSTEM:** Dawn Madsen and Greg Mumm were present to discuss access to the ATV Trail System from County businesses. Mumm reviewed the Motor Vehicle Use Map with the Commission and highlighted the problems with the trail system. Mumm stated they need to work with the County to define solutions pertaining to County Roads that are needed to connect the trail system. They would also like the County to help them work with the State to resolve issues with State Highway's and a ditch trail system and also to get the licensing issues resolved and put into codified law. Mumm stated they would like the County to assist them in working with the Forest Service to add additional trails to connect the system. Mumm stated the businesses survival is at risk if the trail system issues are not resolved. Weisenberg and Ewing will work with the group to determine what direction needs to be taken.

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

**CONDITIONAL USE PERMIT #394 / KEITH & TERRI SCHETTLER:** A public hearing was held on CUP #394 Keith & Terri Schettler-Campground, Description: Lot Y of Lot A-2a Section 35, T6N, R4E, Location: East of Whitewood, Purpose: Campground, Zoning: PF, Acreage: 41 +/- acres. Boyce Gillies spoke in favor of the proposed campground. Vogt read a letter received from Michael and Barb Dusenberry in support of the proposed campground.

Mike Davies expressed concerns on increased risk of fire, impact on road, one way in and out of area, precedence that would be set if everyone in the area would operate a campground in area stating the use doesn't fit the neighborhood. Sue Davies discussed the fire that occurred in a previous year and stated how hard it would be to fight a fire in that canyon. She also questioned the easement. Mike Johnson stated they would like to maintain the AG standard of living in the area. The public hearing was closed.

The Board reviewed the location of the proposed campground. Johnson updated the Board on the on-site he did on the property. Johnson stated that he felt extreme cautions have been taken on the property. Johnson stated the fire issues have been addressed, the road liability is questionable, and the section line is open to the public. Discussion followed that camp fires would not be allowed on the property and the Board reviewed the conditions that would be attached to the CUP #394. Thompson expressed concerns that there is only one way in and out and stated the County would be setting precedence if they allowed the campground. Weisenberg asked if the landowner would be on site during the 14 days of the campground operation. Schettler stated they stay on-site during the operation. Ginger Johnson stated in 2005, during the fires, when they went to talk to Schettler he was not on the property.

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, Conditional Use Permit #394 for Keith & Terri Schettler-Campground. Motion Carried. Aye- Weisenberg, Johnson & Ewing. Nay-Thompson & Douglas.

**AMENDMENT TO CONDITIONAL USE PERMIT # 298-10 / MYSTIC HILLS:** A public hearing was held on CUP AMENDMENT #298-10 Mystic Hills Campground, Owner/ Representative: Steve Nothdurft, Description: MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E, Location: Hwy 385, Purpose: Add 20 sites on additional acreage, Zoning: PF, Acreage: 17 +/- acres added, for a total campground acreage of 36+/- acres. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Thompson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein, based on the proposed site plan, and approve with conditions as on file in the Planning and Zoning Office, Amendment to Conditional Use Permit #298-10 for Mystic Hills Campground. Motion Carried

**CONDITIONAL USE PERMIT #395 / RECREATIONAL VEHICLE RENTALS / MYSTIC HILLS CAMPGROUND:** A public hearing was held for Conditional Use Permit #395 – Bauer, Curtis & DaNette-Recreational Vehicle rentals at Mystic Hills Campground, Owner/Representative: Curtis Bauer (Owner-Steve Nothdurft), Description: MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E Location: Hwy 385, Purpose: Recreational Vehicle rentals, Zoning: PF, Acreage: 17 +/- acres added, for a total campground acreage of 36+/- acres. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-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 #395 for Curtis & Danette Bauers & Mystic Hills Campground. Motion Carried

**ANNUAL REVIEW / CUP#205 TINTON ENTERPRISES:** An annual review was held on Conditional Use Permit #205 for Tinton Enterprises/Ross Beatty Mine located on Boundary Gulch Road at Tinton. Jim Paisley, President updated the Board on Tinton Enterprises.

**BILLS:** Moved-Seconded (Ewing-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-\$6,474.87; Aud-\$7,691.84; Treas-\$10,127.50; Comp-\$7,649.43; States Atty-\$11,523.07; Pub Def-\$9,660.55; Gen Govt Bldg-\$7,129.77; Equal-\$13,725.94; Rod-\$7,866.38;

Vso-\$1,175.74; Disp-\$16,117.52; Sher-\$33,446.57; Jail-\$25,104.42; Fire Prot-\$3,300.23; Emerg Mgnt-\$3,554.21; E911-\$1,643.00; Highway-38,005.67; Air-\$1,189.44; Ext-\$1,384.56; Weed-\$1,914.62; Pz-\$4,300.17; **Bills:** Atkinson,Connie-\$129.00; Dean,Brian-\$18.00; Rans,Amy-\$70.30; Harmon,James-\$24.80; Larson,Rene'-\$23.00; Mowell,Richard-\$7,350.00; Peterson,Larry-\$125.32; Rombough,Debra-\$9.25; Schroeder,Jeffery-\$72.00; Schuchmann,Bernard-\$25.52; Sleep,Richard-\$21.10; Thomson,Paul-\$23.00; Vandenberg,Maria-\$75.00; Walker,John-\$129.47; Wright,Bonnie-\$23.00; A&B Business Equip-\$986.15; American Family Life-\$3,361.19; B H Federal Credit Union-\$10,000.00; Deadwood Recreation Center-\$579.00; Delta Dental Of South Dakota-\$6,062.40; Dept Of The Treasury-\$49,014.81; Division Of Motor Veh-\$9.00; Hartford-Priority Accounts-\$1,316.50; Johnson, Rodenbrug & Lauinger-\$75.00; Medica-\$64,841.46; N H Family Ymca-\$314.60; Office Of Child Support-\$508.38; S D Retirement System-\$52,576.84; Sdrs Supplemental Retirement-\$1,354.00; A&B Welding Supply-\$119.68; A&J Supply-\$132.58; A-Z Shredding-\$19.20; Abc Business Supply-\$866.87; Accurint Account-\$75.00; Adams Machining & Welding-\$707.92; Alco Store-\$283.75; Almanza,Isaac-\$600.00; Amcon Distributing-\$280.59; Americinn Lodge & Suites-\$52.45; Apco Institute-\$621.00; Armstrong Extinguish-\$137.76; At&T-\$26.55; BH Chemical Company-\$883.14; BH Federal Credit Union-\$10,000.00; BH Federal Credit Union-\$238.00; BH Land Analysis-\$4,000.00; BH Pest Control-\$95.00; BH Pioneer-\$459.42; BH Power-\$683.95; BH Regional Multiple-\$100.00; BH Security & Systems-\$417.00; Best Business Prod-\$39.61; Black Hills Pure-\$23.00; Black Hills Vision-\$10,000.00; Board Of Police Commissioners-\$34.50; Bob Barker Company-\$422.71; Butler Machinery Co-\$127.02; Butte Electric Coop-\$493.72; Campbell Co Sheriffs Off-\$60.00; Carol Butzman Consulting-\$1,246.52; Central Parts-\$662.62; Century Business Products-\$36.70; Chain Saw Center/Dakota Equip-\$107.33; Chemical Sanitizing Sys-\$32.26; City/County Alcohol&Drug-\$2,600.00; Conocophillips Fleet-\$83.10; Cook's Direct-\$199.79; Crawford Supply Company-\$196.56; Cti-\$469.14; Dakota Graphics-\$114.50; Dakota Security Systems-\$254.50; Datec-\$6,872.23; Deadwood, City Of-\$846.15; Dena Sheets Property Mgnt-\$350.00; Dept Of Hlth Lab Services-\$50.00; Dept Of The Treasury-\$49,147.08; Ellingson, Joseph-\$1,071.91; Fastenal-\$173.73; Fleet Services-\$1,752.41; Fsh Communications-\$60.00; Great Western Tire-\$46.68; Guest Services-\$97.70; Hamann,Chris-\$90.00; Havemeier,Leslie-\$13.60; Heartland Paper Co-\$335.74; Heisler Hardware-\$98.16; Hewlett-Packard Company-\$5,847.33; Hillside Disposal Service-\$81.00; Holiday Inn City Centre-\$279.00; Hosmer,David M Law Office-\$158.22; Jacobs Precision Welding-\$16.90; K Mart Pharmacy-\$101.35; Kadrmas, Lee And Jackson-\$1,137.74; Keefe Supply Company-\$73.44; Kimball-Midwest Co-\$567.54; Kinney,Matthew-\$346.76; Knology-\$388.03; Koala Electric-\$581.25; LC Journal-\$46.42; LC Sheriff-\$32.93; LC Treasurer-\$10.00; Lead, City Of-\$35.75; Lead-Deadwood Regional Hospital-\$2,666.70; Lead-Deadwood Sanitary-\$387.24; Lee,James-\$15.00; Lewis & Clark Bhs-\$284.00; Lueders-\$14.24; Mad Manz Pizza-\$488.54; McClure,Susan-\$270.00; Megas Propane-\$845.17; Meade County Sheriff-\$20.00; Menards-\$782.88; Mg Oil Company-\$11,401.61; Microfilm Imaging Systems-\$1,204.56; Montana-Dakota Util-\$4,284.36; Moore Medical-\$162.50; Nasppg Insurance Services-\$2,718.30; Nelson,Tonya-\$225.00; Neustar-\$244.56; Neve's Uniforms-\$500.84; Northern Hills Law-\$692.92; Occupational Health Network-\$205.50; Office Of Child Support-\$508.38; Office Technology/Supply-\$272.13; Pennington Co Auditor-\$82.00; Pennington Co Jail-\$2,461.60; Pennington County Sheriff-\$136.37; Performance One-\$377.97; Pheasantland Industries-\$197.13; Program Works-\$80.00; Queen City Tire-\$19.50; Quill Corporation-\$300.93; Qwest-\$1,428.84; RC Medical Center-\$140.00; RC Regional Hospital-\$1,520.40; Radio Shack/Kazco-\$206.97; Radiology Associates-\$60.55; Rapid Delivery-\$18.70; Regional Health-\$1,973.32; Regional Health Physicians-\$485.07; Reindl,Staci-\$421.85; Reliable-\$74.34; Rena M. Hymans-\$1,455.15; Rocket Lube-\$170.44; Ru2 Systems-\$720.00; SD Dept Of Transportation-\$2,590.15; SD State Treasurer-\$1,363.80; Schmidt,Kathleen-\$400.00; Sd States Attorney Assoc-\$1,154.00; Sdrs Supplemental Retirement-\$1,354.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$465.08; Shell Fleet Plus-\$43.55; Sioux City Foundry-\$14,977.50; Southside Oil Co-\$26,750.50; Spearfish Auto Supply-\$996.94; Spearfish Motors-\$62.62; Spearfish Police Dept-\$2,121.68; Stahl, Mike-\$502.90; State Bar Of South Dakota-\$2,705.00; Stoves, Spas And More-\$32.01; Sturdevant's Auto Parts-\$16.44; Tellinghuisen & Gordon-\$5,285.88; Tigerdirect-\$3,036.93; Top Quality Glove-\$142.50; Triple K Tire & Repair-\$81.80; Twilight First Aid & Safety-\$429.60; Twin City Hardware & Lumber-\$1,323.65; US Marshals Service-\$3,271.92; United Parcel Service-\$32.07; Verizon Wireless-\$96.12; Versatile Carpets & Inter-\$3,879.92; Wagoner County Court Clerk-\$3.00; Waste Connections-\$563.67; Watertree-\$37.50; Wells Fargo Bank-\$43.39; Wells Fargo Business Card-\$5,514.83; West Group-\$740.89; West River International-\$242.27; Western Communication-\$28,696.50; Western Fire & Safety-\$641.92; Western Sd Juvenile Serv-\$6,200.00; Wheeler Lumber-\$1,642.00; White Drug-\$424.76; White's Queen City Motors-\$75.52; Xerox Corporation-\$66.32; **Witness & Jurors:** Goings,L-\$57.40; Halsey,K-\$63.32; Heintz,D-\$59.62; Koski,J-\$64.80; Lammers-Camp,C-\$71.46; Nichols,N-\$59.62; Rodriguez,R-\$61.10; Ryan,A-\$53.70; Vanveghel,R-\$55.92; Aslesen,H-\$32.20; Berman,D-\$21.10; Braun,A-\$105.92; Bressler,D-

\$21.10; Buckley,J-\$17.40; Duckett,D-\$104.44; Engler,G-\$10.74; Finkbeiner,T-\$144.40; Goddard,T-\$18.14; Goodrich,S-\$122.20; Graham,D-\$125.16; Gusso,D-\$129.60; Hale,J-\$15.18; Harkless,L-\$19.62; Hines,M-\$122.20; Hoven,T-\$120.72; King,V-\$28.50; Lamb,D-\$26.28; Mcgilvrey,S-\$24.06; Mcnabb,J-\$24.80; Mercer,S-\$18.88; Miles,J-\$122.20; Mizera,K-\$21.10; Olstad,J-\$21.10; Pederson,L-\$21.10; Ptak,J-\$104.44; Saracco,J-\$21.10; Schultz,R-\$137.00; Zuniga,R-\$129.60; Seieroe,E-\$21.10; Swindler,K-\$12.96; Bublitz,C-\$99.92; Davis,T-\$20.37; Harkin,N-\$20.74; Harris,T-\$34.80; Haukaas,A-\$39.98; Himrich,J-\$33.32; Jorgensen,A-\$35.17; Kilmer,C-\$31.84; Long,V-\$42.20; Pierce,D-\$33.32; Samuelson,D-\$38.50; Wainman,J-\$39.98; Willert,J-\$33.32; Young,R-\$22.22

**ADJOURN:** 11:25 a.m. there being no further the Chairperson adjourned the meeting. Motion Carried.

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

\_\_\_\_\_  
CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor



## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 28, 2010**

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 28, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Tommy Thompson, and Terry 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. Motion Carried.

**MINUTES:** Moved-Seconded (Weisenberg-Johnson) to approve the minutes of December 14, 2010 County Commission Meeting. Motion Carried.

### **TRAVEL REQUEST:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Johnson-Ewing) to approve the travel request for Dave Heck to attend the North Dakota Commissioners Meeting and Annual Weed and Pest Conference in Mandan, North Dakota on January 10-13, 2011. Motion Carried.

**AMBULANCE AGREEMENTS:** Moved-Seconded (Ewing-Weisenberg) to approve and authorize the chairman to sign the ambulance agreements with Lead Deadwood Regional Hospital for Ambulance Service for the year of 2011. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held on a request for supplemental budget for **GENERAL FUND** Invasive Species Management and Register of Deeds. 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 #2010-29. Motion Carried.

RESOLUTION #10-29 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2010, 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 2010, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND** Invasive Species Management (Equipment - \$10,000) and Register of Deeds (Salary - \$5,000) The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 28<sup>th</sup> day of December, 2010 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 December, 2010. FOR THE BOARD OF COUNTY COMMISSIONERS. Connie Douglas, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

**REGISTER OF DEEDS GRANT APPLICATION:** Moved-Seconded (Ewing-Johnson) to approve and authorize the application for a City of Deadwood, Historic Preservation Grant to preserve the records in the Register of Deeds Office for \$44,995. Motion Carried.

### **HIGHWAY BUSINESS:**

Dick Birk was present to update the board on Highway related business. Birk discussed Forest Service Road #134. Birk stated the Forest Service will not cover expenses for sanding unless it is for forest related matters. Discussion followed on the condition of the road and the fact that the County does not maintain the road and the additional cost if the County accepted the road. Johnson

stated in 2011 he would like the County to review the entire County Road System and evaluate any changes needed.

**2011 LIQUOR LICENSE / 2010-2011 MALT BEVERAGE LICENSE:** A public hearing was held on the 2011 Retail On-Off Sale Wine and a transfer of a 2010-2011 Retail On-Off Sale Malt Beverage License. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the following: **RETAIL ON-OFF SALE WINE: JOHNSON FAMILY RESTAURANT:** 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.. **TRANSFER / RETAIL ON-OFF MALT BEVERAGE: PREVIOUS: STEEL WHEEL LLC (PUB N GRUB)** Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E. **NEW: JOHNSON FAMILY RESTAURANT:** 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.. Motion Carried.

**PENNY LANE ROAD DISTRICT:** The Board took no action at this time and will discuss during the last meeting in January.

**MOUNTAIN PINE BEETLE:** Dave Heck, Invasive Species Management Supervisor, Rob Mattox and Bill Coburn were present to update the Board on the Mountain Pine Beetle & Fuels Management Programs. They expressed concerns that the State Funds were expended before the County had the opportunity to apply for reimbursement programs. Heck stated the State told the County one thing, and then did another, making the County look like they were lying to the landowners. Moved-Seconded (Ewing-Weisenberg) to approve the LCISM Cost Share Criteria as presented and adding "and or debarking the tree on the last bullet point. Motion Carried. Discussion followed on Federal Funding for managing the Mountain Pine Beetle issue and the fact that the Mountain Pine Beetles are in Spearfish Mountain and Spearfish Canyon and the Forest Service needs to act now. Douglas asked if the Mountain Pine Beetle Plan Advisory Committee could identify the areas in Lawrence County that needs immediate action and meet with the Forest Service. The Board asked Outka and Heck to draft a letter to the State asking them to explain what happened on the proposed plan and meet with the Commission at a future meeting.

**SHERIFF BUSINESS:**

**NEW WORLD SYSTEM:** Joe Harmon and Bruce Outka explained that the City of Spearfish and the County had originally entered into an agreement with New World and they are now going to contract with New World separately. Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the New World Agreements. Motion Carried.

**PLANNING & ZONING:**

**ANNUAL REVIEW CUP#323 CRAGO GRAVEL PIT:** An annual review was held on Conditional Use Permit #323 for Alan Crago Gravel Pit. No changes have been made to the pit. The Board asked Jeff Schroeder, Planning & Zoning to work with the applicant to remove the conditions allowing crushing of gravel.

**ANNUAL REVIEW CUP#352 DIAMOND M RANCH BED & BREAKFAST:** An annual review was held on Conditional Use Permit #352 for Diamond M Ranch Bed & Breakfast. The Bed & Breakfast is not open at this time and will be reviewed in one year.

**ITEMS FROM COMMISSIONERS:** Ewing, Johnson & Weisenberg thanked Douglas and Thompson for their years of service and dedication to the County.

**BILLS:** Moved-Seconded (Ewing-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-\$6,474.87; Aud-\$7,720.97; Treas-\$9,876.62; Comp-\$7,649.44; States Atty-\$11,523.08; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,227.76; Equal-\$13,900.69; Rod-\$8,179.74; Vso-\$1,175.74; Disp-\$13,042.44; Sher-\$32,389.89; Jail-\$21,948.93; Corner-\$500.00; Fire Protect-\$4,556.32; Emerg Mgnt-\$3,496.17; E911-\$1,652.00; Highway-\$40,042.14; Air-\$1,195.24; Mh Serv-\$1,394.00; Exten-\$1,235.88; Weed-\$2,902.79; Pz-\$4,500.17; **Bills:** Boyer, Jerry-\$13.32; Brady, Thomas-\$71.04; Rans, Amy-\$146.15; Fredericksen, Jeremiah-\$10.50; Johnson, Daryl-\$59.20; Lopez, Amber-\$363.64; Mickelson, Craig-\$59.20; Pavel, Douglas-\$12.58; Rahja, Robert-\$221.26; Rombough, Debra-\$74.00; Smith, Molly-\$7.70; Sophusson, Marvin-\$55.50; Thompson, Thomas-\$469.90; Tysdal, Richard-\$59.20; Vogt, Amber-\$287.86; Walker, John-\$70.46; Watson, Donna-\$142.08; A&B Business Equip-\$1,875.52; A&I Distributors-\$5,248.49; Abc Business Supply Corp-\$887.32; Aberdeen Llc-\$24,760.00; Adams Machining & Welding-\$2,283.80; Adrenaline Junkies-\$679.90; Allmed-\$375.75; Alltel-\$898.41; Amcon Distributing-\$225.54; American Family Life-\$3,475.79; Applied Concepts-\$3,010.00; BH Chemical Company-\$1,435.51; BH Federal Credit Union-\$10,000.00; BH Pioneer-\$613.74; BH Power-\$8,635.75; BH Window Cleaning-\$2,817.00; Best Business Prod-\$23.09; Brady Pluimer-\$4,620.79; Butler Machinery Co-\$21.52; Carls Trailer Sales-\$216.92; Central Parts-\$634.79; Century Business Products-\$618.69; Chain Saw Center/Dakota Equip-\$87.39; Clinical Lab Of BH-\$2,141.00; Cody, Denise-\$15.00; Cooks Correctional-\$1,188.97; Cooperative Extension Service-\$82.44; Crescent Sales-\$572.54; Dakota Security Systems-\$13,889.79; Datapro Solutions-\$4,102.00; Deadwood Recreation Center-\$562.00; Delta Dental Of South Dakota-\$6,390.66; Dept Of The Treasury-\$48,419.95; Dietrich, Donna-\$138.56; Eddie's Truck Sales/Serv-\$375.04; Ellingson, Joseph-\$403.42; Et Sports-\$364.30; Extension Service-\$382.06; Fastenal-\$60.01; Fidler-Isburg Funeral Chapel-\$200.00; Fish, Veronica-\$117.80; Fitzgerald, John-\$200.00; Food Service Warehouse-\$751.00; Fuller, Alecia P C-\$32.80; Galls, An Aramark Company-\$488.22; Gene's Lock Shop-\$10.00; Great Western Tire-\$677.80; Hartford-Priority Accounts-\$1,396.90; Havemeier, Leslie-\$45.60; Heartland Paper Co-\$2,867.68; Hefner, Dan-\$163.54; Heitsch, Thomas-\$53.00; Hewlett-Packard Company-\$5,202.50; Huhnerkoch, Chris-\$158.80; Integrity Ford-\$355.60; International Code Council-\$100.00; Jacks Campers Too-\$225.75; Jacobs Precision Welding-\$302.40; Kadrmas, Lee And Jackson-\$24,276.65; Ken's Camper Sales-\$21.40; Knecht True Value-\$433.57; Knology-\$1,707.15; LC Auditor-\$16.00; LC Emerg Mgnt-\$12.50; LC Sheriff-\$141.93; Lab Safety Supply-\$1,754.13; Landmark Gsi-\$7,000.00; Lead, City Of-\$48.35; Lewis Drug-\$10.43; Lynn's Dakotamart-\$13.99; Mattson, Barb-\$14.80; Mcleod's Office Supply-\$1,254.62; Meade County Sheriff-\$65.00; Microfilm Imaging Systems-\$7,600.00; Mobile Electronic Service-\$1,600.00; Mollen Immunization Clinics-\$375.00; Montana Dakota Utilities-\$140.87; Montana-Dakota Util-\$227.35; Motorola-\$4,596.00; NH Family Ymca-\$332.20; National Business Furniture-\$2,801.90; Neve's Uniforms-\$2,513.25; New World Systems-\$20,000.00; Newman Traffic Signs-\$1,974.10; Novus-\$470.00; Odea, Marty-\$71.04; Office Depot-\$3,683.57; Office Of Child Support-\$508.38; Office Technology/Supply-\$510.29; Pitney Bowes-\$1,197.00; Quik Signs-\$28.76; Quill Corporation-\$1,476.79; RC Finance Office-\$805.00; Rabe Elevator-\$761.79; Radio Shack/Kazco-\$1,256.85; Rasmussen Mechanical Serv-\$201.60; Regional Health Physicians-\$34.60; Rehfuss, Cathryn-\$15.00; Reindl, Staci-\$4,323.34; Reliable-\$278.54; Reliance Telephone-\$596.00; Rena M. Hymans, PC-\$521.30; Royal Electric-\$2,132.26; SD Dept Of Transportation-\$1,645.44; SD Retirement System-\$53,245.14; Sand Creek Printing-\$480.10; Sanford Clinic Behavioral Hlth-\$1,000.00; Sdrs Supplemental Retirement-\$1,354.00; Servall Towel & Linen-\$652.10; Seward & Odenbach, Pc-\$292.40; Silverado-\$682.02; Sleep, Richard-\$72.15; Slowey, Yavonne-\$27.50; Southside Oil Co-\$124.00; Spearfish Auto Supply-\$177.39; Spearfish Police Dept-\$2,113.62; Stahl, Mike-\$20.00; State Bar Of South Dakota-\$75.00; Tigerdirect-\$1,380.57; Twin City Hardware & Lumber-\$189.47; US Postal Service-\$600.00; Victims Of Violence-\$480.00; Warne Chemical-\$421.09; Watertree-\$26.00; Wellmark Blue Cross-\$72,324.79; West Group-\$121.50; West River International-\$198.06; Western Communication-\$1,283.30; Yankton Co Sheriff-\$25.00; Zep Manufacturing Co-\$247.69; **Witness & Jurors:** Aiken, P-\$64.80; Bristow, B-\$62.58; Daum, J-\$58.88; Douglass, B-\$70.72; Erion, R-\$61.10; Huhnerkoch, T-\$58.14; Thorpe, S-\$52.96; Tschida, J-\$52.96; Anderson, S-\$32.21; Dehesus, M-\$22.22; Fish, T-\$22.22; Gray, D-\$20.00; Hoffman-Pullman, L-\$22.22; Johnson, D-\$22.22; Miller, E-\$31.84; Noble, S-\$33.32; Rhead, N-\$23.70; Schumacher, J-\$22.22; Shea, S-\$31.84; Stone, R-\$22.22

**ADJOURN:** 10:12 a.m. Moved-Seconded (Ewing-Douglas) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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CONNIE H. DOUGLAS, Chairperson

ATTEST:

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Connie Atkinson, Auditor