

LAWRENCE COUNTY COMMISSIONERS MEETING – January 4, 2011

Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 4, 2010 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

Judge Johnson was present to swear in the newly elected County Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep and Officials Connie Atkinson – Auditor, Sheree Green – Register of Deeds and Richard Mowell – Sheriff.

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

MINUTES: Moved-Seconded (Johnson-Ewing) to approve the minutes of December 28, 2010 County Commission meeting. Motion Carried.

PERSONNEL:

FIRE PROTECTION: Moved-Seconded (Ewing-Weisenberg) to approve Michael Warwick as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective January 10, 2011. Motion Carried.

2011 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Johnson as the Chairperson of the Lawrence County Commissioners for 2011. Motion Carried.

VICE-CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Weisenberg-Flanagan) to appoint Commissioner Ewing as the Vice-Chairperson of the Lawrence County Commissioners for 2011. Motion Carried.

BOARD OF ADJUSTMENTS: Moved-Seconded (Flanagan-Weisenberg) to appoint Daryl Johnson, Bob Ewing, Brandon Flanagan, Richard Sleep, and Terry W. Weisenberg as the Board of Adjustment for 2011. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Weisenberg-Sleep) to designate the B.H. Pioneer as the legal newspapers for 2011. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Ewing-Sleep) To restate the full time positions in the Lawrence County Sheriff's office for 2011 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-Flanagan) 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.

HIGHWAY & PHYSICAL PLANT APPOINTMENT: Moved-Seconded (Flanagan-Ewing) to appoint Richard Birk as the Highway & Physical Plant Superintendent for a two year term to expire 1-2013. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

AIRPORT BOARD: Moved-Seconded (Weisenberg-Flanagan) to appoint Commissioner Johnson as representative and Commissioner Ewing as alternate for 2011. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to appoint Brooks Hanna for a five-year term to end 1-2016. Motion Carried.

ENVIRONMENTAL REVIEW / AG COMMITTEE: Moved-Seconded (Flanagan-Sleep) to appoint Leo Orme to the AG Committee for a three year term to expire 1-2014. Motion Carried.

ENVIRONMENTAL REVIEW / TIMBER COMMITTEE: Moved-Seconded (Flanagan-Weisenberg) To appoint John Frederickson to the Timber Committee for a three year term to expire 1-2014. Motion Carried

ENVIRONMENTAL REVIEW / WILDLIFE, RECREATION & TOURISM COMMITTEE: Moved-Seconded (Ewing-Sleep) To appoint Lee Schmunk to the Wildlife, Recreation & Tourism Committee for a three year term to expire 1-2014. Motion Carried

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Ewing for 2011. Motion Carried.

EXTENSION BOARD: Moved-Seconded (Ewing-Flanagan) To appoint Commissioner Sleep to the Extension Board for a one-year term to expire 1-2012. Motion Carried.

Moved-Seconded (Ewing-Sleep) To appoint Robin Dirksen, Druse Kellogg, Stephanie Crowley, Douglas Pavel, Roxie Tetrault and Laura Lloyd-Smith for a one-year term to expire 1-2012. Motion Carried.

FAIR BOARD: Moved-Seconded (Weisenberg-Ewing) To appoint Commissioner Sleep to the Fair Board for 2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to appoint Sheryl Pittman for a (3) year term to expire 1-2014. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Weisenberg-Sleep) to appoint Brandon Flanagan to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2015. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Flanagan for 2011. Motion Carried.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Ewing-Flanagan) To appoint Commissioner Sleep for 2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) To appoint Clint Ridley and Jerry Boyer to the Invasive Species Management Board for a three-year term to expire on 1-2014. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Weisenberg-Flangan) to appoint Commissioner Ewing and to appoint Commissioner Johnson as the alternate for 2011. Motion Carried.

Moved-Seconded (Flanagan-Ewing) To appoint Rick Tysdal to the Planning and Zoning Board for a five year term to expire 1-2016. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Sleep-Johnson) To appoint Commissioner Ewing, and Commissioner Weisenberg for 2011. Motion Carried.

Moved-Seconded (Flanagan-Sleep) To appoint Kendall Aldinger to the Public Defender Board for 2011. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Weisenberg-Johnson) to appoint Commissioner Flanagan as Representative and Commissioner Sleep as Alternate for 2011. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Sleep-Johnson) to appoint Commissioner Flanagan, Commissioner Weisenberg, Marlene Barrett, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2011. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Sleep for 2011. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Flanagan to the Spearfish Economic Development Board for 2011 and Commissioner Johnson as the alternate for 2011. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES: Moved-Seconded (Flanagan-Weisenberg) to appoint Chairperson Johnson, and Emergency Management Director, Paul Thomson for 2011. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Weisenberg to the Multiple Use Committee for 2011. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Flanagan-Ewing) to appoint Ida Marie Snorteland for 2011. Motion Carried.

WESTERN SD JUVENILE SERVICES CENTER COMPACT: Moved-Seconded (Weisenberg-Flangan) To appoint Commissioner Sleep to fill a three-year term to expire 1-2013. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Flangan-Ewing) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2011. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Sleep-Flanagan) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2011. Motion Carried.

BLACK HILLS VISION: Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Weisenberg to the BH VISION Board for 2011 and Johnson as an alternate. Motion Carried.

SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER: Moved-Seconded (Sleep-Ewing) to adopt the special rule of order requiring three members approval to pass a motion for 2011 and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

2011 WAGES & SCALES: Moved-Seconded (Weisenberg-Flanagan) to accept the following 2011 longevity pay policy, Per Diem, wage scales, and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective January 2, 2011. 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 5th year of employment, with increases on the 10th year of employment, 15th year of employment, and 20th 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: Bruce Outka-40.00; 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; Katherine Tkach-104.00; Bob Williams-104.00; Dave Heck-50.00.

2011 WAGES (per SDCL 6-1-10): Commissioners: Brandon Flanagan-11,050.67; Ewing, Bob-11,050.67; Richard Sleep-11,050.67; Johnson, Daryl-11,050.67; Weisenberg, Terry-11,050.67; Barrett, Marlene-52,080.93; Outka, Bruce-61,011.53. Auditor: Atkinson, Connie-60,232.18; McGruder, Brenda-19.42; Millard, Robin-15.60; Nelson, Melody-16.37; Sargent, Debbie-15.80. Treasurer: Tridle, Dora-55,364.90; Adams, Julia-15.60; Atkinson, Sally-17.57; Brownlow, Carleen-15.60; Haupt, Janice-16.48; Marshall, Laurie-15.60; Peck, Ina-15.99. Computer: Dias, Gregory-71,518.30; Leatherman, Debra-16.40; McGruder, Randall-23.59; Wisser, Ricky-20.09. States Attorney: Fitzgerald, John-76,259.29; Baumann, Michelle-19.91; Lopez, Amber-58,982.64; Silvernail, Janice-16.64; Stoflet, Margie-17.35; Harvey, Brenda-52,245.61. Public Defender: Witcher, Eric-64,939.69; Pike, Matthew-\$54,356.33; Schuchmann, Bernard-50,216.85; Smith, Molly-20.27; Turnbow, Jamie-\$18.99. Maintenance: Frerichs, Richard-24.30; Carr, Zoe-13.91; Caserio, Clifford-18.68; Lee, Laura-11.65; Mattson, Robert-12.25; Varland, Robyn-11.43. Director of Equalization: Piekkola, Darlene-65,125.34; Bridenstine, Nancy-16.64; Carrico, Linda-16.49; Ehnes, Tamera-15.68; Hodson, Timothy-18.17; Runge, Brett-18.56; Sandvig, Scott-20.85; Symonds, Carmen-18.17; Woodle, Sharon-16.99; Writer, Jason-18.70. Register of Deeds: Green Sheree-51,242.20; Blaha, Marie-12.99; Feterl, Florence-16.00; Hansen, Davida-17.35; Podoll, Keri-15.60. Veterans Service Officer: Locken, William-30,569.17. Sheriff: Mowell, Richard-67,665.71; Harmon, Joe-59,509.00; Alfson, Kristan-16.73; Black, Sue-17.65; Buske, Heather-16.73; Dragoo, Shelley-16.73; Greeley, Laurie-16.79; Hamilton, Marian-17.27; Schumacher, Kristy-16.81;

Steffen,Peggy-16.73; White,Richard-\$16.93; Arneson, John-16.45; Asheim, Roger-16.45; Davis,Judy-18.21; Dean,Brian-24.34; Fitzgerald,Sara-16.12; Gabriel,Larry-18.87; Goetsch,Martin-22.95; Hagerty,Richard-18.23; Hansen,Paul-22.41; Jansevics,Jake-14.23; Leighty, Brooke-21.59; Leveque,Victor-22.18; Little,Tavis-22.44; Nelson,Kesha-17.42; Rakow, Julie-15.60; Ruffatto,Robert-21.54; Symonds, Matthew-16.45; Thompson,Colin-16.45; Tkach, Katherine-19.16; Utecht,Jerome-14.23; Wainman, John Jr-16.45; Walker,John-16.45; Williams,Robert-21.54; Wurtele, Brian-14.23; Allen, Dawn-17.46; Berndt,Wendy-17.45; Bertch, Larry-12.89; Brennan, Seth-21.74; Cook, Ashlee-16.73; Cortez, Frank-16.40; Crandall, Marc-14.54; Culver,Kim-16.93; Fredericksen, Jeremiah-14.54; Haley, Patrick-14.54; Harter, Ralph-16.07; Hyronimus, Shane-14.54; Kampa, Kerry-14.54; Kellogg,Susan-17.47; Kotak,Joe-13.54; McCarty, Michael-16.73; McLain, Michael-16.73; Mehia, Felix-16.73; Nash, Christina-16.73; Petersen, Larry-12.33; Riley, David-16.40; Rosenau,Randall-23.40; Thompson, Renee-12.33; Walker, Misti-12.33; Coroner: Gould, Gary-100.00 call; Isburg,Damon-100.00 call; Pedneau, Darin-100.00 call. Fire Protection: Dunlap, Daniel-11.85; Heberlig, Gary-11.85; Radigan-Dicks, Brandi-11.85; Sell, Clint-11.85; Wangen, Traci-11.85; Emergency Management: Thomson,Paul-56,036.41; Larson,Rene-\$16.01. E911: Sandvick,Thomas-20.38; Highway: Birk,Richard-\$67,445.05; Agena,Timothy-20.10; Barrett,Tim-19.76; Bey,John-24.61; Burleson, Norman-20.01; Eide,Curtis-20.60; Engel,Paul-19.64; Fystro,Terry-20.60; Grenstiner,Edwin-20.96; Harper,Jeffrey-19.62; Heying,Bradley-20.07; Keller,Robert-19.64; Larimore,Mark-19.56; Lensegrav, Richard-20.36; McCormick,Robert-24.97; Patino,Mark-19.78; Rogers, Chris-19.56; Ryan,Steve-24.81; Silvernail,Dennis-20.56; Skavang, Robert-19.56; Vandenberg,Maria-14.66; Wright,Bonnie-19.34. Airport: Harmon,James-16.52; Deweese,Rodney-40.00 meeting, Golay-Robert-40.00 meeting; Gullilckson,Scott-40.00 meeting; Lantis,Travis-40.00 meeting; Rath, Michael-40.00 meeting. Mental Health Board: Johns,Timothy-\$82.00; Strawn,Eric-82.00, Extension: Bertch,Alyce-17.52; Frawley, Mary-12.25; McGuinness,Sherry-12.25; Rahja,Carol-12.25; Rans, Amy-per diem; Rombough,Debra-per diem; Weed: Heck,David-48,268.92; Breske, Joshua-12.36; Coleman, Thomas-12.36; Nicholes, Josheph-12.36; Palmer, Ryan-11.05; Redden, Joshua-12.36; Boyer,Jerry-40.00 meeting; Hefner, Daniel-40.00 meeting; Rahja, Robert-40.00 meeting; Sleep,Richard-40.00 meeting; Pavel, Douglas J.-40.00 meeting; Watson, Donna-40.00 meeting. Planning&Zoning: Vogt,Amber-43,341.54; Schulz,Sherryl-15.97; 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>2011 BASE</i>	<i>SDCL #</i>
AUDITOR	\$ 31,111.00	SDCL 7-7-9.1
TREASURER	\$ 31,111.00	SDCL 7-7-9.1
REGISTER DEEDS	\$ 31,111.00	SDCL 7-7-9.1
STATES ATTORNEY	\$ 61,900.00	SDCL 7-7-12
SHERIFF	\$ 39,900.00	SDCL 7-12-15

RESOLUTION #11-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Ewing-Flanagan) to approve the following Resolution #2011-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2011-01 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 4th day of January 2011. For the Board, , Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #11-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Flanagan-Weisenberg) to approve the following resolution setting the polling places and precincts in 2011. 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 4th day of January 2011. For the Board, , Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #11-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Ewing-Flanagan) to approve the following Resolution #11-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 11-03 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 2011. Dated this 4th day of January 2011. For the Board of County Commissioners: , Chairperson Attest: Connie Atkinson, Auditor

ABATEMENTS/ADD-ONS:

Moved-Seconded (Flanagan-Weisenberg) To follow the recommendation of the Director of Equalization and approve the following abatements on Parcel 31090-03000-230-00, 31180-00500-110-00, 31300-00800-130-00, 32030-02400-060-00, 32130-02000-070-10, 32185-01500-160-50, 32655-01400-100-10, 32960-00602-152-22 and to approve the add-on to parcel #32030-02400-060-10 due to a computer error problem. Motion Carried.

HIGHWAY BUSINESS: Dick Birk was present to update the board on Highway related business.

SHERIFF VEHICLE BID OPENING: The following bids were received: White's Queen City Motors-\$29,437 per SUV and \$23,919 per truck with trade in values of 2007 Dodge Durango - \$7,000, 2006 Dodge Durango - \$5,500 and 2003 Ford Explorer - \$2,500. Integrity Ford - \$29,417 per truck with trade in values of 2007 Dodge Durango -\$9,000, 2006 Dodge Durango - \$6,000 and 2003 Ford Explorer - \$3,000. Moved-Seconded (Ewing-Flanagan) to accept the lowest responsible bid from White's Queen City Motors for two SUV's and one truck, and trade in the 2006 Dodge Durango VIN#1D4HB48246F145867, the 2003 Ford Explorer VIN#1FMZU73K83ZA76871 and the 2007 Dodge Durango VIN#1D8HB48277F549164. Motion Carried.

AIRPORT TAXIWAY PROJECT:

Bruce Outka presented an update to the Board on the Airport Taxiway Project. The Board asked that Rod Senn, Kadramas Lee & Jackson attend a future meeting with the Board to review the projects at the Airport.

HAZARDOUS MATERIALS PLAN/STUDY/GRANT/CONTRACTS: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the grant application for the Hazardous Materials Plan and Commodity Flow Study. Motion Carried. The County is required to provide a 25% soft match for the grant funds.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Lawrence County Consultant/Letter of Agreement for Consultant Services with Rob Mattox from January 5 through July 26, 2011 to update the Countywide Hazardous Materials Plan and to prepare a Commodity Flow Study. Motion Carried.

2010 SAFETY REPORT: : Paul Thomson presented the 2010 Lawrence County Safety Program Synopsis.

AMERICAN STEWARDS OF LIBERTY COOPERATION SEMINAR: Bill Coburn reviewed the reason and intent of the Lawrence County "Environmental Review Plan" and discussed the importance of the American Stewards of Liberty Cooperation Seminar. Coburn asked that Bruce Outka and all interested Commissioners attend.

ITEMS FROM COMMISSIONERS:

2011 COMMISSION MEETINGS – The Board set the meeting dates for 2011.

PLANNING & ZONING:

ANNUAL REVIEW CUP#323 CRAGO GRAVEL PIT: Jeff Schroeder, Planning and Zoning presented the proposed amended conditions for Conditional Use Permit #323 for Alan Crago Gravel Pit. Moved-Seconded (Flanagan-Weisenberg) to accept and approve the amended conditions to Conditional Use Permit #323 for Alan Crago Gravel Pit. Motion Carried

Moved-Seconded (Flanagan-Weisenberg) Due to the change in conditions, Conditional Use Permit #323 will not be considered an active mine and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

TOUR JAIL FACILITY: The Board toured the Jail facility.

BILLS: Moved-Seconded (Weisenberg-Flanagan) to approve payment of the following 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: A&B Business Equip-\$581.76; BH Power-\$617.23; Brady Pluimer, PC-\$28.70; Conocophillips Fleet-\$85.89; Dakota Graphics-\$180.00; Deadwood,City Of-\$793.56; Ellingson,Joseph-\$289.34; Knology-\$59.12; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Sanitary-\$356.52; Mad Manz Pizza-\$65.97; Mid-Night Star-\$90.62; Montana Dakota Utilities-\$5,171.26; Ndwca-\$90.00; Nooney Solay & Van Norman, Llp-\$7,230.82; Pro Rental Management-\$88.00; RC Regional Hospital-\$132.60; SD Human Services Center-\$99.00; SD Municipal League-\$81,935.00; SD Public Assur Alliance-\$25,601.05; Sdaco-\$2,051.14; Trugreen Chemlawn-\$261.05; Twin City Hardware & Lumber-\$149.64; Wilcox,Chris-\$600.00; Yankton County-\$207.50

ADJOURN: 11:00 a.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

DARYL JOHNSON, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 18, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 18, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of January 4, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve Jeremiah Fredericksen as a Corrections Officer II G3 at the base rate of \$16.73 an hour, effective 1-1-2011. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Kerry Kampa as a full-time Corrections Officer II G3 at the base rate of \$16.73 an hour, effective 1-1-2011. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve Raymond Pearce as a part/time Dispatcher 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 1-5-2011. Motion Carried.

CELL PHONE ALLOWANCE: Moved-Seconded (Ewing-Flanagan) to approve a cell phone allowance of \$50.00 per month for Gary Gould, County Coroner, effective 1-16-2011. Motion Carried.

FAIR AGREEMENT: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairperson to sign the Butte-Lawrence County Fair Agreement for 2011. Motion Carried.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2009 taxes levied for in 2010 was \$32,737,761.06 and the total unpaid as of 12-31-10 was \$596,839.78 which represents a 1.82% delinquency. Moved-Seconded (Flanagan-Sleep) to accept the Delinquent Taxes Report of 2010 levied and unpaid taxes as reported by the Auditor. Motion carried.

ABATEMENT:

CITY OF SPEARFISH: Moved-Seconded (Flanagan-Weisenberg) to approve the abatement on parcel #32202-00100-030-00 for the City of Spearfish because they are a tax exempt entity. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of December 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)-\$71,409.25; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,896.52; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,301,695.71, Money Market \$528,912.96; Bank Balance-\$3,154,177.39; Total \$11,812,201.83.

TRANSFER OF FUNDS: Moved-Seconded (Flanagan-Ewing) to approve the transfer of Title III Funds of \$11,249.95 to the Fire Protection Fund to reimburse for expenses to carry out activities under the Firewise Communities Program. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Flanagan-Weisenberg) to set a supplemental budget hearing for February 1, 2011 at 9:00 a.m. for **24/7 SOBRIETY FUND** PBT Testing - \$4,000. Motion Carried.

PEARSON SUBDIVISION ROAD DISTRICT: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the following ORDER DECLARING PEARSON SUBDIVISION ROAD DISTRICT INCORPORATED. Motion Carried.

ORDER DECLARING PEARSON SUBDIVISION ROAD DISTRICT INCORPORATED:
WHEREAS, an election was held among the registered voters in the Pearson Subdivision Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on January 6, 2011. 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 14 (fourteen), together with the number of 14 (fourteen) voting for and the number of 0 (zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 Revised, 12A Revised, 13A revised, 14, 15, 16, 19D of Lot 19, and 19E of Lot 19; all of Block 1, and, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; all of Block 2 and, Wagner Lot, Lot 3A Revised, Lots 4, 5, 6, 7, 8, 9B-1 Revised, Lots 10, 11, 12, and 13; all of Block 3. All located in the Pearson Subdivision W 1/2 SE 1/4, Section 4, T6N R2E, 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 Pearson Subdivision Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 18th day of January, 2011. Daryl D. Johnson, Chairperson, Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

LEASE OF COUNTY OWNED HANGERS & SITES FOR PRIVATE HANGARS AT AIRPORT: A public hearing was held on the Counties intent to enter into lease of County owned airport hangers and bare land sites for private hangar construction during the 2011 calendar year.

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 #2011-04. Motion Carried.

RESOLUTION #2011-04 A RESOLUTION DECLARING INTENT TO ENTER INTO LEASE OF COUNTY OWNED AIRPORT HANGERS AND BARE LAND SITES FOR PRIVATE HANGAR CONSTRUCTION DURING THE 2011 CALENDAR YEAR 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 expense 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 may 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 18th day of January, 2011, and that notice of said hearing was published in the official newspaper 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, during the 2011 calendar year. Dated this 18th day of January, 2011. FOR THE BOARD: Daryl D. Johnson, Chairman. ATTEST: Connie Atkinson, AUDITOR

HIGHWAY BUSINESS:

Dick Birk was present to update the board on Highway related business.

MODIFICATIONS TO THE LAWRENCE COUNTY PRIMARY HIGHWAY SYSTEM

A public hearing was held on MODIFICATIONS TO THE LAWRENCE COUNTY PRIMARY HIGHWAY SYSTEM. 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 #2011-05. Motion Carried.

A RESOLUTION #2011-05 DECLARING MODIFICATIONS TO THE LAWRENCE COUNTY PRIMARY HIGHWAY SYSTEM: WHEREAS, the Lawrence County Highway Superintendent has undertaken a review of the County’s Primary Highway System; WHEREAS, pursuant to said review, the Highway Superintendent determined that modifications to the Primary Highway System

are indicated as appropriate; WHEREAS, these modifications include both the deletion of a portion of certain roads and the addition of a portion of certain roads to the County Primary Highway System; WHEREAS, the Highway Superintendent has recommended to the County Commission the following modifications to the Primary Highway System - DELETE from the Primary County Highway System: Nevada Gulch Road – approximately .894 miles Starting at the northeast corner of S2, T4N, R2E at the intersection of Steward Slope Road, then heading northeast approximately .894 miles to the midsection S35, T5N, R2E. Heiserman Road – approximately .26 miles Starting at the northeast corner of S15, T7N, R1E, at the intersection of Anderson Road, then heading east approximately .26 miles to the quarter section of S14, T7N, R1E. N. 27th Street/Airport Road – approximately 1.899 miles Starting at the quarter section of S13, T6N, R2E, then heading north approximately 1.207 miles to the intersection of Airport Road. St. Onge Oil Road – approximately 1.268 miles Starting at S15,T6N, R3E, then heading south approximately 1.268 miles to the intersection of U.S. Highway 85 at the S.E. quarter of S22,T6N, R3E. College Lane – approximately .502 miles Starting at the north midsection of S9, T7N, R2E, at the intersection of Hillsvie Road, then south approximately .502 miles to the intersection of Oliver Road. ADD to the Primary County Highway System: Hillsvie Road – approximately .252 miles Starting at the northeast corner of S8, T6N, R2E, at the intersection of McGuigan Road, then heading west approximately .252 miles to the intersection of Mineral Place at the quarter section of S8, T6N, R2E; and WHEREAS, the above referenced modifications to the County Primary Road System are made in accordance with SDCL 31-12-2, and the South Dakota Department of Transportation’s “Policy and Procedures for County Highway System Revisions,” adopted 2/12/1992. NOW THEREFORE, BE IT RESOLVED, that the above referenced modifications to the County Primary Highway System be adopted and that the Official County Highway Map shall be amended accordingly to reflect these changes. Dated this 18th day of January, 2011. FOR THE BOARD: Daryl Johnson-Chairman, Bob Ewing-Vice-Chair; Terry W. Weisenberg, Richard Sleep and Brandon Flanagan. Yeas: 5 Neas: 0. ATTEST: Connie Atkinson, Auditor

FUEL QUOTES:

The following fuel quotes were submitted as of January 4, 2011: Spearfish Diesel 3200 Gallons: (prices per gallon) CBH Coop. \$2.784, Southside Oil – \$2.76*; MG Oil – \$2.804 (*represents lowest quote). Unleaded 1000 Gallons: (prices per gallon) CBH Coop. \$2.709; Southside Oil - \$2.71*; MG Oil – \$2.656 (*represents lowest quote). Deadwood Diesel 4800 Gallons: (prices per gallon) CBH Coop. \$2.784, Southside Oil – \$2.75*; MG Oil – \$2.804 (*represents lowest quote). Unleaded 3400 Gallons: (prices per gallon) CBH Coop. \$2.709; Southside Oil - \$2.70; MG Oil – \$2.656* (*represents lowest quote). Whitewood Diesel: 400 (prices per gallon) CBH Coop. \$2.829, Southside Oil – \$2.76*; MG Oil – \$2.854 (*represents lowest quote).

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. Carl Shank was on speaker phone and Donley Townsend and Douglas Lindgren were in attendance. The Board reviewed plat 76-1051, the proposed road district petitions & map and private easement agreements. The Board discussed that the proposed district lies on property strictly owned by Shank and the property is classified as Ag and can be withdrawn from the district. The proposed road district does not intersect with a County or State road and there are two breaks in the proposed road district because it crosses Forest Service property. Shank

questioned how someone could form a road district over a private easement agreement altering the agreement making it a public road. Townsend and Lindgren stated the easement was an issue with the previous owners and urged the Board to take action on the petition.

Moved by Flanagan to alter the boundaries of the proposed petition to include only Carl Shank's property as that is where the road in question is located. Motion died due to lack of a second. The Board discussed that there would not be any eligible voters within the district.

Moved-Seconded (Ewing-Weisenberg) to exercise the Boards discretion and deny the petition and application for incorporation of the Penny Lane Road District because the petition does not meet the intention of state Statute as the proposed road is located only on the Shank's Property, Shank would have the option of exempting his property, There are breaks in the proposed boundary lines, The road does not intersect with a County or State Road, and the proposed road district is encompassing a private road easement. Motion Carried. Aye-Weisenberg, Ewing, Sleep and Johnson. Abstained-Flanagan. Flanagan stated he was not comfortable denying the request with the reasons stated. The Board urged the landowners in the area to work on a cooperative agreement between all parties.

AIRPORT TAXIWAY PROJECT UPDATE: Rod Senn, KLJ Engineering Firm was present to review the history of the Airport and give an update on the Airport Taxiway Project. Discussion followed on the relocation of hangars and the viability of bidding for the six unit replacement hangars with an alternate bid for an additional five hangars.

FOREST SERVICE PROJECTS: Craig Bobzien, Jackie Groce and Jeffery Goldberg from the Forest Service were present to update the Board on the Steamboat and Cold Springs Project. Ewing requested that Craig Bobzien and other Forest Service personnel meet with the Mountain Pine Beetle Advisory Committee to help combat the beetle problem. Bill Coburn questioned the boundary lines of the Cold Springs Project. Johnson asked if the Forest Service has the ability to spot and treat new areas of the Mountain Pine Beetle hit. Groce stated with the sanitation option they can harvest the new hit trees. Bobzien discussed the emergency treatment option and stated at this time talks have stalled in Washington DC with the Council on Environmental Quality. Bobzien will forward documents to the Commissioners. Bill Coburn asked Bobzien to meet with the Commission in the beginning of the project to help aid in the process. Sleep asked if the Forest Service is still committed to work with the County and treating the infected forest within 200' of private lands. Bobzien explained the process and paperwork needed to allow the treatment of the trees in the infected areas. State Forestry Officials were present to facilitate cooperation between the entities. Joe Foss and Ray Sowers from the State Forestry Officials were present to explain the State cost share program for the Mountain Pine Beetle program.

NEMO FIRE TRUCK: Moved-Seconded (Ewing-Flanagan) to approve an intergovernmental transfer of a 1996 Pierce Dash Fire engine pumper VIN#4P1CT02D9TA000587 from the City of Rapid City to Lawrence County and declare the engine surplus and give to the Nemo Volunteer Fire Department to use and maintain through the local aid agreement. Motion Carried.

WHEELER LUMBER LOAN REVIEW:

Jeff Parrett, Wheeler Lumber was present to discuss the Wheeler Lumber Loan Review. Parrett stated they are currently at 15 employees and requested the Commission extend the 1% rate. Moved-Seconded (Weisenberg-Ewing) to extend the interest rate of 1% for the duration of the loan. Motion Carried.

ITEMS FROM COMMISSIONERS:

The Board continued discussion on the Mountain Pine Beetle. Chairman Johnson will send a letter to the Congressional Delegation requesting they discuss the Mountain Pine Beetle with the Council on Environmental Quality.

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-\$7,691.83; Treas-\$10,252.94; Comp-\$7,649.44; States Atty-\$11,523.07; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,178.77; Equal-\$13,701.55; Rod-\$7,804.14; Vso-\$1,175.74; Disp-\$15,941.34; Sher-\$36,496.73; Jail-\$24,370.18; Fire-\$3,042.49; Emerg Mgnt-\$3,462.16; E911-\$1,649.00; Highway-\$38,499.95; Air-\$1,368.61; Ext-\$1,296.48; Weed-\$4,679.41; Pz-\$4,300.17; **Bills:** Fredericksen, Jeremiah-\$12.22; Mowell, Richard-\$6,468.00; Schuchmann, Bernard-\$15.12; Turnbow, Jamie-\$26.62; Weisenberg, Terry-\$12.96; A&B Business Equip-\$1,278.66; A&B Welding Supply-\$17.40; A&J Supply-\$140.00; A-Z Shredding-\$34.00; Abc Business Supply-\$340.78; Aberdeen-\$18,962.00; Alco Store-\$53.91; Amcon Distributing-\$213.78; American Planning Assoc-\$205.00; At&T-\$15.28; BH Chemical Company-\$729.35; BH Connections-\$84.18; BH Council Of Local Govt-\$8,252.00; BH Federal Credit Union-\$10,000.00; BH Pest Control-\$95.00; BH Physical Therapy-\$150.00; BH Pioneer-\$624.51; BH Power-\$7,877.99; BH Security & Systems-\$5,430.48; Benson Technical Works-\$1,668.75; Binder, Tracy-\$332.60; Black Hills Pure-\$23.00; Bob Barker Company-\$931.48; Butler Machinery Co-\$1,305.44; Butte Electric Coop-\$847.49; Carol Butzman Consulting-\$660.34; Central America Inc-\$440.00; Central Parts-\$779.48; Century Business Products-\$307.13; Crawford Supply Company-\$263.52; D Ware-\$1,300.00; Dakota Equipment Rental-\$157.77; Dakotacare-\$435.31; Deadwood Carnegie Library-\$91,801.00; Dena Sheets Property Mgnt-\$1,000.00; Dept Of The Treasury-\$48,969.19; Fastenal-\$10.00; Federal Express Corp-\$30.88; Fish, Veronica-\$57.00; Fleet Services-\$1,154.18; Fsh Communications-\$60.00; Grace Balloch Mem Library-\$230,421.00; Great Western Tire-\$84.95; Hamann, Chris-\$90.00; Hansen & Hubbard-\$1,101.79; Harmelink, Fox & Ravensborg-\$102.50; Havemeier, Leslie-\$91.20; Heartland Paper Co-\$436.11; Heisler Hardware-\$3.79; High Plains Business Forms-\$634.03; Integrity Ford-\$3.08; Jackson County Sheriff Office-\$40.00; Jacobsen Ford-Mercury-\$45.00; Jacqueline K. Perli-\$483.00; Janke, Wendy-\$1,250.00; K Mart Pharmacy-\$49.97; Kadrmas, Lee And Jackson-\$23,196.24; Keefe Supply Company-\$433.12; Kimball-Midwest Co-\$530.70; Knology-\$49.95; Kosel, Joseph-\$14,416.43; LC Conservation Dist-\$5,000.00; Labcorp Of America Holdings-\$25.00; Lead, City Of-\$108,740.00; Lead-Deadwood Regional Hospital-\$126.00; Lee, James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Risk Data Mgnt-\$75.00; McClure, Susan-\$140.00; Megas Propane-\$966.37; Meade County Sheriff-\$10.80; Metric Motors-\$3,345.25; Mg Oil Company-\$11,665.15; Microfilm Imaging Systems-\$1,285.00; Mid States Organized-\$150.00; Midwest Alarm-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$1,080.47; NH Alcohol & Drug Services-\$10,000.00; Nelson, Christy-\$135.00; Nelson, Tonya-\$285.00; Neustar-\$122.35; Neve's Uniforms-\$37.90; New View Optical-

\$53.50; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$508.38; Pennington Co Auditor-\$34.00; Pennington Co Jail-\$1,199.20; Pheasantland Industries-\$537.54; Pitney Bowes-\$117.69; Powerplan-\$10,128.26; Praetorian Group-\$1,495.00; Program Works-\$80.00; Quik Signs-\$28.76; Qwest-\$1,442.37; RC Finance Office-\$770.00; RC Journal-\$192.00; Radio Shack/Kazco-\$209.95; Rapid Delivery-\$10.45; Reliance Telephone-\$467.85; Rocket Lube-\$64.23; SD Association Of County-\$195.00; SD Dept Of Labor Unemployment-\$128.60; SD Emergency Mngt Association-\$120.00; SD Federal Property Agency-\$18.00; SD State Treasurer-\$15,247.56; Salzsieder,Milan-\$3,735.00; Sdrs Supplemental Retirement-\$1,354.00; Sdsu Ces-\$5,000.00; Servall Towel & Linen-\$477.65; Southside Oil-\$23,169.12; Spearfish Auto Supply-\$1,194.06; Spearfish Electric&Heating-\$60.00; Spearfish Husky-\$29.00; Spearfish Senior Citizens-\$2,000.00; Stadler Ind Service-\$790.74; State Radio Communication-\$5,280.00; Stationers-\$100.15; Strawn Law-\$1,304.58; Teen Court-\$7,500.00; Tigerdirect-\$439.25; Triple K Tire & Repair-\$70.52; Twilight First Aid & Safety-\$19.90; Twin City Hardware & Lumber-\$351.48; Twin City Senior Citizens-\$2,000.00; Waste Connections-\$531.87; Watertree-\$18.00; Wells Fargo Business Card-\$3,220.91; West Group-\$939.85; West River International-\$234.54; West Tire And Alignment-\$140.00; Western Communication-\$964.80; Western Sd Juvenile Serv-\$13,053.99; Western State Fire Protection-\$524.30; White Drug-\$223.79; White's Queen City Motors-\$15.53; Whitewood Library-\$61,320.00; Whitewood Senior Citizens-\$1,000.00; Williams Properties-\$400.00; Williams Standard-\$40.95; Wolff Law Office-\$1,472.88; Xerox Corporation-\$126.45; **Witness & Jurors:** Goings,L-\$57.40; Halsey,K-\$63.32; Heintz,D-\$59.62; Koski,J-\$64.80; Ryan,A-\$53.70; Vanveghel,R-\$55.92; Aberle,C-\$52.22; Alderman,M-\$21.10; Atkinson,R-\$13.70; Bomberg,D-\$21.10; Brown,C-\$60.36; Campbell,L-\$21.10; Cerkoney,S-\$13.70; Chaplin,R-\$24.80; Chitwood,L-\$12.96; Cleek,J-\$22.58; Cowan,J-\$62.58; Crowell,C-\$10.74; Dell,D-\$61.10; Digoia,S-\$24.80; Finley,K-\$21.10; Froelich,B-\$21.10; Harrowa,B-\$23.32; Haynes,M-\$64.80; Hem,S-\$61.10; Hofer,A-\$21.10; Holen,G-\$12.22; Hurm,V-\$58.88; Land,O-\$21.84; Leiseth,D-\$18.88; Lyons,A-\$59.62; Massie,S-\$21.10; Mccolley,M-\$19.62; Mollman,V-\$21.10; Nelson,D-\$10.74; Noem,M-\$63.32; Overby,M-\$28.50; Plocek,R-\$23.32; Quaschnick,M-\$62.58; Sharkey,D-\$21.10; Tieszen,M-\$61.10; Vannorman,G-\$13.70; Zuhr,K-\$54.44; Peyton,B-\$32.58; Ficek,R-\$36.65; Hobbs,D-\$20.00; Huber,W-\$20.00; Lawson,M-\$20.00; Stedjee,B-\$60.70; Sorensen,D-\$20.00; Streeter,J-\$20.00; Streeter,N-\$20.00; Almanza,R-\$21.10; Bailey,M-\$24.80; Bonde,T-\$21.10; Brady,F-\$63.32; Burleson,W-\$24.80; Cole,M-\$18.14; Crary,D-\$52.22; Dar,E-\$62.58; Eaton,D-\$21.10; Ford,T-\$52.22; Frost,F-\$61.10; Gillen,C-\$19.62; Gillies,W-\$24.80; Hines,K-\$21.10; Hunt,R-\$61.10; Hurst,T-\$24.80; Jackovich,R-\$18.88; Jones,M-\$24.80; Jordan,E-\$12.96; Kellogg,L-\$15.92; Kindsfater,T-\$52.22; Klunder,K-\$21.10; Mahaffy,H-\$21.10; Mcgillivray,A-\$21.10; McGriff,M-\$28.50; Mendoza,A-\$21.84; Mutchler,W-\$22.58; Nelson,R-\$51.48; Nicholas,G-\$24.80; Novak,J-\$10.74; Park,E-\$10.74; Rath,J-\$21.10; Richards,C-\$24.80; Ryan,V-\$17.40; Shaw,A-\$12.96; Shirey,M-\$51.48; Skvicalo,C-\$16.66; Sprigler,N-\$24.80; Stock,B-\$19.62; Sullivan,M-\$52.22; Wilde,A-\$24.06; Wolff,D-\$18.14; Yost,M-\$13.70

ADJOURN: 11:19 a.m. Moved-Seconded (Ewing-Johnson) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 1, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 1, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, and Terry Weisenberg present. Brandon Flanagan was absent.

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.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of January 18, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Megan Merwin as a guard at the base rate of \$12.33 an hour and as a part-time Corrections 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 1-27-2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Ashley Shevling as a part/time Corrections Officer 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 1-17-2011. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve Shannon Holt as a part/time Dispatcher 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 2-1-2011. Motion Carried.

TRAVEL REQUEST:

PLANNING & ZONING: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Amber Vogt to attend the 2011 Western Planners in Santa Fe, NM on September 11-14, 2011. Motion Carried.

ABATEMENT:

DISABLED VETERAN: Moved-Seconded (Weisenberg-Sleep) to approve the abatement for ML on parcel #30800-00200-030-00 because the individual qualified for the Disable Veteran Exemption. Motion Carried.

CITY OF DEADWOOD: Moved-Seconded (Ewing-Weisenberg) to approve the abatement for Deadwood Historic Preservation on parcel #30025-08600-010-10 because the garages were removed on the property. Motion Carried.

ESTOCLET: Moved-Seconded (Weisenberg-Ewing) to approve the abatement for Andrew G. Estoclet on parcel #30025-06000-090-00 because the historic moratorium was removed to early. Motion Carried.

CLARK: Moved-Seconded (-Ewing-Sleep) to approve the abatement for Michael and Michelle Clark on parcel #24150-00702-320-95 because of a barn that was mistakenly taxed on their property. Motion Carried.

WINSELL VACATION OF SECTION LINE: Moved-Seconded (Sleep-Weisenberg) to set a public hearing for a Vacation of Section Line on that portion of the section line in HES 296 lying in the S1/2 SW ¼ and S1/2 SE ¼ Sec. 11 and N1/2 NW ¼ and N1/2 NE ¼ Sec. 14 all located in T4N R4E. Lawrence County, AFFECTING THE LANDOWNERS Brett Winsell & Victoria Winsell for February 22, 2011 at 8:15 a.m. Motion Carried.

TRANSFER OF FUNDS / ROAD & BRIDGE & EMERGENCY DISASTER: Moved-Seconded (Ewing-Sleep) to approve the annual budgeted transfer of \$928,096 from General Fund to Road & Bridge Fund and to transfer \$110,731 from General Fund to Emergency & Disaster Fund. Motion Carried

VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS: Moved-Seconded (Weisenberg-Sleep) to approve the following list of Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried.
St.Onge: Neilon Millar, Justin Tupper, Paul “Woody” Hover, Chuck Bossert, Leonard Burtzlaf, Steve Day, JD Geigle, Will Hover, Cliff Jensen, Mitch Johnson, Amy Kari, Jacob Kari, Jason Kari, Wendy Kari, Ray Kinghorn, Russel Millar, Brent Olson, Ryan Olson, Clint Ridley, Devin Stephens, and Tim Tetrault.

LAND SALE:

The Board discussed a letter received from Dave, Jillian & Deidre Olmstead requesting to purchase Lot 9B and 9D, part of Lot 9, Block 28 of the Original Town of Lead from the County. The County took this property for back taxes. The Board will review and appraise the property.

CANCEL TREASURER TRUST AGREEMENT: Moved-Seconded (Weisenberg-Sleep) to cancel the treasurers trust agreement with Gregory S. Charlson because of failure to make payments on back taxes on Lot 4, Block 2, Mountain Shadows Estates, A subdivision of Lot2A of the SE1/4 of Section 19, T6N, R3E, Black Hills Meridian, Voorhees Addition, City of Spearfish, Lawrence County, SD. Motion Carried. Charlson has only made one and a half payments since September, 2010.

HIGHWAY BUSINESS:

Dick Birk was present to update the board on Highway related business.

FOREST SERVICE AGREEMENT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign modification #10 to the Cooperative Road Agreement #07-RO-11020300-017 between Lawrence County and the Black Hills National Forest. Motion Carried.

DEPARTMENT OF TRANSPORTATION STRIPING AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Agreement to Provide for the Striping and Continuing Maintenance of County Roads within Lawrence County with the State of South Dakota Transportation. Motion Carried.

HIGHWAY – CULVERT BIDS: Moved-Seconded (Ewing-Sleep) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from Huron Culvert & Tank Co. for 2011. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

NURSE QUARTERLY REPORT: Wade Huntington, Regional Manager and Denise Rosenberger, Community Health Nurse were present and reviewed the quarterly report.

SUPPLEMENTAL BUDGET: A public hearing was held on a request for supplemental budget for **24/7 SOBRIETY FUND PBT** Testing - \$4,000. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2011-06. Motion Carried.

RESOLUTION #11-06 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **24/7 SOBRIETY FUND PBT** Testing - \$4,000. 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 1st day of February, 2011 at the hour of 9:00 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 1st day of February, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

BELLE FOURCHE RIVER WATERSHED: Karl Jensen and Matt Stoltenberg, Belle Fourche River Watershed Partnership were present to request funding from Lawrence County of \$6,000 for Belle Fourche River Watershed Groundwater Compilation Project. Karl Jensen, updated the Board

on the history of the Watershed. Jensen stated they have received the State Grant and are now trying to come up with local match funds. The Board will consider during the 2012 preliminary budget.

CONDITIONAL USE PERMIT #371-10 AMENDEMENT: A public hearing was held on a request to increase the height of the tower from 80' to 100' located in Boulder Canyon/Three Sisters Subdivision. The Board noted correspondence received from Debrah Sieck and Joseph Hunt. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve the Amendment to Conditional Use Permit #371-10 approving the 100' tower height with the change to conditions #4, additional condition #19 and to impose the penalty as recommended by Planning and Zoning. 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-\$7,691.83; Treas-\$10,574.38; Comp-\$7,651.83; States Atty-\$11,523.08; Pub Def-\$9,660.54; Gen Govt Bldg-\$7,178.76; Equal-\$13,858.59; Rod-\$7,482.71; Vso-\$1,175.74; Disp-\$12,851.52; Sher-\$32,919.71; Jail-\$20,532.49; Coroner-\$300.00; Fire Protect-\$3,227.95; Emerg Mgnt-\$3,560.21; E911-\$1,657.40; Highway-\$38,486.58; Air-\$1,224.58; Ext-\$1,314.00; Weed-\$2,978.35; Pz-\$4,584.17; **Bills:** Hansen,Paul-\$144.69; Harmon,Joseph-\$1,345.00; Lopez,Amber-\$272.40; Outka,Bruce-\$8.99; Pavel,Douglas-\$23.32; Vogt,Amber-\$21.10; Walker,John-\$122.00; Steffen,Peggy-\$376.94; Alltel-\$836.22; BH Federal Credit Union-\$10,000.00; Deadwood Recreation Center-\$592.00; Delta Dental Of South Dakota-\$6,401.10; Dept Of The Treasury-\$45,291.24; Hartford-Priority Accounts-\$1,408.00; Montana Dakota Utilities-\$31.91; NH Family Ymca-\$314.60; Office Of Child Support-\$508.38; SD Retirement System-\$53,137.55; Sdrs Supplemental Retirement-\$1,354.00; Spearfish Police Dept-\$2,461.50; Verizon Wireless-\$96.37; Victims Of Violence-\$620.00; Wellmark Blue Cross-\$73,010.55; A&B Business Equip-\$273.76; A-Z Shredding-\$31.00; Abc Business Supply-\$126.47; Alco Store-\$15.16; Allen-Hope & Assoc-\$80.40; Alltel-\$201.74; American Family Life-\$3,454.59; Armstrong Extinguish-\$923.00; BH Chemical Company-\$293.36; BH Pest Control-\$95.00; BH Pioneer-\$173.51; BH Power-\$3,189.62; Bennett, Main & Gubbrud-\$369.43; Best Business Prod-\$23.09; Big Sky Communications-\$78.00; Binder,Tracy-\$30.60; Board Of Police Commissioners-\$310.50; Bomgaars Supply-\$1,105.62; Butte-Lawrence Co Fair-\$10,000.00; Central Parts-\$46.73; Century Business Products-\$318.99; Chemical Sanitizing Sys-\$107.43; Cody,Denise-\$15.00; Culligan Soft Water Serv-\$3,895.00; Dakotacare-\$435.31; Deadwood Home Center-\$1.99; Deadwood Thyme Bistro-\$216.00; Dept Of Hlth Lab Services-\$87.00; Dietrich,Donna-\$156.86; Election Sys & Software-\$6,060.00; Ellingson, Joseph-\$1,197.04; Et Sports-\$9,264.96; Evercom Systems-\$2,236.00; Fastenal-\$289.17; Galls, An Aramark Company-\$607.97; Havemeier,Leslie-\$201.20; Hepper,Kim-\$22.58; Ibm Corporation-\$1,526.84; Kadrmas, Lee And Jackson-\$93.70; Knology-\$1,713.74; Kosel,Joseph-\$7,163.74; Lead,City Of-\$49.75; Lead-Deadwood Sanitary-\$734.60; Lexisnexis Matthew Bender-\$78.71; Lynn's Dakotamart-\$20.73; Mack's Auto Body Llc-\$878.20; Manlove Psychiatric Group-\$600.00; Meade County Sheriff-\$12.40; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$7,194.85; Moore Medical-\$65.07; National Sheriff's Assoc-\$100.00; Neve's Uniforms-\$525.21; Quill Corp-\$762.59; RC Regional Hospital-\$2,629.13; Regional Behavioral Health-\$233.02; Reh fuss,Cathryn-\$15.00; Reserve Account-\$6,500.00;

Roberts Co Detention Center-\$900.00; Rocket Lube-\$29.74; Rsinet/Thomas W Nichols-\$297.00; SD Assoc Of Weed & Pest Boards-\$195.00; SD Dept Of Transportation-\$220.00; SD Human Services Center-\$103.00; SD Public Assur Alliance-\$103,737.74; Servall Towel & Linen-\$326.05; Spearfish Police Dept-\$15,807.85; Strawn Law-\$33.36; Subway-\$39.90; The Western Planner-\$210.00; Tigerdirect-\$318.05; Twin City Hardware & Lumber-\$289.13; Waytek-\$2,695.76; Western Communication-\$107.00; White's Queen City Motors-\$230.80; Williams Standard Serv-\$221.87; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Almanza,R-\$61.10; Bailey,M-\$64.80; Hines,K-\$61.10; Jackovich,R-\$58.88; Mcgriff,M-\$68.50; Mendoza,A-\$61.84; Ryan,V-\$57.40; Shaw,A-\$52.96; Skvicalo,C-\$56.66; Clouse,L-\$20.00; Geyer,R-\$29.62; Kaufmann,C-\$36.65; Lafayette,M-\$31.10; Thorbjornsen,A-\$20.00; Ainsworth,S-\$21.84; Allender,M-\$21.10; Bailey,A-\$24.80; Balsley,R-\$17.40; Barnett,J-\$21.10; Berg,S-\$101.48; Bernard,C-\$132.56; Brewer,S-\$22.58; Burke,R-\$10.74; Buxton,J-\$122.20; Christian,P-\$28.50; Collins,D-\$105.92; Custis,T-\$21.10; Delon,G-\$21.84; Derby,P-\$11.48; Desimone,D-\$12.96; Diers,D-\$122.20; Enninga,J-\$12.22; Ferris,W-\$10.74; Footh,S-\$21.84; Gibson,R-\$122.20; Gifford,B-\$13.70; Grebe,K-\$28.50; Groce,M-\$10.74; Janvrin,H-\$114.80; Jones,T-\$21.10; Jorgenson,A-\$25.54; Kinghorn,K-\$21.10; Lamb,C-\$21.10; Lindgren,J-\$21.84; Lorentson,S-\$105.92; Matuska,K-\$21.10; Mcamis,M-\$117.76; Moore,C-\$17.40; Noland,M-\$24.80; Norman,B-\$12.96; Olson,J-\$21.10; Pearson,K-\$21.84; Percevich,M-\$107.40; Rantapaa,L-\$104.44; Rasmussen,H-\$17.40; Reid,S-\$20.36; Richter,D-\$24.80; Riggs,J-\$21.10; Schmidt,C-\$13.70; Schneider,A-\$21.10; Smith,A-\$21.10; Studt,D-\$21.10; Vansco,J-\$122.20; Varland,A-\$110.36; Vomacka,E-\$21.10; Weerheim,R-\$13.70

ADJOURN: 10:19 a.m. Moved-Seconded (Ewing-Johnson) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 22, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 22, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of February 1, 2011 County Commission Meeting. Motion Carried.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Ewing-Sleep) to approve the travel request for Darlene Piekola to attend the North Central Regional Association of Assessing Officers Conference in Topeka, KS on June 12-15, 2011. Motion Carried.

DISPATCH: Moved-Seconded (Ewing-Flanagan) to approve the travel request for Tom Sandvick, Sue Black, Marian Hamilton and Peggy Steffen to attend the Annual Dakota 911 Training Conference in Dickinson, ND on May 2-5, 2011. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Flanagan-Sleep) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 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)-\$55,780.84; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,383.63; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,302,715.15, Money Market \$529,054.97; Bank Balance-\$3,692,134.40; Total \$12,335,178.99.

WHEELER LOAN DOCUMENTS: Moved-Seconded (Ewing-Weisenberg) to authorize the Chairperson to sign Amendment #1 to the Wheeler Lumber, LLC Loan agreement. Motion Carried.

AIRPORT PROJECT BIDS: Moved-Seconded (Flanagan-Ewing) to set March 22, 2011 at 9:30 a.m. for a bid opening for Taxiway project/Hangar replacement. Motion Carried.

VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS: Moved-Seconded (Flanagan-Sleep) to approve the following list of Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried.

Brownsville: Dennis Anderson, Mike Anderson, Curt Bauer, Brian Bergman, Chris Bergman, Derek Berman, Chet Borsch, Loren Dobyns, Dennis Hoover, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Frank Stamp, Donley Townsend, Loren Vrem. **Search & Rescue:** Ricky Allen, Steven Byrd, Richard Carlson, Steven Hanson, Bradley, Hershey, Chris Huhnerkoch, 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, Paul Hover, William Hover, Arlando Lillehaug, Lynn Davis and Jason Rath. **Nemo:** Carl Buettner, Ian Buettner, Teresa Buettner, Kelsey Chaloupka, Virginia Clark, Jeane Henrichsen, Justin Henrichsen, Bradley J. Hershey, Jerry Hood, Patrica Hood, Troy Krull, Larry Marquette, Greg Nepstad, Vince Pfeifle, Larry Rhodes, Chad Solaas, Cindy Solaas, Marcus, White Bull, Janet Wolfe, John Wolfe, John Urbas, **St Onge:** Kelly Moe, Scott Merrow, Sonja Merrow.

AMBULANCE AGREEMENTS: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the chairman to sign the ambulance agreements with Spearfish Emergency Ambulance Service for the year of 2011. Motion Carried.

WINSELL VACATION OF SECTION LINE: A public hearing was held on a petition to vacate a portion of a section line. Brett Winsell spoke in favor of the section line. The hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve the following Resolution 2011-07 Motion Carried.

LAWRENCE COUNTY RESOLUTION #2011-07 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 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: That portion of the section line in HES 296 lying in the S1/2 SW ¼ and S1/2 SE ¼ Sec. 11 and N1/2 NW ¼ and N1/2 NE ¼ Sec. 14 all located in T4N R4E. Lawrence County. AFFECTING THE LANDOWNERS: Brett Winsell and Victoria Winsell. Dated February 22, 2011 by DARYL JOHNSON, CHAIRPERSON, Lawrence County Commission. ATTEST: BRENDA MCGRUDER, Lawrence County Deputy Auditor

U.S DEPARTMENT OF JUSTICE: Moved-Seconded (Ewing-Flanagan) to approve and authorize the chairperson to sign the Equitable Sharing Agreement and Certification with the Department of Justice. Motion Carried.

HIGHWAY BUSINESS:

Dick Birk was present to update the board on Highway related business.

FUEL QUOTES: The following fuel quotes were submitted as of February 7, 2011: Spearfish Diesel 4300 Gallons: (prices per gallon) MG Oil – \$2.978 (*represents lowest quote). Unleaded 800 Gallons: (prices per gallon) Southside Oil - \$2.83*; MG Oil – \$2.853 (*represents lowest quote). Deadwood Diesel 6300 Gallons: (prices per gallon) Southside Oil – \$2.98; MG Oil – \$2.978* (*represents lowest quote). Unleaded 3000 Gallons: (prices per gallon) Southside Oil - \$2.83; MG Oil – \$2.803* (*represents lowest quote). Whitewood Diesel: 750 (prices per gallon) Southside Oil – \$3.12*; MG Oil – \$3.028 (*represents lowest quote).

HIGHWAY SUPPLIES BID OPENING: Moved-Seconded (Weisenberg-Flanagan) to set a bid opening for March 22, 2011 at 8:30 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates, de-icing sand and price per square yard for in-place hot mix asphalt patching. Motion Carried.

MOWER/TRACTOR BID OPENING: Moved-Seconded (Ewing-Flanagan) to set a bid opening for April 12, 2011 at 8:30 a.m. for a mower/tractor. Motion Carried.

WEIGHT LIMIT ENFORCEMENT RESOLUTION: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the chairperson to sign LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2011-08. Motion Carried.

LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2011-08.

WHEREAS, seasonal climatic changes can be detrimental to our highways and WHEREAS, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and WHEREAS, the Lawrence County Board of County Commissioners desire the enforcement of weight limitation of Lawrence County Roads as set forth and posted by the Lawrence County Highway Superintendent. NOW THEREFORE BE IT RESOLVED: WHEREAS, the limits on Lawrence County Highways shall be set as six (6) ton per axle on designated asphalt surface roads during spring thaw period and when limit signs are in place. That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Lawrence County Roads. BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55. Vote of Lawrence County Commission AYE_5 NAY 0. Dated this 22nd day of February 22, at Lawrence County, South Dakota. Lawrence County Commission Chairperson Daryl Johnson ATTEST: Lawrence County Auditor Connie Atkinson

LAND SALE: Moved-Seconded (Weisenberg-Sleep) to declare Lawrence County's interest in Lot 9B & 9D part of Lot 9 Block 28 Original Town Lead; City of Lead, Lawrence County, South Dakota as shown on the Plat in Book 3 Page 253; Surplus, determine no longer necessary, useful, or suitable for the purpose for which it was acquired. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to appoint the Commission to act as the appraisers and having done so the members appraised the property at less then \$500.00. (\$462.49). Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign LAWRENCE COUNTY RESOLUTION NO. 2011-09_A RESOLUTION DECLARING CERTAIN COUNTY OWNED REAL PROPERTY SURPLUS PROPERTY AND AUTHORIZATION TO SELL SURPLUS REAL PROPERTY. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2011-09 A RESOLUTION DECLARING CERTAIN COUNTY OWNED REAL PROPERTY SURPLUS PROPERTY AND AUTHORIZATION TO SELL SURPLUS REAL PROPERTY WHEREAS, Lawrence County (the "County") is the owner of the real property (the "Property") herein described, having acquired title thereto by tax deed proceeding, and the same being at the present time in an unproductive state; WHEREAS, pursuant to SDCL 6-13-1, the governing board of a political subdivision may sell or otherwise dispose of any land which the governing board has, by appropriate motion determined is no longer necessary, useful, or suitable for the purpose for which it was acquired; WHEREAS, SDCL 6-13-2 requires that once the governing board has made a determination of surplus property, the governing board shall appoint three real property owners within the County to appraise the value of such property; WHEREAS, SDCL 6-13-4 provides that any surplus property appraised at five hundred dollars (\$500.00) or less may be sold at private or public sale without notice; and WHEREAS, the Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to sell said property. NOW THEREFORE, BE IT RESOLVED, that the Property is no longer necessary, useful, or suitable for the purpose for which it was acquired and the same being in an unproductive state; BE IT FURTHER RESOLVED, that in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the Property surplus and sell the following described real property, to wit: Lawrence County's interest in Lot 9B & 9D part of Lot 9 Block 28 Original Town Lead; City of Lead, Lawrence County, South Dakota as shown on the Plat in Book 3 Page 253; BE IT FURTHER RESOLVED, that said Property shall be sold in accordance with SDCL Ch. 6-13, and that before said property is offered for sale, a panel of three real property owners, consisting of at least three members of the Board of Commissioners of Lawrence County, South Dakota, shall appraise such Property; and BE IT FURTHER RESOLVED, that upon the full appraised amount being paid to the Lawrence County Treasurer, a proper conveyance, namely a Quit Claim Deed, be delivered to the purchaser thereof, which conveyance shall be executed in the name of the County of Lawrence by the Chairman of the Board of Lawrence County Commissioners and attested by the County Auditor, and which conveyance shall vest in the grantee all of the right, title and interest of said Lawrence County, in and to such real property herein described and every part thereof. Dated this 22nd day of February, 2011. FOR THE BOARD: Daryl Johnson, CHAIRMAN ATTEST: Connie Atkinson, AUDITOR

SEVERANCE TAX FUNDS REQUEST: Lead-Deadwood Elementary Teachers, Lisa Rantapaa, Sheila Kinghorn and Joe Williams and Lead-Deadwood Principal Tim Kosters were present to discuss and request funding for 60 laptops at a cost of \$48, 420.00. Moved-Seconded (Flanagan-Ewing) to grant the Lead-Deadwood Elementary \$48, 420.00. Motion withdrawn by (Flanagan-Ewing). Moved-Seconded (Flanagan-Weisenberg) to grant the Lead-Deadwood School District up to \$24,210.00 to pay for half of the 60 laptop computers needed for the 4th grade class. Motion Carried.

TECHNICAL ASSISTANCE AGREEMENT FOR TIMBER & PINE BEETLE

COMMITTEES: Dave Heck, Invasive Species Supervisor, was present and gave an update on the progress being made on the efforts of the Pine Beetle committee to create a regression model. He

also asked that Rob Mattox be reimbursed for his time devoted to this project. A proposed contract for professional services will be presented to the commissioners at the next meeting for their consideration.

USFS COLD SPRINGS PROJECT COMMENTS: Bill Coburn was present to discuss comments to be presented to the USFS Cold Springs Project. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairperson to sign the comments recommended by the Timber Committee after they have been reviewed by Bruce Outka, County Attorney. Motion Carried.

USFS PROPERTY ACCESS POLICY CHANGES: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairperson to sign a letter to the Regional Forester asking for a waiver allowing for temporary access easements in the planning process for timber projects. Motion Carried.

CITY OF LEAD COMPLAINT: Jan Kuntz meet to discuss her concern with sewer backing up into her home and requested some assistance to help hire an engineer. The Commission told her that they could not get involved in City matters.

GOVERNMENT DAY: Moved-Seconded (Weisenberg-Flanagan) to participate in Government Day for 2011 and donate \$75.00 for the luncheon. Motion Carried. Bruce Outka volunteered to be the County Coordinator.

PLANNING & ZONING

Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters. Moved-Seconded (Ewing-Weisenberg) to accept the procedures for filing a plat as presented. Motion Carried.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #362 / BROWN ENERGY SYSTEMS: An annual review was held on Conditional Use Permit #362 for Brown Energy Systems. Moved-Seconded (Flanagan-Weisenberg) CUP #362 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.

CONDITIONAL USE PERMIT #385 / BERGAN LANDSCAPPING BUSINESS: An annual review was held on Conditional Use Permit #385 for Bergan Landscaping Business.

CONDITIONAL USE PERMIT #386 / MONTIETH / RIDING ARENA: An annual review was held on Conditional Use Permit #386 for Montieth Riding Arena.

ITEMS FROM COMMISSIONERS: Richard Sleep questioned whether the County had an ordinance for Adult Entertainment. The board decided this matter should be passed on to the Planning & Zoning board.

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-\$12,949.74; Aud-\$15,383.66; Treas-\$20,317.73; Comp-\$15,680.43; States Atty-\$23,076.01; Pub Def-\$19,329.09; Gen Govt Bldg-\$14,357.53; Equal-\$27,757.44; Rod-\$15,796.44; Vso-\$2,351.48; Disp-\$26,737.35; Sher-\$67,963.31; Jail-\$43,888.74; Coroner-\$646.16; Fire Protect-\$7,308.50; Emerg Mgnt-\$7,014.35; E911-\$3,314.80; Highway-\$78,941.55; Air-\$2,454.07; Exten-\$2,540.40; Weed-\$5,442.59; Pz-\$8,838.34; **Bills:** Deweese,Rodney-\$111.00; Fystro,Terry-\$5.00; Gullickson,Scott-\$99.90; Lantis,Travis-\$133.20; Mowell,Richard-\$5,214.00; Rath,Michael-\$133.20; Schuchmann,Bernard-\$41.44; A&B Business Equip-\$1,346.17; A&B Welding Supply-\$17.98; A&J Supply-\$22.38; A-Z Shredding-\$209.35; Aaa Collections-\$125.00; Abc Business Supply Corp-\$295.25; Aberdeen Llc-\$720.25; Amcon Distributing-\$103.32; American Stewards Of Liberty-\$70.00; At&T-\$5.09; BH Chemical Company-\$2,960.64; BH Federal Credit Union-\$20,000.00; BH Land Analysis-\$472.50; BH Pioneer-\$756.61; BH Power-\$9,283.69; BH Window Cleaning-\$17.50; Bennett, Main & Gubbrud, PC-\$444.28; Best Western Seven Seas-\$207.90; Binder,Tracy-\$26.60; Black Hills Pure-\$28.75; Bob Barker Company-\$135.53; Bp-\$119.43; Butler Machinery Co-\$352.00; Butte Electric Coop-\$779.24; Campbell Co Sheriffs-\$30.00; Carls Trailer Sales-\$77.38; Carol Butzman Consulting-\$672.60; Central Parts-\$1,469.02; Century Business Products-\$605.94; Chalmers,Phil-\$3,500.00; Cherry County Sheriff-\$18.50; Chris Supply Co-\$460.54; Dale's Tire & Retread-\$223.81; Deadwood Recreation Center-\$617.00; Deadwood, City Of-\$734.60; Dept Of The Treasury-\$93,558.85; Eagle Aviation-\$74.85; Ecolab-\$121.00; Eddie's Truck Sales/Serv-\$242.65; Ellingson,Joseph-\$1,243.43; Fastenal-\$104.26; First Western Ins Deadwood-\$2,990.00; Fleet Services-\$2,076.17; Fsh Communications-\$60.00; Galls, An Aramark Company-\$1,893.96; Glenney, Tracy-\$90.00; Godfrey's Brake Serv-\$297.78; Great Western Tire-\$687.24; Hamann,Chris-\$250.00; Havemeier,Leslie-\$95.20; Heisler Hardware-\$122.97; Howell,Jack Ken-\$414.20; Jacobs Precision Welding-\$132.60; Kabeiseman & Pollard-\$170.00; Keepers-\$191.97; Knecht True Value-\$626.56; Knology-\$59.14; Koala Electric-\$885.24; Kosel,Joseph-\$5,175.59; LC Highway-\$14.37; LC Sheriff-\$382.83; LC Treasurer-\$5.00; Labcorp Of America Holdings-\$25.00; Lawson Products-\$944.30; Lead-Deadwood Reg Med Clinic-\$88.00; Lead-Deadwood Regional Hospital-\$220.49; Lee,James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Risk Data Mgnt-\$75.00; Main Fox 8707 Llc-\$400.00; McClure,Susan-\$400.00; Megas Propane-\$592.89; Meade County Sheriff-\$70.00; Metric Motors-\$400.00; Mg Oil Company-\$23,364.97; Michael Stonefield Atty-\$15,893.50; Microfilm Imaging Systems-\$1,285.00; Midwest Alarm-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Mobile Electronic Service-\$4,904.71; Montana Dakota Utilities-\$1,581.50; NH Family Ymca-\$299.20; NH Training Center-\$1,250.00; Nacvso-\$30.00; Neustar-\$122.35; Neve's Uniforms-\$358.75; Nooney Solay & Van Norman-\$3,240.64; Office Of Child Support-\$1,016.76; Office Technology/Supply-\$150.71; Pennington Co Jail-\$1,518.70; Powerplan-\$195.30; Praire Hills Transit-\$7,500.00; Program Works-\$80.00; Qwest-\$1,408.62; RC Finance Office-\$1,225.00; RC Regional Hospital-\$2,094.00; Radio Shack-\$27.48; Radiology Associates-\$13.97; Rapid Delivery-\$9.35; Rasmussen Mechanical Serv-\$9,270.00; Regional Health Physicians-\$34.60; Reindl,Staci-\$3,440.05; Reliable-\$48.67; Reserve Account-

\$10,000.00; Rocket Lube-\$231.92; SD Assn Of Co Comm-\$6,718.00; SD Assoc Of Weed &Pest Boards-\$100.00; SD Association Of County-\$80.00; SD Dept Of Transportation-\$2,850.00; SD Law Review-\$33.02; SD Retirement System-\$52,984.93; SD State Treasurer-\$1,991.63; Safeway-\$29.60; Sco Operations-\$720.00; Sdrs Supplemental Retirement-\$2,708.00; Servall Towel & Linen-\$483.73; Seward & Odenbach-\$246.00; Sign Express-\$284.35; Southside Oil Co-\$21,143.61; Spearfish Alt/Starter Rebuild-\$135.00; Spearfish Auto Supply-\$1,705.51; Spearfish Police Dept-\$5,717.87; Stadler Ind Service-\$337.69; Strawn Law P.C-\$686.50; Sturdevant's Auto Parts-\$13.59; Subway-\$46.93; Tigerdirect-\$175.43; Triple K Tire & Repair-\$1,666.50; Twin City Hardware & Lumber-\$478.14; United Parcel Service-\$18.14; Verizon Wireless-\$96.37; Victims Of Violence-\$365.00; Warne Chemical-\$689.68; Waste Connections-\$574.42; Watertree-\$63.50; Wellmark Blue Cross-\$71,452.89; Wells Fargo Business Card-\$5,310.00; West Group-\$843.49; Western Communication-\$816.72; Western Sd Juvenile Serv-\$2,580.00; White Drug-\$127.68; White's Queen City Motors-\$1,416.14; Wilde & Hunt, Prof-\$578.50; Wsi Corp-\$780.00; Xerox Corporation-\$108.42; Yankton Co Sheriff-\$25.00; Ziggy's Building Center-\$62.97; Witness & Jurors: Brady,F-\$63.32; Crary,D-\$52.22; Dar,E-\$62.58; Ford,T-\$52.22; Frost,F-\$61.10; Hunt,R-\$61.10; Nelson,R-\$51.48; Shirey,M-\$51.48; Sullivan,M-\$52.22; Harvey,N-\$31.10; Leach,C-\$31.10; Tchida,B-\$31.10; Warrick,D-\$42.20; Adams,E-\$20.00; Bechtold,S-\$31.84; Braun,M-\$20.00; Braun,T-\$31.84; Burrer,L-\$22.22; Engessor,N-\$31.84; Guettler,A-\$20.00; Hansen,A-\$20.00; Johnson,C-\$22.22; Kreycik,T-\$227.20; Lee,B-\$20.00; Mcpherson,T-\$20.00; Miles,B-\$25.55; Wagner,C-\$20.00; Wright,R-\$20.00; Sowell,D-\$20.00;

ADJOURN: 11:14 a.m. Moved-Seconded (Sleep-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 8, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 8, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, 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 (Weisenberg-Sleep) to approve the minutes of February 22, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Ewing-Sleep) to approve Megan Merwin as a full/time Corrections II G1 at the base rate of \$16.07 an hour, effective 3-8-2011. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Shane Hyronimus as a full/time Corrections Officer 2 G3 at the base rate of \$16.73 an hour, effective 3-1-2011. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Nadim Jonathon Antar as a part/time Corrections 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 3-7-2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Raymond Pearce as a part/time Corrections 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 3-7-2011. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Jeffrey Grosek as a part/time Corrections 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 3-7-2011. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve Thomas Derby as a full time Deputy II G1, at base rate of \$20.88 an hour, effective March 14, 2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep): to approve Cynthia Verwey as a part/time Dispatcher 1 G3 at the base rate of \$14.54 an hour, upon the completion of 40 hours of training at \$9.31 an hour, effective 3-8-2011. Motion Carried.

COMMISSIONERS: Moved-Seconded (Flanagan-Ewing) to accept the letter of retirement, with regrets, from Marlene Barrett, Commissioners Assistant, effective August 12, 2011. Motion Carried. The Board thanked Barrett for her many years of service and stated she will be missed.

TRAVEL REQUEST:

STATES ATTORNEY: Moved-Seconded (Flanagan-Sleep) to approve the travel request for Amber Richey to attend the Sexual Assault Response Team National Conference in Austin, Texas; subject to the employee signing a travel and training agreement and to be voided upon receipt of reimbursement. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Sleep) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 28, 2011 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)-\$112,573.36; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,072.97; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,303,229.17, Money Market \$529,208.61; Bank Balance-\$2,471,220.91; Total \$11,174,415.02.

SUPPLEMENTAL BUDGET HEARINGS:

Moved-Seconded (Ewing-Flanagan) to set a supplemental budget hearing for March 22, 2011 at 9:10 a.m. for Emergency Management Grants - \$14,423.42, Invasive Species Management Chemicals - \$60,200, Invasive Species Management Mountain Pine Beetle - \$3,500, and Severance Tax - \$24,210. Motion Carried.

TECHNICAL ASSISTANCE CONTRACT / PINE BEETLE & TIMBER COMMITTEES:

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Technical Assistance Contract for \$6,000 with Rob Mattox for Consultant / Letter of Agreement for Title III Funds. Motion Carried. Sleep questioned if this would be data used in the future and the Board discussed the importance of this project in fighting wildfire and pine beetle issues.

REGIONAL FORESTER / TEMPORARY ACCESS:

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the letter to the Regional Forester in regards to temporary access permits and to send copies to the congressional delegation, Governor Daugaard, and numerous officials in the area. Motion Carried.

ABATEMENTS:

SPEARFISH SCHOOL DISTRICT: Moved-Seconded (Weisenberg-Ewing) to approve the abatement for the Spearfish School District on parcels #32198-00100-000-00 & #32918-00200-000-00 because the entity is tax exempt. Motion Carried.

NEIGHBORHOOD HOUSING SERVICES: Moved-Seconded (Flanagan-Sleep) to approve the abatement for the Neighborhood Housing Services on parcel #30810-00200-000-00 because they did not own this lot in 2010. Motion Carried.

EAGLE WATER COMPANY: Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for the Eagle Water Company on parcels #12050-00402-310-00 and 12050-00402-320-00 because they are utility lots and were assessed as building lots. Motion Carried.

HIGHWAY BUSINESS:

Dick Birk was present to update the board on Highway related business.

BUREAU OF LAND MANAGEMENT: Marian Atkins, US Bureau of Land Management was present to update the Board on BLM Projects.

PLANNING & ZONING

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

WINSELL RANCH SUBDIVISION PRELIMINARY & FINAL PLAT:

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Preliminary Plat for Lots 1-6 of Winsell Ranch Subdivision of HES 296, located in sections 11 & 14, T4N, R4E, BHM, Lawrence County with the conditions as imposed by Planning and Zoning. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Final Plat for Lot 4 and a 66' dedicated public access and utility easement of Winsell Ranch Subdivision of HES 296, located in Sections 11 & 14, T4N, R4E, BHM, Lawrence County, with the condition that the road will be approved by the County Highway Department. Motion Carried.

ORDINANCE #11-01 / NEW REGULATIONS FOR TEMPORARY SECOND

RESIDENCES: First Reading and a Public Hearing were held on the proposed Ordinance #11-01 New Regulations for Temporary Second Residences. Carol Reausaw was present and expressed concerns on abuse of the proposed ordinance. The public hearing was closed.

The Board discussed the proposed Ordinance #11-01 and making minor changes to the wording of the proposed ordinance. Sleep expressed concerns on the 40 and 160 acre minimum and stated some circumstance may arise where the 40 acre minimum could be a hardship. Flanagan asked what the difference is if you have a true medical hardship if you own 40 acres or 4 acres and questioned if the comprehensive plan needs to be changed instead.

2nd Reading will be March 22, 2011.

9:52 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Sleep) to go into executive session for personnel. Motion Carried. 10:19 a.m. the Board reopened for regular business.

Moved-Seconded (Weisenberg-Ewing) to draw up a new job description for the Commission Assistant. 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-\$7,691.84; Treas-\$9,876.62; Comp-\$7,651.84; States Atty-\$11,523.07; Pub Def-\$9,664.54; Gen Govt Bldg-\$7,178.77; Equal-\$13,845.64; Rod-\$8,180.46; Vso-\$1,175.74; Disp-\$14,526.33; Sher-\$34,454.02; Jail-\$22,677.19; Coroner-\$23.08; Fire Protect-\$2,521.49; Emerg Mgnt-\$3,477.16; E911-\$1,654.40; Highway-\$39,714.91; Air-\$1,270.25; Ext-\$1,349.04; Weed-\$2,942.38; Pz-\$4,304.17; **Bills:** Mowell,Richard-\$5,070.00; Steffen,Peggy-\$36.00; A&B Business Equip-\$58.80; Aaa Collections-\$125.00; Abc Business Supply-\$282.14; Allen-Hope & Assoc-\$80.40; Alltel-\$897.97; American Family Life-\$3,454.59; Delta Dental Of South Dakota-\$6,401.10; Division Of Motor Veh-\$28.00; Hartford-Priority Accounts-\$1,408.00; Amcon Distributing-\$154.00; American Legion Post 31-\$75.00; Arrowhead Scientific-\$27.95; At&T-\$20.44; BH Chemical Company-\$332.30; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$1,600.00; BH Pioneer-\$330.30; BH Power-\$760.73; Best Business Prod-\$23.09; Binder,Tracy-\$230.00; Bomgaars Supply-\$823.94; Butler Machinery Co-\$153.40; Butte Electric Coop-\$231.66; Carbon County Sheriff Dept-\$35.00; Carol Butzman Consulting-\$1,822.86; Central Parts-\$102.01; Century Business Products-\$61.27; Clinical Lab Of BH-\$1,957.00; Conocophillips Fleet-\$30.00; Dakotacare-\$435.31; Deadwood, City Of-\$750.90; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$51,973.93; Executone Of The BH-\$6,960.00; Fish,Veronica-\$3,139.20; Great Plains Chemical-\$180.00; Great Western Tire-\$835.19; Heisler Hardware-\$66.94; Hewlett-Packard Company-\$1,140.50; Kadrmas, Lee And Jackson-\$24,424.13; Kimball-Midwest Co-\$250.86; Knecht True Value-\$6.47; Knology-\$1,814.05; LC Sheriff-\$6.33; Lawson Products-\$514.47; Lead,City Of-\$310.64; Lead-Deadwood Regional Hospital-\$535.09; Lead-Deadwood Sanitary-\$292.32; Lee,James-\$15.00; Lexisnexis Matthew Bender-\$88.71; Manlove Psychiatric Group-\$375.00; McClure,Susan-\$150.00; Meade County Sheriff-\$46.40; Metric Motors-\$669.66; Mg Oil Company-\$27.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$5,809.40; Nelson,Christy-\$300.00; Neve's Uniforms-\$56.00; Newman Traffic Signs-\$1,463.98; Office Depot-\$347.28; Office Of Child Support-\$763.61; Pennington Co Auditor-\$288.00; Pitney Bowes-\$322.02; Pump House Coffee & Deli-\$66.00; Quill Corporation-\$174.47; Qwest-\$248.12; RC Police Dept-\$190.00; RC Regional Hospital-\$2,094.00; Radio Shack/Kazco-\$299.99; Regional Behavioral Health-\$254.61; Reindl,Staci-\$424.70; Reliable-\$23.98; Rocket Lube-\$123.96; Royal Electric-\$122.45; SD Assoc Code Enforcement-\$50.00; SD Human Services Center-\$222.00; SD State Treasurer-\$1,332.44; Safeway-\$59.86; Sanitation Products-\$111.16; Servall Towel & Linen-\$326.05; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$596.39; Spearfish Police Dept-\$1,987.02; T&W Appliance/Knothole-\$73.87; Tigerdirect-\$768.99; Triple K Tire& Repair-\$53.92; Turbiville Industrial Electric-\$82.89; Twin City Hardware & Lumber-\$122.51; United Parcel Service-\$19.26; Waste Connections-\$344.21; Wellmark Blue Cross-\$250.00; West River International-\$166.86; Western Communication-\$373.80; Western Sd Juvenile Serv-\$1,935.00; White's Queen City Motors-\$74,793.00; Yankton County-\$103.75; **Witness & Jurors:** Almanza,R-\$61.10; Bailey,M-\$64.80; Hines,K-\$61.10; Jackovich,R-\$58.88; Mcgriff,M-\$68.50; Park,E-\$50.74; Ryan,V-\$57.40; Shaw,A-\$52.96; Skvicalo,C-\$56.66; Bean,R-\$31.84; Pinnix,T-\$20.00; Stevens,K-\$33.32; Vostad,K-\$32.58

ADJOURN: 10:30 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 22, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 22, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, and Terry Weisenberg present. Brandon Flanagan was absent.

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

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

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of March 8, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Weisenberg-Ewing) to approve the donation of sick leave to Laurie Greeley, after she has exhausted all of her accumulated vacation time, “comp. time” and sick leave. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the cell phone allowance of \$104.00 per month for Tom Derby, effective 3-12-2011. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve Frank Cortez as a full/time Correctional Sergeant G2 at the base rate of \$17.06 an hour, effective 3-22-2011. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Jeremiah Fredericksen as part/time Corrections II G3 at the base rate of \$16.73 an hour, effective 3-22-2011. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Ewing-Weisenberg) to approve Jeff Schroeder as Planning & Zoning Deputy G2 as the base rate of \$17.02 an hour, effective March 28, 2011. Motion Carried.

BIDS / AIRPORT RUNWAY 31 PARALLEL TAXIWAY PROJECT: Moved-Seconded (Weisenberg-Sleep) to set the bid opening for April 26, 2011 at 9:30 a.m. for the Airport Runway 31 Parallel Taxiway Project. Motion Carried.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Ewing) to approve the automatic supplement for the Register of Deeds Supplies for \$3,855.00 for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGET HEARINGS: A public hearing was held on a request for supplemental budget. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2011-10. Motion Carried.

RESOLUTION #11-10 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND Emergency Management Grants - \$14,423.42; GENERAL FUND Invasive Species Management Chemicals - \$60,200, Invasive Species Management Mountain Pine Beetle - \$3,500; SEVERANCE TAX FUND Severance Tax - \$24,210. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 22nd day of March, 2011 at the hour of 9:10 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 22nd day of March, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS: Daryl Johnson, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

SANFORD LAB UPDATE: John Scheetz, Environmental Manager updated the Board on the Sanford Lab, and reviewed projects completed and in progress. Sheetz stated employment rates at the Lab are consistent and layoffs are not planned. Sheetz discussed the funding for the Lab and stated sometime in June they should hear a definitive answer from the Department of Energy if they will be funding the operations of the lab.

FUEL QUOTES: The following fuel quotes were submitted as of March 21, 2011: Spearfish Diesel 3600 Gallons: (prices per gallon) CBH Cooperative - \$3.485; Southside - \$3.41*; MG Oil – \$3.434 (*represents lowest quote). Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.229; Southside Oil - \$3.25; MG Oil – \$3.212* (*represents lowest quote). Deadwood Diesel 5200 Gallons: (prices per gallon) CBH Cooperative - \$3.485; Southside Oil – \$3.39*; MG Oil – \$3.431 (*represents lowest quote). Unleaded 3600 Gallons: (prices per gallon) CBH Cooperative - \$3.229; Southside Oil - \$3.23; MG Oil – \$3.211* (*represents lowest quote). Whitewood Diesel: 700 (prices per gallon) CBH Cooperative - \$3.485; Southside Oil – \$3.41*; MG Oil – \$3.434 (*represents lowest quote).

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: Moved-Seconded (Ewing-Weisenberg) to accept the only bid from Z&S Dust Control at \$128.00 per ton and \$20.00 per ton application, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

HOT MIX ASPHALT: Sacrison Paving-\$65.00 at Exit 8 Plant; Hills Materials - \$53.65. Moved-Seconded (Ewing-Sleep) to accept the low bid received from Hills Materials and allow the Chairman to sign the contract. Motion Carried.

COLD MIX ASPHALT: Hills Materials - \$92.00. Moved-Seconded (Ewing-Weisenberg) to accept the only bid received from Hills Material at \$92.00 from the Centennial Pit and allow the Chairman to sign the contract. Motion Carried.

GRAVEL SURFACING AGGREGATE: Hills Material: ¾" gravel surfacing-\$8.20; 1" gravel base-\$7.50; ¾"; clean rock-\$12.10; ½" clean rock-\$12.55; 1" clean rock-\$12.00; Loading-\$.30. EKE Inc.: ¾" gravel surfacing-\$6.85; 1" gravel base-\$6.85; ¾"; Loading-\$.20. Moved-Seconded (Weisenberg-Ewing) to accept all bids received, depending on the advantageous price and desired location, and allow Chairman to sign the Contracts. Motion Carried.

DE-ICING SAND: No-bids were received.

ABATEMENTS:

ANTHONY MITCHELL: Moved by Weisenberg to approve the abatement request for Anthony Mitchell on parcel #26500-01210-001-01 because the acreage was incorrect. Motion died due to lack of second.

Moved-Seconded (Ewing-Sleep) to deny the request for abatement for Anthony Mitchell on parcel#26500-01210-001-01 because it is the taxpayers due diligence to make corrections if they know that the information on their tax assessment record is incorrect. Aye-Ewing, Sleep and Johnson. Nay-Weisenberg. Absent-Flanagan. Motion Carried.

BIDS / AIRPORT TAXIWAY HANGAR RELOCATION PROJECT: The Board received a faxed bid from Building Construction Management, (CSI). Bruce Outka reviewed the bid specification documents. Moved-Seconded (Ewing-Weisenberg) to reject the Building Construction Management (CSI) bid because a faxed bid does not conform to the requirements of the bid specification documents. Motion Carried.

The following bids were received: Ainsworth-Benning: Base-\$459,918.35 Alt#1-\$231,604.95 Total-\$691,523.30; Donovan Construction: Base-\$437,011.55 Alt#1-\$206,239.00 Total-\$643,250.55; GBA, Inc: Base-\$432,642.79 Alt#1-\$208,367.89 Total-\$641,015.68.

Moved-Seconded (Weisenberg-Sleep) to table the bids until April 12th 2011 to allow time for the Airport Board to make a recommendation and for Rod Senn, KLJ to review the bids to verify they meet specs. Motion Carried.

ENVIRONMENTAL REVIEW PLAN ORDINANCE & COORDINATION WORKSHOP:

Bill Coburn, Timber Committee was present to discuss the Environmental Review Plan Ordinance & Coordination Workshop. The Board reviewed the booklets received. Outka reviewed the difference between a Cooperator and a Coordinator. John Frederickson and Dave Heck were also

present to discuss the benefits of being a Coordinator with the Forest Service and other Federal Agencies. Weisenberg stated this is something the Board needs to research further and go forward with the process to become a Coordinator. Moved-Seconded (Weisenberg-Ewing) to appoint Dave Heck, Bill Coburn, John Frederickson, Bob Ewing, Amber Vogt, Jim Nelson, Rob Mattox and Bruce Outka to the Custom, Culture, and Economic Plan Committee. Motion Carried.

SPEARFISH CANYON: Jim Nelson, Spearfish Canyon Owners Assn presented a packet of history on the request for mining withdrawal in Spearfish Canyon. Nelson asked the Commission to consider a letter of support for mining withdrawal in Spearfish Canyon. The Board will review the information received and discuss at a later date.

PLANNING & ZONING

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

ORDINANCE #11-01 / NEW REGULATIONS FOR TEMPORARY SECOND

RESIDENCES: Second Reading was held on the proposed Ordinance #11-01 New Regulations for Temporary Second Residences. The Board discussed the proposed Ordinance #11-01. Sleep expressed concerns on the acreage requirements. Moved-Seconded (Ewing-Weisenberg) to table the proposed Ordinance #11-01 to allow additional time to review the proposed ordinance. Motion Carried.

ANNUAL REVIEW / CUP #357 ELSOM VETERINARY CLINIC: An annual review was conducted for Conditional Use Permit #357 for Dr. David Elsom for a Crematorium.

PUBLIC HEARING PROCESS / WHARF RESOURCES: Amber Vogt reviewed the process and timeline for the Wharf Resources Expansion. The Board discussed tentative dates for on-site and public hearings. Moved-Seconded (Ewing-Weisenberg) to request that the State has all public hearings in Lawrence County and authorize the Chairman to sign the letter of request. Motion Carried.

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

Payroll: Comm-\$6,474.87; Aud-\$7,691.83; Treas-\$10,127.50; Comp-\$7,651.84; States Atty-\$11,523.07; Pub Def-\$9,664.54; Gen Govt Bldg-\$7,178.76; Equal-\$13,945.62; Rod-\$7,929.66; Vso-\$1,175.74; Disp-\$12,264.33; Sher-\$35,413.52; Jail-\$20,614.03; Coroner-\$323.08; Fire-\$4,198.24; Emerg Mgnt-\$3,448.14; E911-\$1,657.40; Highway-\$37,641.76; Air-\$1,303.87; Mh Serv-\$82.00; Ext-\$1,208.88; Weed-\$2,652.98; Pz-\$4,504.17; **Bills:** Ewing,Robert-\$148.00; Johnson,Daryl-\$111.00; Ryan,Steven-\$89.25; Thomson, Paul-\$62.00; Witcher,Eric-\$351.50; A&B Business Equip-\$1,035.35; A&B Welding Supply-\$74.51; A&J Supply-\$105.60; A-Z Shredding-\$33.25; Aaa Collections-\$125.00; Abc Business Supply-\$252.21; Active Data Systems-\$4,785.00;

Adams Machining-\$1,829.55; Alco Store-\$15.00; Alltel-\$61.75; At&T-\$3.40; BH Chemical Company-\$956.96; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$6,000.00; BH Pest Control-\$95.00; BH Pioneer-\$183.41; BH Power-\$9,650.43; BH Security & Systems-\$436.23; Black Hills Pure-\$34.50; Bob Barker Company-\$127.02; Butte Electric Coop-\$483.97; Central Parts-\$1,360.14; Century Business Products-\$253.00; Cermak,Lisa-\$50.00; Comfort Inn Of Pierre-\$562.16; Cooper Body Shop-\$1,660.93; Credit Collections Bureau-\$150.00; Dakota Graphics-\$36.00; Deadwood Home Center-\$21.49; Decastro Law Firm-\$405.90; Dept Of The Treasury-\$46,275.17; Derosier,Dave-\$335.00; Ds Solutions-\$50.00; Eagle Aviation-\$297.61; Eddie's Truck-\$232.83; Et Sports-\$285.09; Evercom Systems-\$2,236.00; Fastenal-\$253.72; First Western Ins Deadwood-\$100.00; Fleet Services-\$1,260.77; Frame Garage-\$200.00; Fsh Communications-\$60.00; Gene's Lock Shop-\$19.05; Graphics Plus-\$148.16; Grimm's Pump Service-\$277.60; Hamann,Chris-\$200.00; Heartland Paper Co-\$361.52; Heisler Hardware-\$25.03; Hewlett-Packard Company-\$841.50; Hillside Disposal Service-\$87.00; J H Hilt Engineering-\$1,955.34; Jacobs Precision Welding-\$33.79; Janke,Wendy-\$900.00; Knecht True Value-\$416.28; Knology-\$1,674.72; LC Treasurer-\$60.00; Landmark Gsi-\$9,000.00; Language Line Services-\$64.28; Lead,City Of-\$110.23; Lead-Deadwood Sanitary-\$86.00; Lead-Deadwood School District-\$24,210.00; Lexisnexis Risk Data Mgnt-\$75.00; Microfilm Imaging Systems-\$1,285.00; Montana Dakota Utilities-\$1,309.50; Motorola Solutions-\$14,750.00; National Forest Counties-\$123.34; Nelson,Tonya-\$950.00; Neve's Uniforms-\$90.90; New World Systems-\$935.00; North Dakota Apco-\$360.00; Northern Hills Law-\$668.28; Occupational Health Network-\$270.00; Office Of Child Support-\$763.61; Office Technology/Supply-\$29.41; Outdoor Motor Sports-\$2,430.00; Pennington Co Jail-\$1,833.10; Pitney Bowes-\$1,197.00; Postmaster,Deadwood-\$255.00; Priority Dispatch-\$310.00; Program Works-\$80.00; Quik Signs-\$121.80; Quill Corporation-\$169.61; Qwest-\$1,166.03; Radio Shack/Kazco-\$45.89; Rapid Delivery-\$19.80; Regional Behavioral Health-\$289.60; Reindl,Staci-\$1,634.50; Reliable-\$101.47; Reliance Telephone-\$3,145.25; Rocket Lube-\$94.46; Root Spring Scraper-\$19,952.00; SD Aao-\$300.00; SD Assn Of Co Comm-\$20.00; SD Continuing Legal Education-\$150.00; SD Dept Of Transportation-\$8,550.00; Sander,Duane-\$400.00; Scott J Odenbach,Pc-\$82.00; Sdrs Supplemental Retirement-\$1,354.00; Secretary Of State-\$60.00; Servall Towel & Linen-\$483.73; Spearfish Auto Supply-\$380.95; Spearfish Police Dept-\$708.12; Stadler Ind Service-\$699.93; Strawn Law P.C-\$820.44; Superior Sanitation-\$330.00; The Crossroads Hotel-\$437.94; Tigerdirect-\$1,371.58; Top Quality Glove-\$110.00; Triple K Tire & Repair-\$20.00; Twilight First Aid & Safety-\$79.95; Twin City Hardware & Lumber-\$1,588.05; Verizon Wireless-\$96.37; Warne Chemical-\$513.74; Waste Connections-\$230.21; Watertree-\$44.00; Wells Fargo Business Card-\$1,806.16; West Group-\$751.92; Western Communication-\$632.80; White Drug-\$173.27; Wilde & Hunt, Prof Llc-\$285.50; Wolff Law Office, Pllc-\$723.00; Wolff's Plumbing & Heating-\$2,772.74; Xerox Corporation-\$66.32; **Wintness & Jurors:** Brady,F-\$63.32; Crary,D-\$52.22; Dar,E-\$62.58; Ford,T-\$52.22; Frost,F-\$61.10; Hunt,R-\$61.10; Nelson,R-\$51.48; Shirey,M-\$51.48; Sullivan,M-\$52.22; Hansen,A-\$35.89; Setzler,R-\$27.40; Bellantino,J-\$25.55; Bowman,J-\$44.42; Burr,D-\$20.37; Doud,K-\$21.11; Edstrom,T-\$29.62; Fuka,J-\$29.25; Heinzerling,D-\$20.00; Helickson,C-\$53.30; Ostrom,K-\$22.22; Stone,R-\$22.22

ADJOURN: 10:50 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 12, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 12, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of March 22, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Ewing-Flanagan) to approve David Riley as a full/time Corrections II G3 at the base rate of \$16.73 an hour, effective 4-18-2011. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve Anthony Melaragno as a Special Deputy at the base rate of \$16.73 an hour, effective 4-1-2011. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Flanagan-Ewing) to approve Dusty Peters, as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour, effective April 4, 2011. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Weisenberg-Flanagan) To approve the contract with Kelly Peterson on a contract basis at \$25.00 an hour for Attorney services. Motion Carried.

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

TRAVEL REQUESTS:

AIRPORT: The Board discussed the travel request for the SD Airport Conference in Watertown, SD. Ewing stated travel requests need to be presented before travel is completed and stated all in-state travel is reimbursed for automobile and not air. Sleep was in agreement that the air fare charge of \$3,281.25 was excessive and a county vehicle was available. The Board was in agreement that attendance at the Airport Conference is important but could not justify the travel by air expense. Moved-Seconded (Flanagan-Weisenberg) to approve the travel request for the SD Airport Conference for lodging and registration only for the Airport Conference. Nay-5. Motion Failed. The

Board discussed the County Policy of reimbursing only County Employees for travel expenses and stated Ray Jilek is not a County Employee. Moved-Seconded (Flanagan-Ewing) to deny the travel request for the Airport Conference and request they submit a new travel request. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2011-11 / WELFARE GUIDELINES: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2011-11. Motion Carried. **LAWRENCE COUNTY RESOLUTION #2011-11 AMENDMENT #16 LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX A - ELIGIBILITY INCOME.** Motion Carried. WHEREAS, Lawrence County has adopted Welfare Guidelines to provide assistance to indigent persons of the county under SDCL Chapter 28-13; and WHEREAS, Lawrence County uses the federal poverty guidelines in the Federal Register, which are updated on a periodic basis as eligibility standards; NOW THEREFORE BE IT RESOLVED, that effective May 1, 2011, and until otherwise revised, the attached revisions and amendment setting forth the new income guidelines in the Lawrence County Welfare Guidelines are hereby adopted. Dated this 12th day of April, 2011. FOR THE BOARD: Daryl D. Johnson, CHAIR. ATTEST: Connie Atkinson, Auditor.

RAFFLE NOTIFICATION: The Board acknowledged receipt of the notification from the Spearfish Chapter of Ducks Unlimited intent to conduct a raffle.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Flanagan-Sleep) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2011 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)-\$96,194.50; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,515.17; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,303,577.43, Money Market \$529,289.80; Bank Balance-\$2,342,447.77; Total \$11,031,134.67.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2011 is \$869,728.78 or 6.62%.

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

TRANSFER OF FUNDS: Moved-Seconded (Ewing-Sleep) to approve the transfer of Title III Funds of \$28,019.41 to the Fire Protection Fund to reimburse for expenses to carry out activities under the Firewise Communities Program. Motion Carried.

DEADWOOD TAX INCREMENT DISTRICT: Moved-Seconded (Sleep-Ewing) to send a County Commissioner to the Tax Increment District hearing at the City of Deadwood to represent the County. Motion Carried.

RETAIL ON-OFF SALE WINE: A public hearing was held on an application for a Retail On-Off Sale Wine License for DST Enterprises LLC (Valley Corner). No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Flanagan) to approve the Retail On-Off Sale Wine License for **DST ENTERPRISES LLC (VALLEY CORNER STORE)** Richard Tschetter: Lot 1 & W 20' Lot 2 of Lot A of Lot 1 in NW1/4NW1/4, Subdivision of Section 3, T6N, R2E., B.H.M. Motion Carried.

HIGHWAY BUSINESS:

BIDS / 2011 4X4 TRACTOR MOWER: The following bids were received for the 2011 4X4 Tractor Mower: RDO Equipment – No Bid; Butler Machinery - \$112,000; Tiger Mower - \$112,560.06. Moved-Seconded (Flanagan-Weisenberg) to accept the lowest responsible bid received from Butler Machinery at \$112,000, to waive any irregularities, and authorize the Chairman to sign the Contract. Motion Carried.

HOT MIX ASPHALT / BID OPENING: Moved-Seconded (Flanagan-Ewing) to set a bid opening for May 10, 2011 at 8:30 a.m. for Hot Mix Asphalt patching. Motion Carried.

SPEARFISH CANYON: Jim Nelson, Spearfish Canyon Owners Assn was present to discuss the request for mineral withdrawal in Spearfish Canyon. Nelson asked the Commission to consider a letter of support for mining withdrawal in Spearfish Canyon. Sleep expressed concerns on the proposed restrictions on underground hard rock mining but did agree on the restriction of surface mining in the Canyon. Sleep stated he felt the boundaries for underground mining was excessive. Ewing expressed concerns that underground mining would affect the water in the area. Sleep stated he feels there is a difference of opinion on Rim to Rim and would not be in support of the proposal as presented. The Board stated at this time they are not ready to make a motion until the issue has been researched further.

ABATEMENTS:

MARGARET RING/RING PROPERTIES: Darlene Piekkola, Director of Equalization presented an application for Abatement/Refund for Margaret Ring. Ring stated on the Application she made an error in filling out the certificate of value and incorrectly marked “No” for Owner Occupied Status. Moved-Seconded (Ewing-Sleep) to follow the recommendation of the Director of Equalization and the City of Spearfish and deny the abatement for Margaret Ring/Ring Properties as it does not meet any of the six grounds for abatement/refund by statue. Motion Carried.

BIDS / AIRPORT TAXIWAY HANGAR RELOCATION PROJECT: The Board discussed the bids received and the economic impact of the additional hangars. The Board discussed the need

to charge sufficient rents on the hangars so the taxpayers are not subsidizing the hangars. Discussion followed on the history and future rents.

Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of the Airport Board and Kadrmas Lee & Jackson and accept the lowest responsible bid from GBA, Inc: Base-\$432,671.81 with Alt#1-\$208,360.02 which includes the additional firewall; and Alt#1 for additional 5 units to be funded from Mineral Severance Tax Funds; to waive any irregularities, and to approve and authorize the Chairman to sign the contracts. Motion Carried.

Moved-Seconded (Flanagan-Ewing) To require the Airport Board to annually review rents at the airport to look at market rents and increase the rental rates as appropriate to recover some of the taxpayers expense in maintenance and operation of the airport. Motion Carried.

CUSTOM, CULTURE & ECONOMIC PLAN COMMITTEE UPDATE: Bill Coburn was present to update the Board on the Custom, Culture & Economic Plan Committee's discussions and progress. Coburn stated the Committee recommends the Board adopt a Resolution to declare to the Federal and State Agencies that they intend to invoke the Local Governments Coordination Role in all future NEPA and other planning processes.

Moved-Seconded (Flanagan-Weisenberg) to approve and adopt the following Lawrence County Resolution #2011-12 A RESOLUTION IMPLEMENTATION OF COORDINATION BY THE LAWRENCE COUNTY BOARD OF COUNTY COMMISSIONERS. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2011-12 A RESOLUTION IMPLEMENTATION OF COORDINATION BY THE LAWRENCE COUNTY BOARD OF COUNTY COMMISSIONERS WHEREAS, Lawrence County (the "County") is a unit of local government under the constitution and laws of the state of South Dakota; WHEREAS, the Lawrence County Board of County Commissioners (the "Board") is charged with supervising and protecting the tax base and economic stability of the County, and is further charged with implementation of local police powers including public safety, health and welfare; WHEREAS, the Board has found that it is in the best interests of the County to perform its duties by asserting the coordination with federal agencies mandated by federal law; WHEREAS, federal agencies are mandated to coordinate planning and management actions with local government by statutes including the Federal Land Policy and Management Act, 43 US § 1701, and 43 U.S.C. § 1712, the National Forest Management Act, 16 U.S.C. 1604, the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Homeland Security Act and the Endangered Species Act, by regulations and rules implementing those statutes and by Executive Orders directing intergovernmental cooperation and coordination; and WHEREAS, the South Dakota Constitution has recognized the County's authority to exercise its local police powers, and the South Dakota legislature has recognized and mandated exercise of certain of those police powers in specific statutes; NOW THEREFORE BE IT RESOLVED, that the Board does hereby assert legal standing as a unit of local government of South Dakota to formally assert its coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within the County and conducting planning and management activities that affect and impact the residents and government of the County; and BE IT FURTHER RESOLVED, that the Auditor of the Board shall cause a copy of the Resolution to be transmitted to federal agencies through its local, regional or state offices and to all federal elected officials representing the residents and government of the County. Dated this 12th day

of April, 2011. FOR THE BOARD: Daryl Johnson, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

TREASURER REPORT: Deb Tridle, Treasurer reviewed the quarterly treasurers report.

RUNWAY 31 TAXIWAY PROJECT BID OPENING: Moved-Seconded (Flanagan-Sleep) to Change the Bid opening date for the Airport Runway 31 Project to May 10, 2011 at 9:15a.m. Motion Carried.

PLANNING & ZONING

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

APPLE SPRINGS DEVELOPMENT BOND: David Simpson, Apple Springs Development was present to address questions on the Apple Springs Development. Simpson stated it has been extraordinarily difficult in the real-estate industry in this economy. Simpson discussed the funding for the development and assets needed to make the improvements. The work has been done and liens have been placed on the section of property. Outka stated the letter of credit was set to expire tomorrow but he did call the bank to have the letter of credit extended for 90 days to allow the Commission time to make a decision. Simpson stated there is no capitol available today for development at this time. Amber Vogt expressed concern with the current holding tanks, unfinished streets and possible unfinished utilities.

Moved-Seconded (Ewing-Flanagan) to extend the letter of credit to July 13, 2011 for Apple Springs. Motion Carried.

POWDER HOUSE PASS BOUNDARY PLAT: Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of Planning and Zoning and approve the Powderhouse Pass Final Boundary Plat. Motion Carried.

BILLS: Moved-Seconded (Ewing-Sleep) 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-\$7,695.05; Treas-\$9,876.62; Comp-\$7,651.83; States Atty-\$11,523.08; Pub Def-\$9,664.54; Gen Govt Bldg-\$7,179.24; Equal-\$13,656.30; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$11,251.37; Sher-\$34,049.67; Jail-\$20,841.99; Coroner-\$369.24; Fire Protect-\$3,800.97; Emerg Mgnt-\$3,480.16; E911-\$1,657.40; Highway-\$38,203.13; Air-\$1,071.85; Exten-\$1,296.48; Weed-\$2,226.30; Pz-\$4,304.17; **Bills:** Cortez, Frank-\$69.96; Lopez, Amber-\$1,056.80; Mowell, Richard-\$5,406.00; Wainman, John-\$22.22; A&B Business Equip-\$780.39; A&B Custom Frames-\$58.50; A&B Welding Supply-\$106.93; A&I Distributors-\$2,952.73; A&J Supply-\$313.94; Aaa Collections-\$125.00; Alltel-\$836.22; American Family Life-\$3,454.59; BH Federal

Credit Union-\$10,000.00; Credit Collections Bureau-\$150.00; Deadwood Recreation Center-\$653.00; Delta Dental Of South Dakota-\$6,172.08; Dept Of The Treasury-\$45,266.88; Hartford-Priority Accounts-\$1,337.10; Knology-\$49.95; LC Treasurer-\$5.00; NH Family Ymca-\$283.80; Office Of Child Support-\$763.61; SD Retirement System-\$78,040.55; Sdrs Supplemental Retirement-\$1,554.00; Spearfish Police Dept-\$1,943.96; United Parcel Service-\$10.39; Wellmark Blue Cross-\$70,024.08; A-Z Shredding-\$52.00; Abc Business Supply Corp-\$211.19; Air Systems Mechanical-\$3,276.40; Alco Store-\$8.74; At&T-\$20.44; BH Chemical Company-\$704.07; BH Land Analysis-\$315.00; BH Pest Control-\$95.00; BH Pioneer-\$1,000.89; BH Power-\$778.28; Battery Shack-\$48.75; Benson Technical Works-\$1,668.75; Best Business Prod-\$23.09; Best Western Ramkota Hotel-\$375.96; Bhs Consultants-\$100.00; Biegler,Greg-\$120.00; Black Hills Pure-\$56.20; Bomgaars Supply-\$301.31; Butler Machinery Co-\$1,981.90; Butte Electric Coop-\$711.97; Carol Butzman Consulting-\$1,193.71; Central Parts-\$267.50; Century Business Products-\$467.42; Chadams-\$22.50; Chemical Sanitizing Sys Ltd-\$117.46; Chris Supply Co-\$55.03; Christensen Law Office-\$436.05; City/County Alcohol &Drug-\$2,070.00; Cody,Denise-\$15.00; Crawford Supply Company-\$16.08; Crop Production Services-\$15.75; Dakota Equipment Rental-\$267.61; Dakotacare-\$435.31; Dale's Tire & Retread-\$6,533.20; Datec-\$225.00; Deadwood Home Center-\$13.94; Deadwood Thyme Bistro-\$81.00; Deadwood, City Of-\$5,665.36; Delaware Co Sher Dept-\$60.00; Dept Of Hlth Lab Services-\$38.00; Dietrich,Donna-\$260.71; Election Sys & Software-\$827.14; Ellingson,Joseph-\$321.97; Esri-\$400.00; Et Sports-\$209.86; Executone Of The BH-\$4,390.00; Fastenal-\$556.90; Fish,Veronica-\$22.00; Fleet Services-\$1,670.50; Forcoli & Sons Enterprises-\$918.37; Frame,Gerald-\$480.00; Frederickson,John-\$20.00; Galls, An Aramark Company-\$633.94; Gene's Lock Shop-\$111.85; Great Western Bank-\$120.00; Heisler Hardware-\$11.97; Hills Material Comp-\$829.62; Holiday Inn City Centre-\$93.00; Holiday Inn Spearfish-\$743.88; Huron Culvert & Tank Co-\$11,043.87; Identisys-\$102.30; Kadrmas, Lee And Jackson-\$24,086.75; Keefe Supply Company-\$73.44; Kimball-Midwest Co-\$217.16; Kimbell's Auto Repair-\$300.00; Knecht True Value-\$1,152.39; Knology-\$59.12; Koala Electric-\$1,948.06; LC Conservation Dist-\$5,000.00; LC Sheriff-\$70.00; Lawson Products-\$174.21; Lead, City Of-\$76.35; Lead-Deadwood Reg Med Clinic-\$18.00; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$393.16; Lee,James-\$15.00; Lexisnexis Risk Data Mgmt-\$75.00; Lincoln Co Sheriff-\$10.00; Lueders-\$31.57; M&M Sanitation-\$325.00; Mack's Auto Body Llc Corp-\$5,079.21; McClure,Susan-\$250.00; Mcleod's Office Supply-\$547.80; Meade County Sheriff-\$24.80; Menards-\$49.83; Mg Oil Company-\$14,717.01; Microfilm Imaging Systems-\$755.00; Montana Dakota Utilities-\$6,370.51; Moore Medical-\$109.90; National Assoc Legal Assistant-\$125.00; Neve's Uniforms-\$1,545.56; Newman Traffic Signs-\$559.52; Nooney Solay & Van Norman-\$20,757.91; Northern Hills Dental-\$380.00; Northern Hills Law-\$461.92; Office Depot-\$159.93; Outdoor Motor Sports-\$79.95; Parcel,Rich-\$480.00; Pennington Co Auditor-\$104.00; Perkins County Extension Offic-\$13.34; Peterson,Kelly-\$950.00; Pitney Bowes-\$218.17; Program Works-\$80.00; Quik Signs-\$34.80; Qwest-\$301.45; RC Finance Office-\$980.00; RC Regional Hospital-\$4,225.37; Radio Shack/Kazco-\$954.91; Regional Behavioral Health Ctr-\$1,018.82; Reh fuss,Cathryn-\$15.00; Reliable-\$162.99; Rmc Neurology & Rehab-\$71.60; Rocket Lube-\$89.46; Rohr,Dennis-\$240.00; SD Continuing Legal Education-\$30.00; SD Dept Of Labor Unemployment-\$6,140.06; SD Human Services Center-\$51.00; SD State Treasurer-\$14,473.70; Safeway-\$30.04; Salzsieder,Milan-\$3,735.00; Sarpy County Court-\$2.75; Sdaco-\$750.00; Servall Towel & Linen-\$809.78; Sisma-\$250.00; Southside Oil-\$32,294.39; Spearfish Alt/Starter Rebuild-\$75.00; Spearfish Auto Supply-\$615.50; Stadler Ind Service-\$1,642.90; Stan Houston Equip-\$750.00; Strawn Law PC-\$32.80; Subway-\$11.97; Superior Lamp And Supply-\$608.13; Thompson,Katie-\$82.00; Tigerdirect-\$1,975.94; Triple K Tire & Repair-\$844.55; Turbiville Industrial Electric-\$107.70; Twilight First Aid & Safety-\$37.10; Twin City Hardware & Lumber-\$1,004.75; United

Parcel Service-\$12.12; Waste Connections-\$574.42; Watertree-\$44.00; West Group-\$740.89; West River International-\$2,505.55; Western Communication-\$623.45; Western Sd Juvenile Serv-\$3,870.00; White Drug-\$620.21; White's Queen City Motors-\$178.20; Wilde & Hunt, Prof-\$157.50; Williams Properties-\$600.00; Wolff's Plumbing & Heating-\$349.40; Ziggy's Building Center-\$890.20; **Witness & Jurors:** Almanza,R-\$61.10; Bailey,M-\$64.80; Brady,F-\$63.32; Crary,D-\$52.22; Frost,F-\$61.10; Hunt,R-\$61.10; Jackovich,R-\$58.88; Kindsfater,T-\$52.22; McGriff,M-\$68.50; Nelson,R-\$51.48; Park,E-\$50.74; Ryan,V-\$57.40; Shaw,A-\$52.96; Shirey,M-\$51.48; Skvicalo,C-\$56.66; Sullivan,M-\$52.22; Lafayette,M-\$19.62; Albright,G-\$19.62; Anglin,J-\$21.10; Bellantino,C-\$21.10; Best,S-\$24.80; Blomberg,C-\$24.80; Brearey,C-\$18.14; Buchholz,W-\$24.80; Cooper,C-\$20.36; Davis,L-\$21.10; DeLong,S-\$21.10; Dimond,D-\$158.88; Dupont,J-\$24.80; Erickson,B-\$21.10; Gallegos,T-\$183.30; Geske,R-\$24.80; Gilfillan,J-\$10.74; Gregory,S-\$21.10; Hall,K-\$24.80; Heredia-Arnold,S-\$22.58; Hill,A-\$17.40; Hopewell,A-\$181.08; Humbracht,R-\$194.40; Jensen,L-\$17.40; Johns,D-\$12.22; Johnson,K-\$189.96; Kimler,J-\$12.22; Kliewer,L-\$28.50; Koski,R-\$21.10; Landsberger,N-\$178.86; Lattin,G-\$28.50; Lutz,M-\$21.84; Lyon,A-\$17.40; May,T-\$19.62; McBride,I-\$21.10; Mclemore,M-\$189.96; Meade,J-\$28.50; Meade,J-\$154.44; Mertz,A-\$28.50; Mund,S-\$29.24; Pfarr,E-\$21.84; Rehmeier,J-\$194.40; Richards,S-\$12.96; Sabo,L-\$187.74; Schultes,J-\$20.36; Sorenson,L-\$10.74; Summers,W-\$21.10; Valdez,L-\$21.10; Vanvactor,K-\$183.30; Weeks,B-\$12.96; West,J-\$26.28; Wolfe,P-\$187.74; Wood,J-\$24.80; Young,J-\$183.30; Fitzgerald,D-\$23.70; Wainman,K-\$20.00; Fox,C-\$45.90; Daum,C-\$22.22; Waisanen,D-\$20.00

ADJOURN: 11:00 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

2011 LAWRENCE COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order on Tuesday April 12, 2010 at 12:30 p.m. with the following members present: Daryl Johnson, Robert Ewing, Terry Weisenberg and Richard Sleep.

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

The 2011 Board of Equalization Oath was signed.

Tax Exempt:

SADDLE MOUNTAIN MINISTRIES 26420-01158-000-42: Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of the Director of Equalization and remove Tax Exempt Status from Saddle Mountain Ministries Parcel #26420-01158-000-42. Motion Carried.

NORTHERN HILLS ALLIANCE FOR CHILDREN 30600-00200-170-00: Moved-Seconded (Ewing- Johnson) to follow the recommendation of the Director of Equalization and approve the Northern Hills Alliance for Children as 100% Tax Exempt. Motion Carried.

RAPID CITY REGIONAL HOSPITAL INC 32455-00100-020-01: Moved-Seconded (Johnson - Ewing) To follow the recommendation of the Director of Equalization and approve Rapid City Regional Hospital Inc as 100% Tax Exempt. Motion Carried.

PRESERVE SOUTH DAKOTA 29100-02800-270-00: Moved-Seconded (Johnson - Weisenberg) to follow the recommendation of the Director of Equalization and approve Preserve South Dakota as 100% Tax Exempt. Motion Carried.

SANDER, DUANE TRUSTEE E C/O BLACKHILLS CENTER OF HOPE(CD 31090-02500-050-00: Moved-Seconded (Weisenberg - Ewing) to follow the recommendation of the Director of Equalization and approve Black Hills Center of Hope as 100% Tax Exempt. Motion Carried.

DAYS OF 76 MUSEUM 30900-00569-000-06: Moved-Seconded (Weisenberg - Johnson) To follow the recommendation of the Director of Equalization and approve Days of 76 Museum as 100% Tax Exempt. Motion Carried.

TRINITY UNITED METHODIST CHURCH 31510-00500-000-00: Moved-Seconded (Johnson - Ewing) to follow the recommendation of the Director of Equalization and approve Trinity United Methodist Church as .934% Tax Exempt. Motion Carried. Aye-3, Weisenberg-Abstain.

The following Exempt parcels were approved.

Moved-Seconded (Ewing-Sleep) to approve the following list of 2011 Exempt properties. Motion Carried.

NEW	EX	PARCEL	CURRENT OWNER	SITUS	NA_EX	TAX
	15	BENEVEOLENT EXEMPT PROPERTIES		2010- 15 EXEMPT PROPERTIES		

X	BE	29100-02800-270-00	PRESERVE SOUTH DAKOTA	1007 MEADE		60910
	BE	24600-00702-330-00	QUEEN CITY VFW POST #5860	3102 E FAIRGROUND LOOP	0	0
	BE	26580-01372-000-15	SAWYER MEMORIAL PARK TRUST	19-4-4	0	0
	BE	28800-00300-020-00	ST ONGE TOWNSHIP	234 1ST	0	0
	BE	29700-00200-150-00	WEST RIVER FOUNDATION	609 FILLMORE	0	0
	BE	30025-02000-120-10	MASONIC TEMPLE ASSOCIATION	715 MAIN	0	0
	BE	30025-02100-120-00	DEADWOOD LODGE #508 BPOE	696 MAIN	585430	659400
	BE	30025-03300-350-00	V F W POST #5969	10 PINE	274440	99030
	BE	31090-02800-010-10	SD GRAND LODGE OF INDEPENDENT OR	403 W MAIN	0	0
	BE	31390-00200-050-03	GOLDEN STAR LODGE	809 W MAIN MASONIC LODGE	0	0
	BE	31440-00300-005-00	BLACK HILLS ROD & GUN CLUB	288 WASHINGTON	0	0
	BE	31450-00800-010-15	WEST RIVER FOUNDATION	206 IRWIN	0	0
	BE	32090-04300-120-00	SPEARFISH MASONIC BLDG ASSOC	544 CANYON	0	0
	BE	32180-14200-040-15	BEHAVIOR MANAGEMENT SYSTEMS INC	623 DAHL RD	0	0
	BE	32210-13030-020-02	WEST RIVER FOUNDATION	2910 4TH AVE	0	0
	BE	32690-00300-010-50	WEST RIVER TRANSIT AUTHORITY INC	436 E COLORADO BLVD	0	0

25 CHARITABLE EXEMPTIONS

2010 - 23 EXEMPT

X	CH	30600-00200-170-00	NORTHERN HILLS ALLIANCE FOR CHIL	751-753 MAIN	0	321510
X	CH	31090-02500-050-00	SANDER, DUANE TRUSTEE E	300 W MAIN	0	197470
X	CH	30900-00569-000-07	DAYS OF '76 MUSEUM INC		0	0

CH	00	26180-01300-050-00	GALENA HISTORICAL SOCIETY	4-4-4	0	0
CH	10	26580-01372-000-10	SAWYER MEMORIAL	19-4-4	0	0
CH	20	26580-01372-000-20	SAWYER MEMORIAL	19-4-4	0	0
CH	00	26698-01730-010-00	KINSHIP MOUNTAIN MINISTRIES KAMP	12145 PAHA SAPA RD	0	0
CH	00	29100-02700-030-00	WHITEWOOD SENIOR CITIZENS	914 PINE	0	0
CH	20	31090-02600-050-20	BLACK HILLS MINING MUSEUM INC	323 W MAIN	0	0

CH	31090-03000-080-00	TWIN CITIES & AREA SR CITIZEN INC	609 MAIN	0	0
CH	31510-04000-135-01	NORTHERN HILLS YOUNG MEN'S	845 MINERS	0	0
CH	31570-00100-020-00	NORTHERN HILLS FAMILY YMCA	835 W MAIN	0	0
CH	31810-01000-110-00	VICTIMS OF VIOLENCE INTERVENTION	504 MINERS	0	0
CH	32090-05200-120-20	BELLA PREGNANCY RESOURCE CENTER	119 E GRANT	0	0
CH	32120-00400-000-30	NORTHERN HILLS TRAINING CENTER	1620 RYAN RD	0	0
CH	32180-14200-020-00	SPEARFISH EMERGENCY AMBULANCE SE	715 E COLORADO BLVD	0	0
CH	32210-19100-040-00	NORTHERN HILLS TRAINING CENTER	815 34TH	0	0
CH	32290-00000-000-00	HIGH PLAINS HERITAGE SOCIETY INC	825 HERITAGE DR	0	0
CH	32540-00100-000-15	SPEARFISH SR CIT SERV CEN	1306 10TH	0	0
CH	32570-01500-050-10	WOMEN IN CRISIS COALITION INC	1429 MAIN	0	0
CH	32570-04400-060-00	NORTHERN HILLS TRAINING CENTER	1005 CANYON	0	0
CH	32655-01700-010-10	LUTHERAN SOCIAL SERVICES OF SD	2519 WINDMILL DR	0	0
CH	32660-00100-010-20	FRIENDS OF NORTHERN HILLS	515 KING	0	0
CH	32660-01400-100-00	NORTHERN HILLS TRAINING CENTER	728 HILL	0	0
CH	32660-01600-160-00	NORTHERN HILLS TRAINING CENTER	625 HARVARD	0	0
95	RELIGIOUS EXEMPTIONS				
RG	06000-00301-230-20	CHAPTER OF CALVARY CATHEDRAL	21978 US HIGHWAY 85	128210	91710
RG	10000-00305-270-35	NEMO COMMUNITY CHURCH	12755 NEMO RD	0	0
RG	14000-00404-150-10	CARR, RALPH M & MEL DRUCILLA	15-4-4	0	0
RG	18120-00504-001-04	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES	20791 76 RANCH RD	0	0
RG	18185-00504-000-10	TWO BIT RANCH ESTATES LLC	30-5-4	0	0
RG	20200-00602-040-07	SPEARFISH UNITED METHODIST CHURCH	14 HORSESHOE LN	0	0
RG	21200-00603-085-45	FIRST BAPTIST CHURCH OF NORTHERN	1220 N RAINBOW RD	0	0
RG	22000-00604-164-45	BLACK HILLS BAPTIST CHURCH SBC	12205 SD HIGHWAY 34	0	0

RG	24000-00702-102-15	NORTHERN HILLS CHURCH OF CHRIST	10945 SUMMER CREEK LN	0	0
RG	24000-00702-321-20	OLD APOSTOLIC LUTHERAN CHURCH	CHURCH/EDUCATIONAL 2040 VISTA HILLS PLAC	0	0
RG	24800-00702-330-36	CALVARY TEMPLE ASSEMBLY OF GOD	240 W HIGHWAY 14 (CHURCH)	0	0
RG	25000-00704-311-55	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY	31-007-04	0	0
RG	26340-00989-000-10	GOLDEN REWARD MINING CO	1-4-2 & 6-4-3	0	0
RG	26420-01158-000-42	SADDLE MOUNTAIN MINISTRIES	21336 SADDLE MOUNTAIN PL	0	0
RG	26580-01376-000-83	BURNO CHRISTIAN FAMILY RETREAT	2-5-2 (RETREAT)	0	0
RG	26590-01376-000-39	BURNO CHRISTIAN FAMILY RETREAT	20573 BURNO GULCH RD	0	0
RG	26590-01376-000-51	BURNO CHRISTIAN FAMILY RETREAT	2-5-2	0	0
RG	26680-01697-000-00	PRESBYTERY OF SD OF THE UNITED	3-2-3	0	14210
RG	26760-01879-000-55	FILLMORE & CO INC	30-5-1	0	0
RG	28500-00703-260-10	FIERRO, LAWRENCE & LOUISE		0	0
RG	28500-00703-260-20	REDDICK, DUANE & ELLEN I		0	0
RG	28800-01000-070-00	ST ONGE UNITED CHURCH OF CHRIST	423 ELM	0	0
RG	28800-01100-040-00	ST ONGE UNITED CHURCH OF CHRIST	PARKING LOT - EMMA	0	0
RG	29100-02800-060-00	PRESBYTERIAN CHURCH	901 LAUREL	0	0
RG	29200-00100-030-00	IMMANUEL LUTHERAN CHURCH	920 FILLMORE CHURCH	0	0
RG	29200-00700-020-00	IMMANUEL LUTHERAN CHURCH	1317 ASH	0	0
RG	30025-02300-400-00	ST AMBROSE CHURCH	760 MAIN	0	0
RG	30025-03700-280-00	BAPTIST CHURCH	SHERMAN	0	0
RG	30025-03700-340-00	FIRST BAPTIST CHURCH	110 SHERMAN	0	0
RG	30025-08200-220-00	ST JOHN'S EPISCOPAL CHURCH	405 WILLIAMS	0	0
RG	30050-00224-000-00	ST AMBROSE CHURCH	CEMETERY	0	0
RG	30600-00100-040-00	ST AMBROSE CHURCH	760 MAIN PARSONAGE	0	0
RG	30600-00100-100-00	ST AMBROSE CHURCH	760 MAIN CHURCH	0	0
RG	30800-00100-110-00	GRACE LUTHERAN CHURCH	827 MAIN	0	0
RG	31090-02400-130-00	ASSEMBLY OF GOD CHURCH	105 WALL CHURCH	0	0

	00				
RG	31090-02400-140-00	ASSEMBLY OF GOD CHURCH	105 WALL	0	0
RG	31090-02800-010-00	TWIN CITIES CHURCH OF CHRIST	401 W MAIN	0	0
RG	31090-03000-090-40	CHRIST CHURCH EPISCOPAL	RECTORY FACING JULIUS	0	0
RG	31090-03600-020-00	ST PATRICKS CATHOLIC CHURCH	141 SIEVER CHURCH	0	0
RG	31090-03600-090-10	ST PATRICKS CATHOLIC CHURCH	141 SIEVER	0	0
RG	31360-00100-010-00	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	0	0
RG	31440-00500-005-00	ASSEMBLY OF GOD CHURCH	LAND ONLY	0	0
RG	31440-00500-011-00	TWIN CITIES CHURCH OF CHRIST	CHURCH WALL & ADDIE	0	0
RG	31450-00600-020-10	BEREAN BAPTIST CHURCH	908 WASHINGTON	0	0
RG	31510-00200-010-00	CHRIST CHURCH EPISCOPAL	631 W MAIN	0	0
RG	31510-00400-010-20	SHEPHERD OF THE HILLS LUTHERAN	825 W MAIN	0	0
RG	31510-00400-020-00	SHEPHERD OF THE HILLS LUTHERAN	827 W MAIN	0	0
RG	31510-00400-040-00	BETHEL LUTHERAN CHURCH	825 W MAIN	0	0
X	31510-00500-000-00	TRINITY UNITED METHODIST CHURCH	7 S MAIN	204970	14480
RG	31510-00500-000-05	TRINITY UNITED METHODIST CHURCH		0	0
RG	31570-00500-020-00	TRINITY UNITED METHODIST CHURCH	111 S MAIN	0	0
RG	31570-00500-030-20	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE CHURCH	0	0
RG	31660-00100-040-00	TRINITY UNITED METHODIST CHURCH	408 SUNSET RD PARSONAGE	0	0
RG	31810-01400-100-00	BETHEL LUTHERAN CHURCH	512 RIDGEROAD	0	0
RG	31930-01418-000-00	CEMETERY ASSOCIATION	CEMETERY-MASONIC GOLDEN STAR LODGE #9	0	0
RG	31930-01467-000-00	CEMETERY ASSOCIATION	CEMETERY-MASONIC GOLDEN STAR LODGE #9	0	0
RG	32030-00100-010-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH PARKING LOT	0	0
RG	32030-00700-030-00	SPEARFISH UNITED METHODIST CHURCH	845 5TH CHURCH	0	0
RG	32030-00700-120-00	SPEARFISH UNITED METHODIST CHURCH	236 W JACKSON BLVD	0	0
RG	32030-00800-120-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH CHURCH & PARKING	0	0

RG	32030-01000-120-00	ST PAUL LUTHERAN CHURCH	846 7TH	0	0
RG	32030-01900-080-20	CHRISTIAN SCIENCE SOCIETY	710 7TH	0	0
RG	32090-04100-030-00	SUMMIT AT SPEARFISH	535 7TH	0	0
RG	32090-08400-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	115 7TH (CHURCH)	0	0
RG	32120-00300-000-20	SALVATION ARMY	320 RYAN RD	0	0
RG	32185-00000-130-30	DAKOTA DISTRICT OF THE WESLEYAN	625 WOODLAND DR	0	0
RG	32210-19100-070-00	HOPE EVANGELICAL LUTHERAN CHURCH	913 S 34TH ST	0	0
RG	32210-19110-070-00	SALVATION ARMY	1007 35TH	0	0
RG	32540-00100-000-10	HILLSVIEW CHURCH OF NAZARENE	1200 N 10TH	0	0
RG	32570-03200-080-00	SD CONF 7TH DAY ADVENTIST CHURCH	340 W NEVADA	0	0
RG	32570-03300-020-20	NEW COVENANT CHRISTIAN FELLOWSHIP	1140 AMES	0	0
RG	32570-03700-080-00	FIRST BAPTIST CHURCH OF SPF	130 W MICHIGAN	0	0
RG	32570-03700-090-00	FIRST BAPTIST CHURCH OF SPF	1120 5TH	0	0
RG	32570-04200-100-00	ALL ANGELS EPISCOPAL CHURCH	1030 5TH	0	0
RG	32570-04200-120-00	ALL ANGELS EPISCOPAL CHURCH	1044 N FIFTH	0	0
RG	32570-04900-070-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH PARKING	0	0
RG	32570-04900-080-00	ST JOSEPHS CATHOLIC CHURCH	914 5TH PARKING	0	0
RG	32570-04900-090-00	ST JOSEPH'S CATHOLIC CHURCH	922 5TH PARKING	0	0
RG	32570-04900-100-00	ST JOSEPH'S CATHOLIC CHURCH	930 5TH PARKING	0	0
RG	32570-04900-120-10	ST JOSEPHS CATHOLIC CHURCH	115 W LINCOLN	0	0
RG	32570-05000-040-00	UNITED CHURCH OF CHRIST	920 MAIN	0	0
RG	32570-05000-060-00	UNITED CHURCH OF CHRIST	920 MAIN CHURCH	0	0
RG	32570-05000-120-00	SPEARFISH UNITED CHURCH OF	940 MAIN	0	0
RG	32570-05200-000-00	ST PAUL LUTHERAN CHURCH	846 7TH CHURCH	0	0
RG	32630-00100-060-00	MOUNTAIN VIEW BAPTIST CHURCH	720 12TH	0	0
RG	32655-01500-010-00	SPEARFISH CONGREGATION OF	1800 WINDMILL DR	0	0
RG	32660-00500-080-00	OUR SAVIORS LUTHERAN CHURCH	924 JACKSON	0	0
RG	32660-01000-060-00	OUR SAVIORS LUTHERAN CHURCH	705 ST JOE	0	0

10

RG	32690-00100-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	301 LARIAT	0	0
RG	32720-02900-020-00	OUR SAVIOR'S LUTHERAN CHURCH	1045 10TH	0	0
RG	32720-02900-110-00	OUR SAVIORS LUTHERAN CHURCH	1020 STATE	0	0
RG	32720-03700-040-00	MOUNTAIN VIEW BAPTIST CHURCH	921 STATE	0	0
RG	32720-03900-000-00	ST PAUL LUTHERAN CHURCH	846 7TH CHURCH	0	0
RG	32730-00000-000-10	SOLID ROCK CHURCH	CHURCH	0	0
RG	32750-01200-090-00	NORTHERN HILLS CHURCH OF CHRIST	1020 UNIVERSITY	0	0

16 MEDICAL EXEMPT PROPERTIES

MD	30025-07000-280-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0	0
MD	30025-07100-000-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0	0
MD	30025-07100-250-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0	0
MD	30025-07100-410-00	WEST DAKOTA HEALTH CARE INC	61 CHARLES	0	0
MD	30025-07100-490-00	WEST DAKOTA HEALTH CARE INC	71 CHARLES	1099190	366400
MD	30025-07400-050-00	WEST DAKOTA HEALTH CARE INC		67500	22500
MD	31930-01663-000-20	REGIONAL HEALTH NETWORK INC	200 MONTANA AVE	0	0
MD	32390-00800-010-00	PONDEROSA APARTMENTS INC		0	0
MD	32390-00800-010-10	PONDEROSA APARTMENTS INC	430 ORIOLE DR	0	0
MD	32420-00400-000-30	WEST DAKOTA HEALTH CARE INC	1440 MAIN	1110440	1007020
MD	32420-00400-000-40	WEST DAKOTA HEALTH CARE INC		0	0
MD	32455-00100-020-01	RAPID CITY REGIONAL HOSPITAL INC	130 YANKEE	0	0

X	MD	32455-00100-020-02	RAPID CITY REGIONAL HOSPITAL INC	130 YANKEE	0	0
----------	-----------	---------------------------	---	-------------------	----------	----------

MD	32540-00100-000-20	REGIONAL HEALTH NETWORK INC	1316 10TH	0	0
MD	32720-02900-120-20	WEST DAKOTA HEALTH CARE INC		0	0
MD	32720-02900-120-60	PIONEER MEMORIAL MANORS INC	930 10TH	0	0
MD	32720-03400-000-00	NORTH CENTRAL HEALTH SERVICES INC.	DORSETT REGIONAL SENIOR CARE	0	0

33 EDUCATION EXEMPT PROPERTIES

ED	26050-00100-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40		0	0
ED	29100-01900-070-00	MEADE SCHOOL DISTRICT 46-1	603 GARFIELD	0	0
ED	29100-02700-120-00	CITY OF WHITEWOOD	PINE	0	0
ED	29500-00000-020-30	MEADE SCHOOL DISTRICT 46-1	SHERMAN	0	0
ED	30025-02300-000-00	DEADWOOD IND SCHOOL DIST 102		0	0
ED	30025-02300-260-00	BOARD OF EDUCATION	716 MAIN	0	0
ED	30025-02400-060-00	DEADWOOD IND SCHOOL DISTRICT	716 MAIN	0	0
ED	31590-00100-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40		0	0
ED	31590-00200-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40		0	0
ED	31590-00300-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40		0	0
ED	31590-00400-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40		0	0
ED	31730-00100-050-10	LEAD-DEADWOOD SCHOOL DISTRICT	115 BALTIMORE	0	0
ED	31760-00000-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	320 S MAIN	0	0
ED	32030-01100-010-00	BLACK HILLS STATE UNIVERSITY FOU		0	0
ED	32030-01100-040-00	B H S C FOUNDATION	815 STATE	0	0
ED	32030-03200-060-00	SPEARFISH SCHOOL DIST 40-2	400 E HUDSON	0	0
ED	32030-03300-120-00	SPEARFISH SCHOOL DIST 40-2		0	0
ED	32030-03400-120-00	SPEARFISH SCHOOL DIST 40-2		0	0
ED	32090-10600-000-00	SPEARFISH SCHOOL DIST 40-2		0	0
ED	32198-00100-000-00	SPEARFISH SCHOOL DISTRICT NO 40-2	2325 NORTH AVE	0	0
ED	32198-00200-000-00	SPEARFISH SCHOOL DISTRICT NO 40-2		0	0
ED	32320-00090-000-00	B H STATE UNIVERSITY		0	0
ED	32420-00400-000-50	SPEARFISH SCHOOL DIST 40-2	1725 MAIN ST	0	0
ED	32720-04000-030-10	BLACK HILLS STATE UNIVERSITY FOU		0	0
ED	32730-00600-000-10	SPEARFISH SCHOOL DISTRICT 40-2 &	19-6-3	0	0
ED	32750-00100-120-00	BLACK HILLS STATE UNIVERSITY		0	0

ED	32750-00900-080-00	BLACK HILLS STATE UNIVERSITY	1120 UNIVERSITY	0	0
ED	32750-00900-090-00	BLACK HILLS STATE	1140 UNIVERSITY	0	0
ED	32750-01300-060-00	BOARD OF REGENTS		0	0
ED	32750-01600-120-00	SPEARFISH SCHOOL DIST 40-2		0	0
ED	32750-01700-120-00	SPEARFISH SCHOOL DIST 40-2		0	0
ED	32750-01800-120-00	SPEARFISH SCHOOL DIST 40-2	920 KING	0	0
ED	32840-00602-094-10	BLACK HILLS STATE UNIVERSITY FOU	1307 W OLIVER	0	0

69 DISABLED VETERAN EXEMPTIONS

52

5 PARAPLEGIC EXEMPTIONS

2010 - 6

104 ELDERLY TAX FREEZE

95 PROPERTIES
FROZEN IN 2010

801 GOVERNMENT EXEMPT PROPERTIES

26 RENEWABLE ENERGY PROPERTIES

2010- 24

32 HISTORIC MORATORIUMS

2010 - 34
MORATORIUMS

330 PROPERTIES IN TIF DISTRICTS

274 SPEARFISH

30 DEADWOOD

1 LEAD

37 WHITEWOOD

PROPERTIES RECEIVING A DISCRETIONARY REDUCTION

128 LEAD 2010 - 160

3 SPEARFISH 2010 - 5

#0001 THOMPSON, TED & KATHY 22000-00604-211-15: T-006 R-04 REMAINDER 1/2NW1/4NE1/4 Moved-Seconded (Ewing - Sleep) to add land value of NA-C \$18,850. Remarks: Added omitted property.

#0002 COLSON, LAWRENCE JR H FILLMORE COLSON, KRISTI K 26760-01879-000-65 MINERAL 1765 THRU 1887 M.S. 1879 TRACT 2 MAYFLOWER #7 Moved-Seconded (Weisenberg - Johnson) Change land value classification to NA-CS and add structure value NA-C1S \$30,660. Motion Carried. Remarks: Added omitted property.

#0003 RIZZI, MARK L & VICKIE L 13600-00403-190-00 ROCHFORD RIDGE ESTATES LOT 19 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Mark Rizzi was present and stated his home was not built to code and now has over \$67,000 in improvements to make the building to code. Rizzi stated he was the General but was not his responsibility to check if the building was to code as he hired a licensed contractor in the State of South Dakota. The Director of Equalization stated that part of the 24% functional on the property addresses the issue.

#0004 GRESSER, MICHAEL C & JOAN M TRUSTEES 18750-00504-330-00 MEADOW CREST LOT 33 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Michael Gresser was present and stated the value's on the property are not reflective of the economy at this time.

#0005 GRESSER, MICHAEL C & JOAN M TRUSTEES 18750-00504-340-00 MEADOW CREST LOT 34 Moved-Seconded (Weisenberg - Ewing) Change land value from \$93,700 to \$88,080 Motion Carried. Remarks: Property was listed for less than assessment for 6 months. Michael Gresser was present and stated the value's on the property are not reflective of the economy at this time.

#0006 GRESSER, MICHAEL C & JOAN M TRUSTEES 18750-00504-400-00 MEADOW CREST LOT 40 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Michael Gresser was present and stated the value's on the property are not reflective of the economy at this time.

#0007 LEWTON OPERATING COMPANY 18010-01500-060-00 APPLE SPRINGS TRACT LOT 6 BLK 15 Moved-Seconded (Johnson - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0008 LEWTON OPERATING COMPANY 18010-01500-070-00 APPLE SPRINGS TRACT LOT 7 BLK 15 Moved-Seconded (Weisenberg - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. . A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0009 LEWTON OPERATING COMPANY 18010-01500-080-00 APPLE SPRINGS TRACT LOT 8 BLK 15 Moved-Seconded (Johnson - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0010 LEWTON OPERATING COMPANY 18010-01500-090-00 APPLE SPRINGS TRACT

LOT 9 BLK 15 Moved-Seconded (Johnson - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0011 LEWTON OPERATING COMPANY 18010-01500-100-00 APPLE SPRINGS TRACT LOT 10 BLK 15 Moved-Seconded (Sleep - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0012 LEWTON OPERATING COMPANY 18010-01500-110-00 APPLE SPRINGS TRACT LOT 11 BLK 15 Moved-Seconded (Johnson - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0013 LEWTON OPERATING COMPANY 18010-01500-120-00 APPLE SPRINGS TRACT LOT 12 BLK 15 Moved-Seconded (Weisenberg - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0014 LEWTON OPERATING COMPANY 18010-01500-130-00 APPLE SPRINGS TRACT LOT 13 BLK 15 Moved-Seconded (Johnson - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0015 LEWTON OPERATING COMPANY 18010-01500-170-00 APPLE SPRINGS TRACT LOT 17 BLK 15 Moved-Seconded (Weisenberg - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0016 LEWTON OPERATING COMPANY 18010-01500-180-00 APPLE SPRINGS TRACT LOT 18 BLK 15 Moved-Seconded (Johnson - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0017 LEWTON OPERATING COMPANY 18010-01500-190-00 APPLE SPRINGS TRACT LOT 19 BLK 15 Moved-Seconded (Johnson - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0018 LEWTON OPERATING COMPANY 18010-01500-200-00 APPLE SPRINGS TRACT LOT 20 BLK 15 Moved-Seconded (Weisenberg - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0019 LEWTON OPERATING COMPANY 18010-01500-210-00 APPLE SPRINGS TRACT LOT 21 BLK 15 Moved-Seconded (Weisenberg - Johnson) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0020 LEWTON OPERATING COMPANY 18010-01600-010-00 APPLE SPRINGS TRACT LOT 1 BLK 16 Moved-Seconded (Johnson - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0021 LEWTON OPERATING COMPANY 18010-01600-020-00 APPLE SPRINGS TRACT LOT 2 BLK 16 Moved-Seconded (Weisenberg - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0022 LEWTON OPERATING COMPANY 18010-01500-010-00 APPLE SPRINGS TRACT LOT 1 BLK 15 Moved-Seconded (Sleep - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0023 LEWTON OPERATING COMPANY 18010-01500-020-00 APPLE SPRINGS TRACT LOT 2 BLK 15 Moved-Seconded (Ewing - Johnson) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0024 LEWTON OPERATING COMPANY 18010-01500-030-00 APPLE SPRINGS TRACT LOT 3 BLK 15 Moved-Seconded (Sleep - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0025 LEWTON OPERATING COMPANY 18010-01500-040-00 APPLE SPRINGS TRACT LOT 4 BLK 15 Moved-Seconded (Ewing - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0026 LEWTON OPERATING COMPANY 18010-01500-050-00 APPLE SPRINGS TRACT LOT 5 BLK 15 Moved-Seconded (Johnson - Weisenberg) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot. A conference call was conducted with Charles Lewton. Lewton stated there are issues in Apple Springs and the lots are overvalued.

#0027 LEWTON OPERATING COMPANY 32130-02000-070-20 CANYON GATE VILLAGE TIF #2 LOT 7B & LOT 8 BLK 2 Moved-Seconded (Ewing - Johnson) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0028 ROCHFORD RIDGE ESTATES HOMEOWNER ASSOCIATION INC 13600-00403-000-20 ROCHFORD RIDGE ESTATES PARK LOT Moved-Seconded (Sleep - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Carol Reausaw was present and requested that the lot be assessed as a utility lot.

#0029 GRIZZEL, JOEL D & MICHELE ANN 26680-01611-000-25 MINERAL 1564 THRU 1742 M.S. 1611 CHARLIE & KANSAS CITY LODES Moved-Seconded (Weisenberg - Sleep) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Michele Grizzel was present and questioned the percentage of completion on their home they are building. The Director of Equalization reviewed the assessment record on file.

#0030 OWENS, JERRY L & CAROLINE G 14000-00404-360-40 T-004 R-04 TRACT C OF SEC. 25 & 36 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Jerry Owens was present to question the value of the land.

#0031 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 (Johnson - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment. Richard Langer was present and stated this property separated by a culvert and gets flooded in the middle.

#0032 SADDLEWOOD LAND CO LLC 18010-00100-150-00 APPLE SPRINGS TRACT LOT 15 BLK 1 Moved by Johnson to change the land value to \$60,000. Motion died due to lack of second. Moved-Seconded (Sleep - Weisenberg) No change in land value. Motion Carried: Aye - 3 Nay: (Johnson) Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0033 SADDLEWOOD LAND CO LLC 18010-00100-180-00 APPLE SPRINGS TRACT LOT 18 BLK 1 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Aye - 3 Nay: (Johnson) Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0034 SADDLEWOOD LAND CO LLC 18010-00100-020-00 APPLE SPRINGS TRACT LOT 2 BLK 1 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the

issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0035 SADDLEWOOD LAND CO LLC 18010-00100-140-00 APPLE SPRINGS TRACT LOT 14 BLK 1 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0036 SADDLEWOOD LAND CO LLC 18010-00600-030-00 APPLE SPRINGS TRACT LOT 3 BLK 6 Moved-Seconded (Ewing - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size of lot.

#0037 SADDLEWOOD LAND CO LLC 18010-00600-070-00 APPLE SPRINGS TRACT LOT 7 BLK 6 Moved-Seconded (Weisenberg - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size of lot.

#0038 SADDLEWOOD LAND CO LLC 18010-00600-080-00 APPLE SPRINGS TRACT LOT 8 BLK 6 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0039 SADDLEWOOD LAND CO LLC 18010-00100-160-00 APPLE SPRINGS TRACT LOT 16 BLK 1 Moved-Seconded (Weisenberg - Sleep) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0040 SADDLEWOOD LAND CO LLC 18010-00500-010-00 APPLE SPRINGS TRACT LOT 1 BLK 5 Moved-Seconded (Sleep - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0041 SADDLEWOOD LAND CO LLC 18010-00100-130-00 APPLE SPRINGS TRACT LOT 13 BLK 1 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0042 SADDLEWOOD LAND CO LLC 18010-00600-010-00 APPLE SPRINGS TRACT LOT 1 BLK 6 Moved-Seconded (Ewing - Sleep) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the

issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0043 SADDLEWOOD LAND CO LLC 18010-00500-070-00 APPLE SPRINGS TRACT LOT 7 BLK 5 Moved-Seconded (Weisenberg - Sleep) No change in land value. Motion Carried. Remarks: Fair and equitable as history, sales and comparables support the assessment. Rich Evans was present and reviewed a copy of an appraisal on the properties in question. Evans stated with the issues in Apple Springs and the unknown of foreclosure action and the halt of development in the subdivision he felt the lots were overvalued.

#0044 SADDLEWOOD LAND CO LLC 18010-00600-060-00 APPLE SPRINGS TRACT LOT 6 BLK 6 Moved-Seconded (Ewing - Weisenberg) Change land value from \$80,000 to \$72,000. Motion Carried. Remarks: Adjusted for size and location of lot.

#0045 SADDLEWOOD LAND CO LLC 18010-00600-020-00 APPLE SPRINGS TRACT LOT 2 BLK 6 Moved-Seconded (Weisenberg - Sleep) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot.

#0046 SADDLEWOOD LAND CO LLC 18010-00500-060-00 APPLE SPRINGS TRACT LOT 6 BLK 5 Moved-Seconded (Sleep - Ewing) Change land value from \$80,000 to \$72,000 Motion Carried. Remarks: Adjusted for size and location of lot.

#0047 A & K OF SPEARFISH LLC 32280-00000-320-00 HERITAGE DR PATIO HOMES LOT 32 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0048 A & K OF SPEARFISH LLC 32280-00000-330-00 HERITAGE DR PATIO HOMES LOT 33 Moved-Seconded (Weisenberg - Johnson) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0049 A & K OF SPEARFISH LLC 32280-00000-310-00 HERITAGE DR PATIO HOMES LOT 31 Moved-Seconded (Johnson - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0050 A & K OF SPEARFISH LLC 32280-00000-240-00 HERITAGE DR PATIO HOMES LOT 24 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable assessment as sales and comparables support the assessment.

#0051 A & K OF SPEARFISH LLC 32280-00000-290-00 HERITAGE DR PATIO HOMES LOT 29 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0052 A & K OF SPEARFISH LLC 32280-00000-300-00 HERITAGE DR PATIO HOMES LOT 30 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0053 AHLERS PROPERTIES LLC 22000-00604-134-20 T-006 R-04 S1/2NW1/4 EX PLATTED LOTS,N1/2 SW1/4 EX PLATTED LOTS Moved-Seconded (Ewing - Sleep) No

change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0054 ALLARD, BRUCE 22500-00604-162-20 EAST SLOPE ESTATES 16-6-4 LOT 4 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0055 AUER, ROBIN 22000-00604-273-00 T-006 R-04 TRACT A-2 OF THE SW1/4 Moved-Seconded (Sleep - Ewing) Follow the recommendation of the Director of Equalization and change land value from \$262,440 to \$10,700, Change abstract class from NA to AG, No change in structure values. Motion Carried. Remarks: Ag status granted.

#0056 BACK NINE DEVELOPMENT LLC 18010-01000-010-00 APPLE SPRINGS TRACT LOT 1 BLK 10 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0057 BURNETT, ROBERT & SHAWNA 24000-00702-191-90 T-007 R-02 PARCEL A IN THE NE1/4 NE1/4 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried: Aye - 3 Nay: (Johnson) Remarks: Fair and equitable as sales and comparables support the assessment.

#0058 CHRISTENSEN, LAUREN & LADONNA TRUSTEES & ROBIN D CHRISTENSEN 20650-00602-228-20 MT. PLAINS DEVELOPMENT #2 LOT 120 Moved-Seconded (Johnson - Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0060 CORCORAN, RONALD L 20050-00602-039-10 SUB 3-6-2 W 1/2 LOT D OF LOT 3A-2 OF LOT 3 IN NW1/4 NW1/4 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0061 FIRST NATIONAL BANK 26940-00003-002-15 LOST CAMP VALLEY AC. TR C LOT 15 BLK 2 Moved-Seconded (Ewing - Johnson) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0062 FIRST NATIONAL BANK 26440-01158-000-74 DEER MT. RESORT #1 M.S. 1 LOT 15 BLK 3 Moved-Seconded (Johnson - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0063 FIRST NATIONAL BANK 18010-00900-060-00 APPLE SPRINGS TRACT LOT 6 BLK 9 Moved-Seconded (Ewing - Johnson) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0064 GLODT, ALAN E & BETTY J C/O JASON GLODT 32201-00000-070-00 CREEKSIDE S/D LOT 7 Moved-Seconded (Ewing - Johnson) Follow the recommendation of the Director of Equalization and no change in land value. No change in structure value. No change in classification. Motion Carried. Remarks: Filing deadline for owner occupied was missed.

#0065 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 (Ewing - Sleep) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0066 KEITH, MARK R & FAYE E 26900-02087-000-84 ENGLEWOOD ACRES INC. LOTS 28 & 29 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0067 KLOCK, ROGER F & TONY L 18010-00900-040-00 APPLE SPRINGS TRACT LOT 4 BLK 9 Moved-Seconded (Johnson - Ewing) Not to follow the recommendation of the Director of equalization and make no change to the land value. Motion Carried Remarks: Board felt each parcel had a market value and should be replatted in order to be combined.

#0068 KLOCK, TONY L 18010-00900-050-00 APPLE SPRINGS TRACT LOT 5 BLK 9 Moved-Seconded (Johnson - Ewing) Not to follow the recommendation of the Director of equalization and make no change to the land value. Motion Carried Remarks Board felt each parcel had a market value and should be replatted in order to be combined.

#0069 LAFLEUR, ROBERT 26999-00010-000-05 BLDGS. ON LEASED GROUND 11-2-2 USFS LAND LOT E BLACK FOX GROUP Moved-Seconded (Sleep - Ewing) No change in structure value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment.

#0070 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26655-02154-070-00 TWO BIT SPRINGS #2 LOT 7 Moved-Seconded (Johnson - Sleep) No change in land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment.

#0071 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26650-01507-140-00 TWO BIT SPRINGS S/D LOT 14A Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment.

#0072 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26650-01507-150-00 TWO BIT SPRINGS S/D LOT 15A Moved-Seconded (Johnson - Ewing) No change in land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment.

#0073 MATTSON INC 26655-02154-020-00 TWO BIT SPRINGS #2 LOT 2A Moved-Seconded (Ewing - Johnson) No change in land value. Motion Carried: Remarks: Fair and equitable as sales and comparables support the assessment.

#0074 MECHAM, MIRIAM I 22400-00604-500-00 SPRUCE MTN #2 LOT 50 Moved-Seconded (Ewing - Sleep) No change in land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment.

#0075 MEYER, CLINT G C/O UNITED AMERICAN INS CO 32090-09700-060-26 ORIGINAL TOWN SPEARFISH CONDO UNIT 2-F TRACT A BLK 97 Moved-Seconded (Sleep

- Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0076 MEYER, CLINT G & DEBORAH A 32090-09700-060-16 ORIGINAL TOWN SPEARFISH CONDO UNIT 1-F TRACT A BLK 97 Moved-Seconded (Ewing - Sleep) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0077 MOSSET, ROGER & BRENDA 20000-00602-056-35 T-006 R-02 LOT 6 OF OUTLOT A E1/2 NW1/4 Moved-Seconded (Ewing - Sleep) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0078 MOSSET, ROGER 32640-00700-007-00 ROLLING HILLS ADDITION LOT 7 BLK 7 Moved-Seconded (Sleep - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0079 MOSSET, ROGER 32640-00700-008-00 ROLLING HILLS ADDITION LOT 8 BLK 7 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0080 MOSSET, ROGER 32640-00700-003-00 ROLLING HILLS ADDITION LOT 3 BLK 7 Moved-Seconded (Johnson - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0081 ORMISTON, FRED I & NATALI M 26620-01437-000-11 MINERAL 1399 THRU 1563 M.S. 1437 RECOVERY LODGE Moved-Seconded (Sleep - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0082 ORMISTON, FRED T & NATALI 26340-00968-000-00 MINERAL 759 THRU 1034 M.S. 968 M & B FREMONT ETAL Moved-Seconded (Ewing - Johnson) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0083 STAEFFLER, DAN & DIANE 18010-00900-080-00 APPLE SPRINGS TRACT LOT 8 BLK 9 Moved-Seconded (Ewing - Sleep) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0084 STATHAM, JAMES R TRUST 18010-00400-080-00 APPLE SPRINGS TRACT LOT 8 BLK 4 Moved-Seconded (Johnson - Ewing) No change in land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0085 STATHAM, JAMES R TRUSTEE 22650-00604-080-00 FRAWLEY RANCH EAST LOT 8 Moved-Seconded (Sleep - Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment.

#0086 US BANK NATIONAL ASSOCIATION TRU 32210-19160-050-00 GREEN ACRES ADDN. SPEARFISH LOT 5 BLK 16 Moved-Seconded (Johnson - Sleep) Follow the

recommendation of the Director of Equalization and no change in land value. Change structure value from \$172,130 to \$101,150. Motion Carried: Remarks: Interior inspection revealed extensive damage due to water and mold.

#0087 BARTHEL, KELLY D & MICHELLE 20100-00602-046-92 SUB 4-6-2 LOTS 12A & 12B OF LOT 12 E1/2 SW1/4 Moved-Seconded (Johnson - Sleep) Follow the recommendation of the Director of Equalization and no change in land value and change structure value from \$173,280 to \$147,260 Motion Carried. Remarks: Property was inspected and changes were made to the assessment record which resulted in a decrease to the structure value. Sales comparison analysis was completed which also indicated a lower value.

#0088 BLUM, STANLEY H & MILDRED R TRUSTEES BLUM, WILLIAM S & DIANE S KOLMER 26800-01894-000-20 MINERAL 1887 THRU 1917 M.S. 1894 LOT 4 BLUM S/D Moved-Seconded (Johnson - Ewing) Follow the recommendation of the Director of Equalization and no change in land value and change structure value from \$43,630 to \$0 and change structure value from \$18,800 to \$0 Motion Carried: Remarks: Move the structure value to the correct parcel.

#0089 BLUM, STANLEY H & MILDRED R TRUSTEES SIMON-BLUM, JOSEPH N & LESLEE J 26800-01894-000-23 MINERAL 1887 THRU 1917 M.S. 1894 LOT 3 BLUM S/D Moved-Seconded (Johnson - Ewing) Follow the recommendation of the Director of Equalization and no change in land value and add structure value of \$43,630 and \$18,800. Motion Carried. Remarks: Added the structure to the correct parcel.

#0090 BOSWORTH, JON 31090-03500-090-00 ORIGINAL TOWN LEAD LOT 128 Moved-Seconded (Weisenberg - Johnson) Follow the recommendation of the Director of Equalization and change land value from \$3,610 to \$2,890 No change in structure value. Motion Carried: Remarks: After inspecting the lot a seasonal access adjustment was made.

#0091 BOSWORTH, JON 31090-03500-080-20 ORIGINAL TOWN LEAD NW PT LOT 8 BLK 35 Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$3,510 to \$2,810 Motion Carried: Remarks: After inspection of the lot a seasonal access adjustment was made.

#0092 CALVERT, STEPHEN W 31425-00200-020-00 HEARST SUB. LOT 20 BLK 2 Moved-Seconded (Sleep - Ewing) Follow the recommendation of the Director of Equalization and change land value from \$51,690 to \$47,000 Motion Carried: Remarks: Property has been listed on the open market since May 2010. The adjusted price reflects the listed sale price.

#0093 DEUTSCHE BANK NATIONAL TRUST CO 18900-00504-231-82 EDDY-SIMON S/D NE ¼ LOT R-1 OF 9B Moved-Seconded (Johnson - Weisenberg) Follow the recommendation of the Director of Equalization and no change in land value. Change structure value from \$127,680 to \$93,310 Motion Carried: Remarks: After an on-site inspection of the Property the value was adjusted to reflect the existing condition of the structure.

#0094 DOERING, BRIAN G & DANACA C 09000-00304-120-70 T-003 R-04 TRACT 1 & 2 OF HES 162 Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$85,880 to \$99,880 No change in structure value. Motion Carried: Aye - 3 Nay – Johnson. Remarks: Combined with parcel 09000-00304-120-60.

#0095 DOERING, BRIAN G & DANACA C 09000-00304-120-60 T-003 R-04 TRACT 1 OF HES 162 Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$55,500 to \$0 Motion Carried: Aye - 3 Nay: (Johnson) Remarks: Combined with parcel #09000-00304-120-70

#0096 EMC DEVELOPMENT LLC EATON, MELVIN W & CATHY 26587-00000-020-10 CREEK RUN S/D M.S. 1333 LOT 2A Moved-Seconded (Weisenberg - Ewing) Follow the recommendation of the Director of Equalization and change land value from 88,060 to \$48,030 Motion Carried: Remarks: After review of lot sales and adjustment was made.

#0097 FIRST NATIONAL BANK 22650-00604-130-00 FRAWLEY RANCH EAST LOT 13 Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$154,090 to \$133,000 Motion Carried: Remarks: Accept the stipulation from the Director of Equalization and adjust to the listing price.

#0098 HELLEAU CONSTRUCTION LLC 26680-01734-000-52 MINERAL 1564 THRU 1742 M.S. 1734 LOT 1 OF MOBERG #3 Moved-Seconded (Ewing - Weisenberg) Follow the recommendation of the Director of Equalization and change land value from 80,230 to \$72,940 Motion Carried: Remarks: Removed positive adjustment based on a larger acreage before part of the tract was sold.

#0099 IRET PROPERTIES PO BOX 1988 32645-00500-000-00 FALCON CREST S/D BLK 5 Moved-Seconded (Weisenberg - Sleep) to accept the stipulation as presented by the Director of Equalization and change the structure value from \$5,412,760 to \$5,077,930. No change in land value. Motion Failed: Aye – Weisenberg & Sleep Nay: (Johnson & Ewing) Remarks- NO CHANGE.

#0100 KIRKLAND, DAVID M & TRISHA M 20900-00602-430-00 ASPEN HILLS DEVELOPMENT TRACT 43 Moved-Seconded (Johnson - Weisenberg) Not to follow the recommendation of the Director of equalization and make no change to the land value. Motion Carried. Remarks: Fair and equitable as sales and comparables support the assessment and parcels would need to be platted before they can be combined.

#0101 KIRKLAND, DAVID M & TRISHA M 20900-00602-420-00 ASPEN HILLS DEVELOPMENT TRACT 42 Moved-Seconded (Weisenberg - Johnson) Not to follow the recommendation of the Director of equalization and make no change to the land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment and parcels would need to be platted before they can be combined.

#0102 KOVAR, STUART A LANGWELL, KATHRYN M 26696-01734-040-10 GOLDCHEST S/D LOT 4A Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$79,100 to \$68,820 Motion Carried Remarks: After review of lot sales an adjustment was made.

#0103 KOVAR, STUART A LANGWELL, KATHRYN M 26696-01734-040-40 GOLDCHEST S/D LOT 4D Moved-Seconded (Johnson - Weisenberg) Follow the recommendation of the

Director of Equalization and change land value from \$113,650 to \$69,330 Motion Carried: Aye - 3
Nay: (Ewing) Remarks: Land was adjusted to listing price.

#0104 LARSON, JEREMY 14000-00404-281-11 T-004 R-04 MH SITS ON TRACT 1B-1
HILLS S/D Moved-Seconded (Johnson - Ewing) Follow the recommendation of the Director of
Equalization and change structure value from \$12,430 to \$4,540 No change in structure value.
Motion Carried Remarks: Mobile Home is used for storage only.

#0105 LEIBEE, JACK & KAREN TRUSTEE 22400-00604-560-00 SPRUCE MTN #2 LOT 56
Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of
Equalization and change land value from \$37,160 to \$0 Motion Carried: Aye - 3 Nay: (Johnson)
Remarks: Combined with parcel #22400-00604-550-00

#0106 LEIBEE, JACK & KAREN TRUSTEES 22400-00604-550-00 SPRUCE MTN #2 LOT
55 & 56 Moved-Seconded (Weisenberg - Ewing) Follow the recommendation of the Director of
Equalization and change land value from \$36,400 to \$47,560 No change in structure value. Motion
Carried: Aye - 3 Nay: (Johnson) Remarks: Combined with parcel #22400-00604-560-00

#0107 MCGILVREY, JAMES R & SHIRLEY 32210-19052-060-00 GREEN ACRES ADDN.
SPEARFISH LOT 6 BLK 5B OF GOV. LOT 2 SW1\4 NW1\4 19- 6-3 Moved-Seconded (Johnson
- Ewing) Follow the recommendation of the Director of Equalization and no change in land value.
Change structure value from \$132,610 to \$120,270 Motion Carried: Remarks: Upon interior
inspection it was determined that depreciation needed to be adjusted.

#0108 MOSSET, ROGER 32640-00700-006-00 ROLLING HILLS ADDITION LOT 6 BLK 7
Moved-Seconded (Weisenberg - Johnson) Follow the recommendation of the Director of
Equalization and change land value from \$44,420 to \$17,420 Motion Failed. Aye-Johnson &
Weisenberg. Nay-Ewing & Sleep. Moved-Seconded (Weisenberg - Johnson) Change land value
from \$44,420 to \$35,000 Motion Carried: Remarks: Changed to due to street improvements not in
place and owner stated would sell for this amount.

#0109 MOSSET, ROGER 32640-00700-005-00 ROLLING HILLS ADDITION LOT 5 BLK 7
Moved-Seconded (Weisenberg - Sleep) Change land value from \$52,700 to \$35,000 Motion
Carried. Remarks: Changed to due to street improvements not in place and owner stated would sell
for this amount.

#0110 MOSSET, ROGER 32640-00700-004-00 ROLLING HILLS ADDITION LOT 4 BLK 7
Moved-Seconded (Weisenberg - Ewing) Change land value from \$46,070 to \$35,000 Motion
Carried: Remarks: Changed to due to street improvements not in place and owner stated would sell
for this amount.

#0111 ORMISTON, FRED & NATALI 13000-00403-164-00 T-004 R-03 SW1/4 SE1/4 Moved-
Seconded (Ewing - Weisenberg) Follow the recommendation of the Director of Equalization and
no change in land value. Change structure value from \$92,650 to \$55,590 Motion Carried Remarks:
40% adjustment because interior is gutted.

#0112 PIRA LLC 26520-01217-001-04 DEER MT. RESORT DEV #3 LOT 4 BLK 1 Moved-
Seconded (Weisenberg - Ewing) Follow the recommendation of the Director of Equalization and

no change in land value. Change structure value from \$181,990 to \$161,000 Motion Carried: Remarks: Interior inspection was completed and quality was reduced from an average plus to average, plumbing fixtures increased from 9 to 14 (number of baths from 2 to 3.5); and fireplace added. Resulting adjustment is the overall change based on the interior inspection for 2011 only. Stipulation adjusts to sale price. 2012 will reflect value based on inspection.

#0113 RC EAGLE LLC C/O PRO RENTAL MANAGEMENT 31440-00500-006-00
HOMESTAKE S/D LEAD LOT 6 TRACT 5 Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and no change in land value. Change structure value from \$1,106,610 to \$912,760 Motion Carried: Remarks: After review of the property an adjustment was made to equalize with similar properties.

#0114 RATH, VIRGINIA I TRUSTEE 22700-00604-001-12 WHITEWOOD FOREST S/D 20-6 LOT 12 BLK 1 Moved-Seconded (Ewing - Weisenberg) Follow the recommendation of the Director of Equalization and no change in land value. Change structure value from \$286,280 to \$234,790 Motion Carried: Remarks: Correction to appraisal record due to interior inspection of property.

#0115 REED, MARK (KIRKLAND) 20900-00602-440-00 ASPEN HILLS DEVELOPMENT TRACT 44 Moved-Seconded (Johnson - Ewing) Not to follow the recommendation of the Director of equalization and make no change to the land value. Motion Carried Remarks: Fair and equitable as sales and comparables support the assessment and parcels would need to be platted before they can be combined

#0116 RIGGS, JAMES A & GERALDINE 26710-01652-010-00 OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 1 OF TRACT A Moved-Seconded (Weisenberg - Sleep) Follow the recommendation of the Director of Equalization and change land value from \$53,220 to \$0 and change structure value to 0. Motion Failed. Aye–Weisenberg & Sleep; Nay-Ewing & Johnson. Remarks: No Change. The Board commented that the parcel would need to be platted before they can be combined.

#0117 RIGGS, JAMES A & GERALDINE 26710-01652-130-00 OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 13 OF TRACT A Moved-Seconded (Johnson - Ewing) Not to follow the recommendation of the Director of equalization and make no change to the land value and no change in structure values. Motion Carried: Aye - 3 Nay - (Weisenberg) Remarks: Fair and equitable as sales and comparables support the assessment and parcels would need to be platted before they can be combined.

#0118 ROCHFORD RIDGE ESTATES HOMEOWNER ASSOCIATION INC 13600-00403-000-10 ROCHFORD RIDGE ESTATES WELL LOT Moved-Seconded (Johnson - Weisenberg) Follow the recommendation of the Director of Equalization and change land value from \$3,000 to \$1,500 Motion Carried Remarks: Utility lot.

#0119 ROEBUCK, SCOTT ALLEN & LINDA MAR 20950-00602-011-20 EAGLE RIDGE ESTATES LOT 11B Moved-Seconded (Johnson - Ewing) Follow the recommendation of the Director of Equalization and change land value from \$80,930 to \$64,740. Motion Carried: Remarks: After a site review the land was adjusted for size and topography issues.

#0120 STERNHAGEN, LANA L & JAMES A 30900-00107-000-17 MINERAL –
DEADWOOD M.S. 107 LOT B1 & IP-1 & M & B PT. Moved-Seconded (Ewing - Johnson)
Follow the recommendation of the Director of Equalization and change land value from \$121,620 to
\$121,990 Motion Carried: Remarks: Combined with parcel #30900-00107-000-32.

#0121 STERNHAGEN, LANA L & JAMES A 30900-00107-000-32 MINERAL –
DEADWOOD M.S. 107 LOT IP-1 Moved-Seconded (Johnson - Ewing) Follow the
recommendation of the Director of Equalization and change land value from \$500 to \$0 Motion
Carried: Remarks: Combined with parcel #30900-00107-000-17 as this lot is not large enough to
build on.

#0122 WILLIAMS MEYER CONDO LLC 32090-09700-060-27 ORIGINAL TOWN
SPEARFISH CONDO UNIT 2-G TRACT A BLK 97 Moved-Seconded (Weisenberg - Ewing)
Follow the recommendation of the Director of Equalization and change land value from \$48,360 to
\$0 Change structure value from \$80,820 to \$0 Motion Carried. Remarks: Combined with parcel
#32090-09700-060-28 as it is used as one unit.

#0123 WILLIAMS MEYER CONDO LLC 32090-09700-060-28 ORIGINAL TOWN
SPEARFISH CONDO UNIT 2-H TRACT A BLK 97 Moved-Seconded (Weisenberg - Ewing)
Follow the recommendation of the Director of Equalization and change land value from \$48,360 to
\$96,720 Change structure value from \$80,820 to \$138,950 Motion Carried Remarks: Combined
with parcel #32090-09700-060-27 as it is used as one unit.

#0124 WOLFF, STUART C VOGEL, CYNTHIA K 26710-01652-080-00 OLD TOBOGGAN
HILL S/D M.S. 1652 & 1812 LOT 8 OF TRACT A Moved-Seconded (Weisenberg - Sleep)
Follow the recommendation of the Director of Equalization and change land value from \$56,680 to
\$49,600 No change in structure value. Motion Carried: Remarks: After review of lot sales the land
was adjusted.

#0125 YELLOW JERSEY CONSTRUCTION INC C/O LEWIS, CHAD C 30050-00327-000-10
PROBATE LOTS DEADWOOD TRACT M-1 (A POR. OF M.S.75 & A POR. OF TRACT B
M. S.207) Moved-Seconded (Weisenberg - Ewing) Follow the recommendation of the Director of
Equalization and change land value from \$34,670 to \$9,830 Motion Carried. Remarks: After a site
review the land value was reduced to reflect its access and topography issues.

Moved-Seconded (Weisenberg-Ewing) to recess the County Board of Equalization at 6:55 p.m.
Motion Carried.

11:08 a.m. April 26, 2011 the County Board of Equalization reconvened with Bob Ewing, Daryl
Johnson, Terry Weisenberg, Richard Sleep and Brandon Flanagan present.

Flanagan signed the 2011 Board of Equalization Oath.

#0070 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26655-02154-070-00
TWO BIT SPRINGS #2 LOT 7 Moved-Seconded (Weisenberg-Sleep) to reconsider the action
taken on April 12, 2011 in regards to parcel #26655-02154-070-00. Aye-4 Nay-Ewing. Motion
Carried. Moved-Seconded (Johnson-Flanagan) Change land value from \$47,280 to \$34,990 Motion

Carried: Aye-4, Nay-Ewing. Remarks: Follow the recommendation of the Director of Equalization and the signed stipulation.

#0071 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26650-01507-140-00
TWO BIT SPRINGS S/D LOT 14A Moved-Seconded (Weisenberg-Johnson) to reconsider the action taken on April 12, 2011 in regards to parcel #26650-01507-140-00. Aye-4 Nay-Ewing. Motion Carried. Moved-Seconded (Flanagan - Weisenberg) Change land value from \$55,580 to \$34,460 Motion Carried: Aye-4, Nay-Ewing. Remarks: Follow the recommendation of the Director of Equalization and the signed stipulation.

#0072 MATTSON INC C/O LUCKY WRANGLER CONSTRUCTION 26650-01507-150-00
TWO BIT SPRINGS S/D LOT 15A Moved-Seconded (Weisenberg-Johnson) to reconsider the action taken on April 12, 2011 in regards to parcel #26650-01507-150-00. Aye-4 Nay-Ewing. Motion Carried. Moved-Seconded (Johnson - Weisenberg) Change land value from \$46,800 to \$39,780 Motion Carried: Aye-4, Nay-Ewing. Remarks: Follow the recommendation of the Director of Equalization and the signed stipulation.

#0073 MATTSON INC 26655-02154-020-00 TWO BIT SPRINGS #2 LOT 2A Moved-Seconded (Weisenberg-Sleep) to reconsider the action taken on April 12, 2011 in regards to parcel #26655-02154-020-00. Aye-4 Nay-Ewing. Motion Carried. Moved-Seconded (Flanagan - Johnson) Change land value from \$47,140 to \$39,600 Motion Carried: Aye-4, Nay-Ewing. Remarks: Follow the recommendation of the Director of Equalization and the signed stipulation.

#0116 RIGGS, JAMES A & GERALDINE 26710-01652-010-00 OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 1 OF TRACT A Moved-Seconded (Johnson-Ewing) to reconsider the action taken on April 12, 2011 in regards to parcel #26710-01652-010-00. Motion Carried. Moved-Seconded (Ewing - Sleep) Change land value from \$53,220 to \$0 Change structure value from \$4,780 to \$0 Motion Carried: Aye - 4, Nay-Johnson. Remarks: Combined with parcel #26710-01652-130-00

#0117 RIGGS, JAMES A & GERALDINE 26710-01652-130-00 OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 13 OF TRACT A Moved-Seconded (Johnson-Ewing) to reconsider the action taken on April 12, 2011 in regards to parcel #26710-01652-130-00. Motion Carried. Moved-Seconded (Flanagan - Weisenberg) Change land value from \$35,790 to \$41,560 Add additional structure value of \$4,780. Motion Carried: Remarks: Combined with parcel 26710-01652-010-00.

SADDLE MOUNTAIN MINISTRIES 26420-01158-000-42 MINERAL 1136 THRU 1158 M.S. 1158 TRACT 2 OF ON TIME AND LITTLE BIRD FRACTION Moved-Seconded (Ewing-Johnson) to reconsider the action taken on April 12, 2011 in regards to parcel #26420-01158-000-42. Motion Carried. Moved-Seconded (Ewing - Flanagan) To grant 100% tax exempt status. Motion Carried.

WEST DAKOTA HEALTH CARE INC C/O MARY MASTEN, ADMINISTRATION 32720-02900-120-20 UHLIG ADDN. SPEARFISH TRACT G Moved-Seconded (Ewing - Weisenberg) To follow the recommendation of the Director of Equalization and add land value of \$153,840 and structure value of \$1,205,280, and to review the property next year. Motion Carried: Aye 4, Nay-Johnson. Remarks: Purchased January 2, 2011 by a for profit organization. Johnson

stated he did not agree with the added value because he knows the property is worth more than the added value and this value is a disservice to the residences of Lawrence County.

NORTHWESTERN ENGINEERING COMPANY 29710-00100-010-00 THOMPSON ADDN #2 LOT 1 BLK 1 Moved-Seconded (Flanagan - Sleep) Change land value from \$56,730 to \$0 Motion Carried. Remarks: Granted 100% tax exempt status because it was deeded to the Whitewood Rural Fire District.

ADJOURN: Being no further appeals to be heard Moved-Seconded (Flanagan-Ewing) to adjourn the 2011 Board of Equalization at 12:09 p.m. the 26TH day of April 2011.

DATE

ATTEST:

DARYL JOHNSON, Chairperson

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 26, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 26, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of April 12, 2011 County Commission Meeting. Motion Carried.

TRAVEL REQUESTS:

AIRPORT: Moved-Seconded (Weisenberg-Johnson) to approve the travel request for the SD Airport Conference for lodging and registration only for Bruce Outka, Travis Lantis, Buck DeWeese, and Brooks Hanna to attend the Airport Conference in Watertown, SD. Motion Carried. The Board stated travel requests will not be approved if prior travel has not been approved by the County Commission.

INSURANCE COMMITTEE: Moved-Seconded (Ewing-Sleep) to appoint Sheree Green to the Insurance Committee to replace Marlene Barrett. Motion Carried.

LETTER OF MAP REVISION: Moved-Seconded (Flanagan-Weisenberg) To approve and authorize the Chairman to sign the US Department of Homeland Security – Federal Emergency Management Agency Overview & Concurrence Form for the Airport. Motion Carried.

USFS PATROL AGREEMENT: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Sheriff's Department and USDA Forest Service Patrol Agreement. Motion Carried.

SURPLUS EQUIPMENT: Moved-Seconded (Flanagan-Ewing) to declare two vehicle cages for the Dodge Durango's surplus and give to the SD Bureau of Pardon and Patrols. Motion Carried.

EXECUTIVE SESSION: 8:15 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session to discuss legal and contractual matters with Joe Harmon and Bruce Outka. Motion Carried. 8:31 a.m. the Board reopened for regular business with no action taken.

HIGHWAY BUSINESS:

BICYCLE RACE: The Board discussed the request for a bicycle race on a County Road. The Board questioned if the County should be additionally named on the insurance policy. The Board will look into an application to be completed in the future with the requirement that the County be named on the insurance policy.

Moved-Seconded (Weisenberg-Flanagan) to allow permission to use the Old Belle Road to Crago Loop for a Bicycle Race with the understanding that in the future the County be additionally named on the insurance policy. Motion Carried. The Board encouraged the organizers of the bicycle race to attempt to have the County be additionally named for this race if at all possible.

COUNTY POLICY / COMBINING PARCELS: The Board discussed the past practice of combining parcels on contiguous property. Darlene Piekkola, Director of Equalization stated they currently have over 4,000 parcels that would be affected with a change in policy as it would affect both AG and Non-Ag property. The Board stated whatever policy they adopt they need to stay consistent.

RECESS: 9:15 a.m. Moved-Seconded (Flanagan-Ewing) to recess the County Commission Meeting. Motion Carried. 9:30 a.m. The Chairman called the meeting back to order.

GATEWAY COMMUNITIES DESIGNATION / BOXELDER CREEK ROAD: Troy Saye, Nemo Guest Ranch was present to discuss the Gateway Communities Designation. History was presented. Saye presented a petition of the local landowners in support of the designation of “Multi Vehicle Usage Road” allowing all terrain vehicles to access the surrounding area Forest Service Trails from Nemo, thereby promoting it as a Black Hills “Gateway Community”. Saye requested that the Commission send a letter to the Forest Service indicating the Commission authorizes “mixed use” trafficking on the .6 mile portion of Boxelder Forks Road west of Nemo, toward the Boxelder Forks Campground, and request they update the Forest Service maps accordingly. Dave Plummer, US Forest Service was present to discuss jurisdiction and stated they feel there is a portion of the road that is the County’s jurisdiction. Dick Birk was present to discuss maintenance on the Road. Birk stated this is a minimal maintenance road. Moved-Seconded (Ewing-Flanagan) to designate the .6 miles of Box Elder Forks Road (140S) as a Gateway Community Road and send a letter to the Forest Service asking that the road be designated as such on the trails map. Motion Carried.

US FOREST SERVICE: Dave Plummer, Black Hills National Forest was present to discuss the project on USFS Dev. Road 134 – Tinton Road. Plummer provided history to the Board on the project and stated they are working on the bid plans and requested the Board support the option to close the road, after Labor Day, during daytime hours of 8:30 a.m. to 4:30 p.m for approximately three weeks. This would allow the contractor to work on the road. The Board was in support of closing the road during the daytime hours.

Plummer stated he would like to work with Dick Birk and the Planning Commission and look at all roads that overlap and determine what is the County’s and what is the Forest Service and define jurisdiction. Flanagan and Ewing expressed interest in working on the Committee.

MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE: Committee members were present to request the Board adopt the Lawrence County Mountain Pine Beetle Policy Statement / Data Recommendations and Data Explanation. Discussion followed with members of the Committee. Moved-Seconded (Flanagan-Ewing) to accept the Lawrence County Mountain Pine Beetle Policy Statement / Data Recommendations and Data Explanation and forward to the US Forest Service as part of the Coordination Process. Motion Carried.

Moved-Seconded (Ewing-Sleep) To apply for a grant from the R.A.C. for \$50,000 each year for the next three years to assist in marking of pine beetle trees on private property from Title II Funds. Motion Carried. The Board asked Bill Coburn to formulate the grant request.

RECESS: 11:09 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 12:10 p.m. The Chairman called the meeting back to order.

FEMA FLOODPLAIN / GALENA: Jo Dickert, Homeowner was present to discuss the FEMA Floodplain in Galena and the affects on her property. Dickert asked that the County sponsor the Letter of Map Revision. Amber Vogt stated after research the County is not able to sponsor the letter as we did not contract to have the work done.

PLANNING & ZONING:

ORDINANCE #11-01 / NEW REGULATIONS FOR TEMPORARY SECOND

RESIDENCES: Moved-Seconded (Ewing-Weisenberg) to remove from the table second reading on the proposed Ordinance #11-01 New Regulations for Temporary Second Residences. Motion Carried.

Second Reading was held on the proposed Ordinance #11-01 New Regulations for Temporary Second Residences. No public input was voiced and the hearing was closed. The Board discussed the proposed Ordinance #11-01. Flanagan expressed concerns and stated the County Commissioners should still retain some discretion to look at hardship situations and make decisions based on circumstances. Vogt recommended adding a definition of second residence to the zoning regulations to help alleviate some problems.

Moved-Seconded (Flanagan-Sleep) to approve and adopt Ordinance #11-01 New Regulations for Temporary Second Residences as recommended by Planning & Zoning with minor modifications as edited. Motion Carried. Flanagan asked that Vogt report to the County Commission at the end of the year the affects of the new Ordinance.

CONDITIONAL USE PERMIT #244 / JOHNSON SPECIALTY RESORT: The Board acknowledges the request of Eric & Robert Johnson to cancel CUP#244 for a Specialty Resort. Motion Carried.

ITEMS FROM COMMISSIONERS:

SPEARFISH CANYON HOMEOWNERS ASSOCIATION: Jim Nelson presented a map showing what Rim to Rim is in the Canyon according to the legal description from DENR.

BILLS: Moved-Seconded (Ewing-Flanagan) 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-\$7,696.47; Treas-\$9,876.62; Comp-\$7,651.84; States Atty-\$11,523.08; Pub Def-\$9,664.54; Gen Govt Bldg-\$7,180.36; Equal-\$13,814.13; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$11,188.34; Sher-\$32,243.86; Jail-\$20,367.63; Coroner-\$323.08; Fire Prot-3,626.14; Emerg Mgnt-\$3,394.11; E911-\$1,660.40; Highway-\$37,092.69; Air-\$1,351.90; Mh Serv-\$1476.00; Ext-\$1,278.96; Weed-\$2,454.12; Pz-\$4,596.97; **Bills:** Allen,Dawn-\$22.22; Steffen,Peggy-\$6.00; Witcher,Eric-\$38.00; A&B Business Equip-\$768.32; A&I Distributors-\$786.98; A&J Supply-\$146.58; Aaa Collections-\$125.00; Abc Business Supply Corp-\$246.43; Adams Machining-\$35.00; Alltel-\$61.78; Armstrong Extinguish-\$145.92; At&T-\$1.69; BH Chemical Company-\$194.07; BH Federal Credit Union-\$10,000.00; BH Pioneer-\$108.00; BH Power-\$10,111.34; BH Security & Systems-\$2,244.90; BH Window Cleaning-\$17.50; Behavior Mngt Systems-\$21,802.00; Bennett, Main & Gubbrud-\$315.83; Binder,Tracy-\$112.00; Blazer, Harry & Sandy-\$1,505.00; Butler Machinery Co-\$766.89; Carls Trailer Sales-\$17.80; Central Parts-\$1,218.38; Century Business Products-\$253.00; Chemsearch-\$156.50; Chris Supply Co-\$36.73; City/County Alcohol & Drug-\$1,700.00; Credit Collections Bureau-\$250.00; Crop Production Services-\$2,043.75; Dakota Ammo-\$1,134.00; Dakota Graphics-\$50.00; Datec-\$5,462.35; Davis,Scot-\$400.00; Deadwood Thyme Bistro-\$126.00; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$44,851.89; Ellingson,Joseph-\$234.46; Fastenal-\$192.64; Foothills Seed-\$500.00; Frederickson,John-\$196.80; Fsh Communications-\$60.00; Gene's Lock Shop-\$6.50; Godfrey's Brake Serv-\$83.99; Gold Dust-\$86.25; Hamann,Chris-\$200.00; Havemeier,Leslie-\$126.60; Huron Culvert & Tank Co-\$1,138.50; Janke,Wendy-\$264.00; KMart Pharmacy-\$1.10; Knecht True Value-\$41.64; Knology-\$1,431.19; Law Enforcement Resource Cntr-\$419.32; Lead, City Of-\$192.69; Lead-Deadwood Reg Med Clinic-\$26.00; Lead-Deadwood Sanitary-\$42.00; Lexisnexis Matthew Bender-\$34.47; Lueders-\$21.42; Lyle Signs-\$496.28; Main Fox 8707-\$400.00; Menards-\$28.05; Metric Motors-\$388.30; Mid-Night Star-\$128.80; Montana Dakota Utilities-\$194.04; National Academy Of Emd-\$450.00; Nelson,Tonya-\$500.00; Neve's Uniforms-\$877.16; Nooney Solay & Van Norman-\$6,002.05; Occupational Health Network-\$38.00; Office Of Child Support-\$763.61; Office Technology/Supply-\$12.05; Pennington Co Jail-\$891.15; Pennington County Sts Attny-\$2,000.00; Performance Automatics & Serv-\$112.95; Pf Distribution Center-\$736.25; Phoenix Investigations-\$1,645.54; Pmb 0112-\$193.62; Pro Build-\$128.34; Quik Signs-\$191.40; Quill Corporation-\$170.15; Qwest-\$1,112.84; RC Finance Office-\$1,400.00; RC Regional Hospital-\$3,490.00; Rabe Elevator-\$799.88; Regional Behavioral Health Ctr-\$311.19; Regional Health-\$360.00; Reindl,Staci-\$611.10; Reliable-\$58.65; Rocket Lube-\$158.69; Rsinet/Thomas W Nichols-\$180.00; Rushmore Communications-\$187.63; SD Science & Technology Auth-\$150.00; SD Sheriff's Association-\$60.00; Sdrs Supplemental Retirement-\$1,504.01; Servall Towel & Linen-\$327.54; Shell Fleet Plus-\$64.90; Spearfish Auto Supply-\$534.63; Spearfish Husky-\$66.50; Spearfish Police Dept-\$17,489.50; Stadler Ind Service-\$26.40; Sterna,Laura-\$150.00; Strawn Law PC-\$726.31; Tigerdirect-\$731.30; Triple K Tire & Repair-\$126.17; Twin City Hardware & Lumber-\$316.52; Verizon Wireless-\$96.32; Victims Of Violence-\$1,265.00; Wells Fargo Business

Card-\$2,717.51; Western Communication-\$942.00; Williams Standard Serv-\$423.31; Wolff Law Office-\$502.00; Wolff's Plumbing & Heating-\$829.64; Xerox Corporation-\$174.48; Ziggy's Building Center-\$639.48; **Witness & Jurors:** Noland,M-\$34.43; Aldrich,G-\$22.22; Cooper,K-\$32.58; Edwards,C-\$27.40; Mcelwain,S-\$32.58; Nickerson,E-\$32.58; Paul,B-\$25.18; Sleeper,G-\$31.84; Tate,B-\$58.85; Varland,K-\$22.22; Whitman,D-\$58.85

ADJOURN: 12:25 p.m. Moved-Seconded (Ewing-Johnson) There being no further business the meeting was adjourned.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING– April 26, 2011

Chairperson Daryl Johnson called the Lawrence County Board of Adjustment meeting to order at 9:15 a.m. on April 26, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon Flanagan, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #129 / BRAD POLLARD: A public hearing was held on an application for Variance #129 for Brad Pollard/Deck Variance: Owner/Applicant: Brad Pollard, Description (Location): Lot 1, Blk G, Bowman Sub in Section 34, T5N, R3E-Base of Hwy 385, Purpose: 16' Variance to the 25' setback from ROW & 2' Variance from 25' setback from ROW, Zoning & Acreage: SRD/.39 acres +/- Vogt described the circumstances regarding this request. The State had acquired addition ROW footage in front of Mr. Pollard's residence to build a retaining wall. His deck/carport was damaged by a vehicle that left the road. He wishes to replace the deck with a slightly larger one which will also increase coverage below as a carport. The lot is small with steep hillside in back not allowing any room for construction. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of Planning & Zoning and grant approval as the request meets the criteria of Chapter 16-Variations with the unique circumstances of the State acquiring right of way to build the retaining wall on his property thus causing encroachment into the setbacks with the replacement of his deck. Motion Carried.

ADJOURN: 9:24 a.m. There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

Date Approved

DARYL JOHNSON, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 10, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 10, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of April 26, 2011 County Commission Meeting, April 26, 2011 Board of Adjustment and 2011 Board of Equalization. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved by Flanagan to approve a full time Lawrence County Invasive Species Management Deputy Coordinator at the base rate of \$13.94 an hour and if the State DOT grant funds are not received the position will be reviewed. Motion Died due to lack of second.

Moved-Seconded (Ewing-Flanagan) to approve the position of full time Lawrence County Invasive Species Management Deputy Coordinator at the base rate of \$13.94 an hour as long as additional funding is available. Aye-4 Nay-Weisenberg.

Moved-Seconded (Flanagan-Weisenberg) to approve the promotion of Josh Redden as a permanent full-time Lawrence County Invasive Species Management Deputy Coordinator at the base rate of \$13.94 an hour, effective May 23, 2011. Motion Carried.

Ewing and Sleep stated this Department has gone through major changes with the Mountain Pine Beetle situation and stated additional grants and cost share funds are available to fund the position. Weisenberg stated this should be handled at budget time and not in the middle of the year. Weisenberg stated other Departments have had to cut budgets and now is not the time to add a full time employee.

Moved-Seconded (Ewing-Sleep) to approve Steven Soderstrom as a temporary seasonal GPS G1 at the base rate of \$11.05 an hour; Chase Tyson as a temporary seasonal GPS G1 at the base rate of \$11.05 an hour; and Trent Turbiville as a temporary seasonal GPS G2 at the base rate of \$12.36 an hour; effective 5-9-2011. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Flanagan-Sleep) to approve Ryan Palmer and Josh Redden as temporary seasonal Firewise Employees, effective 1-1-2011. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of April 30, 2011 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)-\$342,787.24; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$8,804,236.11, Money Market \$529,371.01; Bank Balance-\$8,160,178.19; Total \$22,589,682.55.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Flanagan-Weisenberg) to set a supplemental budget hearing for May 24, 2011 at 8:15 a.m. for Severance Tax Economic Impact \$208,400. Motion Carried.

SURPLUS EQUIPMENT: Moved-Seconded (Flanagan-Ewing) to declare twelve (4) drawer file cabinets surplus and give to the SD Department of Social Services. Motion Carried.

RETIREE HEALTHCARE POLICY: Members of the Insurance Committee were present to discuss the proposed Retiree Healthcare Policy Lawrence County Resolution #2011-13 Amendment #9 Lawrence County Personnel Manual.

Moved-Seconded (Weisenberg-Ewing) to approve and adopt the following Lawrence County Resolution #2011-13 Amendment #9 Lawrence County Personnel Manual: Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2011-13: AMENDMENT #9 LAWRENCE COUNTY PERSONNEL MANUAL WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual to establish a fair system of personnel administration; and WHEREAS, updates need to be made to the manual to ensure the fair and equitable system is updated; THEREFORE BE IT RESOLVED, that effective 6-1-11 and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for ARTICLE XVIII. GENERAL INFORMATION of the Lawrence County Personnel Manual. 18.3) HEALTH INSURANCE: The County provides health insurance of which the County pays a percentage of the monthly premium as determined by the County Commission. The participating employee will pay the remaining portion of the premium through payroll deduction. A permanent employee must be employed at least thirty (30) hours a week to participate in this insurance. Insurance coverage is available, upon an employee's termination. The employee can continue the health insurance under the COBRA plan. Length of health insurance continuation is eighteen (18) months unless a qualifying event lengthens the entitlement. The employee is responsible to pay the full premium. (See appendix 5). Retiree Participation. Eligibility to participate in the County's health insurance plan is also extended to retirees and their dependents: Criteria. 1) Be eligible for retirement in the South Dakota Retirement System (SDRS). 2) Be at least

50 years of age. 3) Have been an employee of Lawrence County for a minimum of 15 cumulative years, and have been eligible to participate in the County's health insurance plan during that period. 4) Be enrolled in the County's health insurance plan at time of retirement. 5) Have provided written notice of intent to continue health insurance coverage upon retirement at least 30 days prior to the last day of employment. Failure to provide written notice may disqualify the employee's participation. Requirements, Limitations, and Termination. 1) The former employee is required to pay the full amount of the premium. The premium will be due on a schedule established by the health insurance provider, and the former employee is required to pay their premium by the cutoff date each month. The premium is paid each month in advance for the following month's coverage. Failure to pay the premium on time may disqualify the employee's participation. 2) If the former employee, spouse or dependent child is a participant under another group healthcare plan, this benefit will be secondary. If medical coverage is terminated for any reason, later application for enrollment shall not occur. 3) Eligible former employees are allowed to participate in the County's health insurance plan for a maximum of 15 years from the date they retired, or until the participating former employee becomes entitled to Medicare, or until any other terminating event, whichever occurs first. At that time, they will be automatically removed from the plan. 4) Spouses and dependent children of former employees are also allowed to participate in the County's health insurance plan. Their participation may continue for a maximum of 15 years from the date the former employee retired, or until the former employee's death, or until the participating former employee becomes entitled to Medicare, or until Medicare eligibility (spouse) or until eligibility age limit is exceeded (dependent children), or until any other terminating event, whichever occurs first. At that time, they will be automatically removed from the plan. 5) A dependent spouse will become ineligible for coverage in the event of divorce from the former employee. However, dependent children may still be eligible for coverage provided they meet the aforementioned criteria. 6) A spouse or dependent child that loses coverage under this provision due to death of the former employee, divorce, or the former employee's Medicare entitlement, will have COBRA rights starting on the date of loss of coverage. 7) The benefits will be the same for this group as active employees. Dated this 10th day of May, 2011. FOR THE BOARD: Daryl Johnson, Chairman. ATTEST: Connie Atkinson, Auditor

HIGHWAY BUSINESS:

IN-PLACE HOT MIX ASPHALT BIDS: The following bids were received from Bituminous Paving Inc.: \$147.00; Hills Materials: \$130.00 and Sacrison Paving: \$99.00. Moved-Seconded (Ewing-Flanagan) to accept the low bid from Sacrison Paving at the rate of \$99.00 per ton laid in place. Motion Carried.

FOREST SERVICE AGREEMENT: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the Road Project Agreement with the USDA Forest Service FS Agreement No. 07-RO-11020300-017. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Flanagan-Weisenberg) to approve the Utility Permit for Montana Dakota Utilities for a natural gas distribution line beginning in section 17 T6N, R3E Aviation Place / Airport Road. Motion Carried.

COMMUNITY HEALTH NURSE: Denise Rosenberger and Carol Grine, Community Health Services were present to review the Nurses Quarterly Report.

SPEARFISH CANYON MINERAL WITHDRAWAL: Jim Nelson, SCOA was present to discuss the Spearfish Canyon Mineral Withdrawal. Nelson presented the legal description and plot of the Rim to Rim area. Nelson stated he has meet with the Forest Service on the legal description. Discussion followed on the long term affects. Amber Vogt expressed concerns on the true legal description of the area and stated it needs to be in the comprehensive plan. Discussion followed on what SDCL 45-6B-104 states and if it affects surface mining only or all hard rock mining. Flanagan read an excerpt from the Comp Plan and stated that is what Nelson should provide to the Forest Service expressing the County's position. Sleep stated mining is an allowed use on Forest Service Property.

AIRPORT PARALLEL TAXIWAY PROJECT: The following bids were received for the Airport Parallel Taxiway Project: Hills Material-\$3,146,366.35; Johner & Sons (EKE)-\$2,932,528.15; Quinn Construction-\$3,286,784.96; Simon Contractors-\$3,541,624.51. Moved-Seconded (Flanagan-Sleep) to table the bids received until May 24th, 2011 to allow time for the Airport Board to make a recommendation and for Rod Senn, KLJ to review the bids to verify they meet specs. Motion Carried.

AIRPORT HAYING PROPOSALS: The following bids were received for the Hay Proposals for the Airport: Barefoot Farms - Chad Hanson /Piedmont, SD-\$3,240.00; Joe Harmon-\$4,010.00. Moved-Seconded (Flanagan-Ewing) To accept the high bid from Joe Harmon for \$4,010.00 on the haying of the Airport Property. Motion Carried.

NEIGHBORWORKS GROUP WORK CAMP: Sharon Martinisko, NeighborWorks Community Outreach Coordinator was present to request funding of \$5,000 which will be used to purchase building materials locally for use on the homes of families selected to receive workcamp assistance. Moved-Seconded (Weisenberg-Flanagan) to approve the funding request of \$5,000 from Commissioners Professional Services to this beneficial community program. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to waive the Lawrence County building permit fee associated with the NeighborWorks Workcamp Group Program. Motion Carried.

INVASIVE SPECIAL MANAGEMENT AGREEMENTS:

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign Modification of Grant Agreement #09-PA-11020308-0120 with the Black Hills National Forest. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign South Dakota State Department of Transportation Contract Proposal from May 16, 2011 – October 1, 2011 for spraying of noxious weeds. Motion Carried.

SPEARFISH FIRE STATION: Jayna Watson, Spearfish City Planner was present to update the Board on the proposed new Spearfish Fire Station near the Sports Complex.

FOREST SERVICE PLANNING RULE: Bill Coburn, Timber Committee Member and Tom Troxel, BH Regional Multiple Use Coalition were present to discuss the Forest Service Planning Rule. Discussion followed on the proposed comments. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to forward the Comments on the Proposed Forest Planning Rule to the Forest Service. Motion Carried. Aye-4, Nay-Flanagan. Flanagan stated he would like to have Bruce Outka review the comments before they are sent. The Chairman expressed concerns that the comments were not received in advance for the Board members to review.

EMERGENCY DECLARATION / MOUNTAIN PINE BEETLE: Bill Coburn presented a draft Resolution for Declaration of Emergency Disaster for the Mountain Pine Beetle. The Board will review.

PLANNING & ZONING:

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

ITEMS FROM COMMISSIONERS:

EXTENSION OFFICE: Richard Sleep discussed the Extension Office and possible future options. Daryl Johnson was not in support of funding over and above what the State will fund and recommend. The Board was in agreement to research a multi-county position located in Meade 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-\$7,762.43; Treas-\$9,876.62; Comp-\$7,651.83; States Atty-\$11,531.88; Pub Def-\$9,664.54; Gen Govt Bldg-\$7,281.56; Equal-\$13,618.02; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$13,523.56; Sher-\$34,697.50; Jail-\$25,062.54; Coroner-\$323.08; Fire Project-\$1,728.80; Emerg Mgnt-\$3,525.19; E911-\$1,651.40; Highway-\$37,517.20; Air-\$1,056.88; Mh Serv-\$246.00; Exten-\$1,208.88; Weed-\$4,288.64; P&Z-\$4,356.97; **Bills:** Mowell, Richard-\$5,832.00; Schroeder, Jeffery-\$23.00; Vogt, Amber-\$23.87; Lee, Laura-\$7.50; Aaa Collections-\$125.00; American Family Life-\$3,454.59; BH Federal Credit Union-\$10,000.00; Credit Collections Bureau-\$250.00; Deadwood Recreation Center-\$638.00; Delta Dental Of South Dakota-\$6,365.40; Dept Of The Treasury-\$47,494.60; Hartford-Priority Accounts-\$1,367.70; NH Family Ymca-\$283.80; Office Of Child Support-\$763.61; SD Retirement System-\$51,584.06; Sdrs Supplemental Retirement-\$1,504.00; Wellmark Blue Cross-\$72,703.96; A&B Business Equip-\$289.52; A&B Welding Supply-\$17.98; A&I Distributors-\$590.34; A&J Supply-\$509.05; A-Z Shredding-\$99.25; Abc Business Supply-\$62.41; Alltel-\$836.85; Amcon Distributing-\$111.79; Atv Safety Institute-\$750.00; BH Chemical Company-\$1,284.79; BH Land Analysis-\$6,000.00; BH Pest Control-\$95.00; BH Pioneer-\$1,052.24; BH Power-\$601.98; BH Windshield Repair-\$50.00; Best Business Prod-\$23.09; Best Western Ramkota/Watertown-\$664.00; Big Sky Communications-\$163.00; Binder, Tracy-\$242.00; Butler Machinery Co-\$2,394.37; Butte Electric Coop-\$767.51;

Campbell Co Sheriffs Off-\$30.00; Carol Butzman Consulting-\$1,279.30; Central Parts-\$59.67; Century Business Products-\$559.05; Christensen Law Office-\$610.25; Dakota Equipment Rental-\$90.19; Dakotacare \$435.31; Dale's Tire & Retread-\$1,066.00; Deadwood, City Of-\$706.96; Dietrich, Donna-\$85.19; Eddie's Truck Sales/Serv-\$61.52; Edm Publishers-\$98.78; Eke Inc-\$7,170.63; Evercom Systems-\$2,110.00; Fastenal-\$760.90; Fleet Services-\$1,174.05; Glaxosmithkline Pharmaceutical-\$327.00; Gold Dust-\$80.50; Great Western Bank-\$54.00; Great Western Tire-\$23.00; Haakon County Sheriff's Office-\$25.84; Heartland Paper Co-\$435.21; Heisler Hardware-\$150.92; Hills Material Comp-\$895.42; Howell, Jack Ken-\$38.00; Hughes County Sheriffs-\$14.30; Kadmas, Lee And Jackson-\$26,609.44; Karpinen, Sharon-\$185.00; Keefe Supply Company-\$228.80; Kimball-Midwest Co-\$200.10; Knology-\$382.85; Lead, City Of-\$65.15; Lead-Deadwood Sanitary-\$316.20; Lee, James-\$15.00; Lexisnexis Risk Data Mgmt-\$75.00; Lueders-\$27.39; Mad Manz Pizza-\$119.24; Mcleod's Office Supply-\$46.17; Mcpherson Propane-\$69.00; Meade County Sheriff-\$10.40; Menards-\$196.86; Michael Stonefield Atty-\$16,505.50; Microfilm Imaging Systems-\$755.00; Mid-Night Star-\$150.13; Mikelson, Gary-\$140.96; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$5,259.52; Moos, Lance-\$915.00; Nelson, Christy-\$200.00; Neve's Uniforms-\$20.95; Newman Traffic Signs-\$2,761.40; Oolman, Carol-\$400.00; Pennington Co Auditor-\$150.00; Pennington County Sts Attny-\$800.00; Postmaster, Deadwood-\$110.00; Priority Dispatch-\$78.00; Pump House Coffee & Deli-\$164.63; Quill Corporation-\$71.99; Qwest-\$1,304.62; RC Regional Hospital-\$5,584.00; Rabe Elevator-\$799.88; Radio Shack/Kazco-\$379.91; Rapid Delivery-\$9.78; Regional Behavioral Health-\$668.23; Reindl, Staci-\$2,280.25; Reserve Account-\$5,000.00; River Lodge-\$93.00; Rocket Lube-\$154.21; SD Airport Conference-\$55.00; SD State Treasurer-\$2,761.83; Scott J Odenbach, Pc-\$410.00; Sdaco-\$225.00; Servall Towel & Linen-\$340.62; Sheldon, Jeannette-\$7,170.00; Silverado-\$990.96; Skinner & Winter Prof-\$354.84; Spearfish Auto Supply-\$369.60; Spearfish City Of-\$300.00; Spearfish Police Dept-\$5,775.75; Strawn Law Pc-\$2,171.90; The Harloff Company-\$1,242.00; Tigerdirect-\$794.86; Triple K Tire & Repair-\$301.66; Twin City Hardware & Lumber-\$183.68; Waste Connections-\$344.21; Wells Plumbing & Farm Supp-\$314.17; West Group-\$740.89; Western Communication-\$361.70; White's Queen City Motors-\$724.14; Wilde & Hunt, Prof-\$1,059.27; Wolff's Plumbing & Heating-\$42.57; Yankton County-\$103.75; Z&S Dust Control-\$51,805.44; **Witness & Jurors:** Almanza, R-\$61.10; Bailey, M-\$64.80; Brady, F-\$63.32; Dar, E-\$62.58; Ford, T-\$52.22; Frost, F-\$61.10; Hines, K-\$61.10; Hunt, R-\$61.10; Jackovich, R-\$58.88; Kindsfater, T-\$52.22; McGriff, M-\$68.50; Mendoza, A-\$61.84; Nelson, R-\$51.48; Park, E-\$50.74; Ryan, V-\$57.40; Shaw, A-\$52.96; Shirey, M-\$51.48; Skvicalo, C-\$56.66; Sullivan, M-\$52.22; Adams, J-\$21.10; Adams, J-\$21.84; Apa, J-\$19.62; Bogner, J-\$549.90; Bruchez, S-\$23.32; Buehner, C-\$18.88; Charest, R-\$19.62; Clauser, K-\$549.90; Comfort, V-\$556.56; Demott, J-\$529.92; Dower, J-\$12.22; Eiss, G-\$563.22; Fisher, J-\$583.20; Golliver, W-\$32.20; Greenwood, J-\$15.18; Heilman, J-\$17.40; Heinen, J-\$29.24; Helmin, M-\$12.22; Hoff, J-\$12.22; Hunke, L-\$24.80; Ice, K-\$11.48; Jacobs, H-\$536.58; Kyte, M-\$583.20; Larson, K-\$603.18; Lovett, S-\$10.74; Moore, J-\$24.80; Murray, C-\$12.96; Nelson, G-\$22.58; Olhausen, C-\$583.20; Poeppel, D-\$21.10; Price, L-\$549.90; Routh, J-\$24.80; Sabers, E-\$12.22; Seid, D-\$12.22; Spurlock, A-\$22.58; Storbeck, J-\$596.52; Story, I-\$24.80; Takacs, T-\$23.32; Thompson, L-\$10.74; Watson, J-\$24.80; Wetz, T-\$549.90; Wood, M-\$24.80; Yorks, J-\$21.10; Zuercher, W-\$21.10; Hoberernicht, P-\$31.10; Kopp, S-\$31.10; Standen, K-\$32.58; Carlson, L-\$34.80; Ingwersen, E-\$30.36; Ingwersen, S-\$30.36; Allen, R-\$31.10; Little Crow, C-\$20.00; Mcauley, M-\$28.88; Statler, C-\$20.00; Statler, H-\$20.00; Stenseth, L-\$21.48; Thompson-Fremo, S-\$31.84

ADJOURN: 11:25 a.m. Moved-Seconded (Ewing-Johnson) There being no further business the meeting was adjourned.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 24, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 24, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Brandon Flanagan, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of May 10, 2011 County Commission Meeting. Motion Carried.

BOARD APPOINTMENTS:

CUSTOM, CULTURE & ECONOMIC COMMITTEE: Moved-Seconded (Flanagan-Ewing) to appoint Mike Whalen to the Custom, Culture & Economic Committee. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Sleep) to approve Dustin Peters & Gary Heberlig as a temporary seasonal GPS G1 at the base rate of \$11.05 an hour; effective 5-9-2011. Motion Carried.

SHERIFF:

Moved-Seconded (Weisenberg-Ewing) to approve Ellen Melaragno as a temporary part/time Guard for the Lawrence County Sheriff's Office effective 5/18/2011 at the base rate of \$12.33 an hour. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on a request for supplemental budget for **SEVERANCE TAX FUND** Severance Tax - \$208,400. 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 #2011-14. Motion Carried.

RESOLUTION #11-14 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: SEVERANCE TAX FUND Severance Tax - \$208,400. The funds for the above amounts are to be provided from

unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 24th day of May, 2011 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 24th day of May, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Ewing-Flanagan) to approve the automatic supplement for the Register of Deeds Supplies for \$1,055.49 for grant funds received. Motion Carried.

TEMPORARY ALCOHOL LICENSES: Jon Mattson, President of the Days of 76 Museum, was present to request a temporary alcohol license for a fund raising event. The Board discussed SDCL 35-4-124 and the affects it could have on the County. Flanagan stated this issue needs further discussion and felt Planning and Zoning may be the logical place to start to make sure all regulations are covered. Discussion followed on what special events and non-profits would be allowed to have a temporary license. Moved-Seconded (Flanagan-Ewing) to refer this to Planning and Zoning to put in Ordinance format for the Board to consider. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of May 17, 2011: Spearfish Diesel 3200 Gallons: (prices per gallon) CBH Cooperative - \$3.334; Southside - \$3.299*; MG Oil – \$3.4078 (*represents lowest quote). Unleaded 1100 Gallons: (prices per gallon) CBH Cooperative - \$3.505; Southside Oil - \$3.479; MG Oil – \$3.4728* (*represents lowest quote). Deadwood Diesel 3200 Gallons: (prices per gallon) CBH Cooperative - \$3.334; Southside Oil – \$3.290*; MG Oil – \$3.4138 (*represents lowest quote). Unleaded 5500 Gallons: (prices per gallon) CBH Cooperative - \$3.505; Southside Oil - \$3.470*; MG Oil – \$3.4768 (*represents lowest quote). Whitewood Diesel: 700 (prices per gallon) CBH Cooperative - \$3.354*; Southside Oil – \$3.389; MG Oil – \$3.3978 (*represents lowest quote).

EQUIPMENT: The Board discussed the pros and cons of purchasing a packer to help maintain the county roads. The Board discussed the condition of the Roads in the spring with the wet weather. Birk stated sometimes where you purchase the gravel can have an impact on the condition of the road. Birk stated he feels they need to be consistent in how the roads are handled throughout the county.

AIRPORT PARALLEL TAXIWAY PROJECT: The Airport Board recommended that the County Commission not take action on the bids at this meeting to allow additional time to look into the holding pond and technical issues. No action was taken.

VA ECONOMIC IMPACT: Bill Locken, Veteran Service Officer was present to discuss the VA Economic Impact to Lawrence County. The Board discussed recent legislation in regards to the State not sharing in the cost of the Veterans Service Officer. The Board commended Locken on his dedicated work for the Veterans and the County.

EXTENSION OFFICE / 4-H PROPOSAL: Kindra Gordon, Mary Pochup, and Roxie Tetrault were in attendance to express the importance of the 4-H program. Gordon stated 4-H is an investment in the future because it is an investment in the children. Historic and current 4-H programs were reviewed.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #371-11 AT&T & VERIZON: A public hearing was held for CUP # 371-11 – Alltel Tower Amendment in Boulder Canyon Owner/Applicant: Andy Heitman-Property Owner/Alltel-Tower Owner/Verizon-Co-Location on Tower with Alltel. Description (Location): Lot 12A-1 & 12a-2 of Naomi Sub in Boulder Canyon, Purpose: Amend current condition #5 to allow additional equipment shelters. Zoning & Acreage: PF/9.92 acres +/- . Vogt explained the original CUP request was for the tower and one equipment shelter. When the amendment was presented it was only to extend the height of the tower and did not include an additional shelter needed for the co-location. This change in conditions is needed in order to issue a building permit. John Rowe, representing Buell Consulting, the agents for Verizon Wireless was present for questions. There was no public input and the public hearing was closed. Discussion followed on the impact of the Road District Road when moving up the shelter. Rowe stated they are in contact with the Road District and will fix the road if there is any damage. Moved-Seconded (Ewing-Flanagan) 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 #371-11. Motion Carried.

ANNUAL REVIEWS:

CUP#307 RAMSEY SECOND RESIDENCE: An annual review was held for CUP #307 Charles Ramsey second Residence. No complaints were received.

CUP#373 JOHNER & SONS EARTHMOVING: An annual review was held for CUP #373 Johner & Sons Earthmoving. No complaints were received

CUP#377 JENSEN ARENA: An annual review was held for CUP #377 for Jensen Arena. Moved-Seconded (Flanagan-Weisenberg) CUP #377 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.

COMMISSION ITEMS:

COURT APPOINTED ATTORNEY CHARGES: Ewing stated an individual has the right to appeal court cases but the County is paying large bills to defend someone who has already had a trial, is on death row, and isn't even originally from this County. Ewing stated Piper has now been appointed two Court Appointed Attorney's, which is a burden to County taxpayers. Ewing stated the County has a Public Defender's Office that is capable of handling this appeal. Ewing stated with the economic times and budget constraints he can not in good faith continue to vote to approve the payment of these Court Appointed Attorney bills. The Board expressed concerns on the impact to the County budgets and the burden to Lawrence County taxpayers.

Moved-Seconded (Ewing-Flanagan) To discontinue paying outside counsel bills for Briley Piper and request that the Judge appoint the public defender's Office as substitute legal counsel. Motion Carried.

PARKING: Sleep expressed concerns on parking for the Courthouse.

SPEARFISH CANYON MINERAL WITHDRAWAL: Jim Nelson, SCOA was present to discuss the Spearfish Canyon Mineral Withdrawal. Nelson presented a copy of the letter he mailed to Craig Bobzien, Forest Supervisor in regards to Restricting of Mining Activity (Mineral Withdrawal) in Spearfish Canyon.

BILLS: Moved-Seconded (Flanagan-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-\$7,697.43; Treas-\$9,876.62; Comp-\$7,651.84; States Atty-\$11,531.87; Pub Def-\$9,668.54; Gen Govt Bldg-\$7,184.36; Equal-\$13,953.34; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$11,893.18; Sher-\$34,082.49; Jail-\$21,251.55; Coroner-\$23.08; Fire Protect-\$3,926.96; Emerg Mgnt-\$3,544.20; E911-\$1,642.40; Highway-\$37,314.32; Air-\$1,007.81; Ext-\$1,263.40; Weed-\$2,221.62; P&Z-\$4,525.97; **Bills:** Birk,Richard-\$12.96; Golay,Robert-\$66.60; Mcgruder,Brenda-\$51.00; Smith,Molly-\$10.74; A&B Business Equip-\$876.94; Aaa Collections-\$125.00; Abc Business Supply-\$128.33; Amcon Distributing-\$224.29; Appraver-\$1,152.00; At&T-\$6.81; Auto Doctor-\$1,194.23; BH Chemical Company-\$1,117.76; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$400.00; BH Pioneer-\$69.50; BH Power-\$8,644.26; BH Security & Systems-\$96.94; Best Business Prod-\$23.09; Best Western Ramkota Hotel-\$83.99; Bickle's Truck & Diesel-\$119.14; Biegler,G-\$60.00; Binder,Tracy-\$108.80; Black Hills Pure-\$23.00; Campbell Co Sheriffs Off-\$60.00; Campbell Supply-\$79.34; Carls Trailer Sales-\$331.39; Cbh Cooperative-\$2,347.80; Central Parts-\$541.86; Century Business Products-\$565.00; Clinical Lab Of BH-\$4,038.00; Cna Surety-\$50.00; Cody,Denise-\$15.00; Cooperative Extension Service-\$181.33; Credit Collections Bureau-\$250.00; Crop Production Services-\$24,975.00; Dakota Equipment Rental-\$28.55; Dakota Graphics-\$188.00; Deadwood Thyme Bistro-\$126.00; Deadwood Vol Fire Dept-\$300.00; Dept Of The Treasury-\$45,530.71; Dietrich,Donna-\$149.89; Ecolab-\$127.50; Eddie's Truck Sales/Serv-\$20.39; Et Sports-\$179.78; Fastenal-\$889.06; Federal Express Corp-\$31.30; Fidler-Isburg Funeral Chapel-\$500.00; Fish,Veronica-\$209.00; Fleet Services-\$64.77; Fsh Communications-\$60.00; Gold Dust-\$80.50; Greens Alignment-\$368.98; Hamann,Chris-\$150.00; Harkins,Carolyn Rpr-\$282.30; Havemeier,Leslie-\$73.40; Heisler Hardware-\$20.85; Hills Material Comp-\$964.91; Horn & Koletzky-\$192.60; Howell,Jack Ken-\$79.80; Integrity Ford-\$215.01; Janke,Wendy-\$1,250.00; Knecht True Value-\$1,087.82; Knology-\$1,671.99; LC Sheriff-\$699.51;

Larson Properties-\$400.00; Lawson Products-\$402.60; Leads Online-\$1,758.00; Lead-Deadwood Regional Hospital-\$420.01; Lewis & Clark Bhs-\$142.00; Lueders-\$24.98; Mad Manz Pizza-\$192.70; Meade County Sheriff-\$10.40; Menards-\$224.00; Mg Oil Company-\$3,820.08; Mid-Night Star-\$107.70; Midwest Alarm-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$125.03; Moore,Kenny-\$616.17; Neighbor Works Dakota-\$5,000.00; Nelson,Tonya-\$400.00; Neustar-\$367.05; Neve's-\$87.59; Northern Hills Dental-\$315.00; Northern Hills Law-\$669.67; Office Of Child Support-\$763.61; Pennington Co Jail-\$1,374.20; Pennington County Sts Attny-\$1,400.00; Peterson,Kelly-\$1,568.75; Pizza Hut-\$71.00; Program Works-\$80.00; Pump House Coffee & Deli-\$110.40; Queen City Tire-\$6.00; Quik Signs-\$148.14; Quill Corporation-\$47.76; Qwest-\$109.48; RC Finance Office-\$980.00; RC Regional Hospital-\$1,696.19; Radiology Associates-\$137.41; Regional Behavioral Health-\$709.77; Regional Health-\$1,104.00; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$3,170.66; Rocket Lube-\$140.72; Rohr,Dennis-\$50.00; SD Dept Of Transportation-\$570.00; Sdaco-\$75.00; Sdrs Supplemental Retirement-\$1,554.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$340.62; Slowey,Yavonne-\$82.50; Softmart-\$1,061.53; Southside Oil-\$40,179.70; Spearfish Auto Supply-\$529.82; Spearfish Husky-\$27.50; Spearfish Police Dept-\$22.00; Strawn Law PC-\$82.00; Tigerdirect-\$160.79; Tmu Logistics-\$45.06; Triple K Tire & Repair-\$533.14; Twin City Hardware & Lumber-\$75.16; United Parcel Service-\$17.09; Verizon Wireless-\$96.32; Victims Of Violence-\$480.00; Watertree-\$50.50; Wells Fargo Business Card-\$2,418.81; Western Communication-\$30,534.00; Western Sd Juvenile Serv-\$5,805.00; White Drug-\$540.99; White's Queen City Motors-\$375.95; Xerox Corporation-\$66.32; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Bailey,M-\$64.80; Hines,K-\$61.10; Mendoza,A-\$61.84; Park,E-\$50.74; Ryan,V-\$57.40; Shaw,A-\$52.96; Skvicalo,C-\$56.66; Adkins,A-\$12.96; Barrett,C-\$305.50; Brockhoft,K-\$24.80; Burnham,L-\$24.80; Charter,R-\$12.22; Cox,G-\$21.84; Cross,D-\$20.36; Davis,R-\$18.88; Douglas,G-\$268.50; Dower,L-\$287.00; Ellingson,J-\$21.10; Erz,M-\$21.10; Fisher,G-\$261.10; Flores,H-\$294.40; Follette,J-\$21.10; Foote,D-\$324.00; Forgey,J-\$342.50; Gray,M-\$324.00; Hagen,N-\$21.10; Haivala,K-\$21.84; Harbert,S-\$21.84; Huck,K-\$264.80; Irwin,J-\$12.22; Johnson,A-\$342.50; Kilber-Flesner,M-\$24.80; Latuseck,A-\$12.96; Looney,D-\$22.58; Meade,L-\$19.62; Mcarthur,J-\$24.80; Mcgrath,M-\$12.22; Padden,T-\$11.48; Paisley,J-\$20.36; Pederson,T-\$21.10; Rantapaa,L-\$20.36; Rommen,K-\$24.80; Samona,J-\$398.00; Sohm,B-\$268.50; Sperlin,D-\$10.74; Tan,H-\$26.28; Vandevelde,P-\$12.22; Wegenke,L-\$294.40; Whitted,A-\$21.10; Abell,D-\$31.10; Behunin,M-\$107.32; Curran,T-\$31.10; Garres,C-\$31.84; Garrison,M-\$31.10; Garrison,V-\$31.10; Kilmer,J-\$20.00; Lamb,J-\$107.32; Olson,J-\$31.10; Berg,R-\$17.40; Bertsch,K-\$28.50; Brewer,J-\$22.58; Caswell,D-\$10.74; Clark,M-\$21.10; Clarke,T-\$21.10; Crowley,T-\$21.10; Daniells,K-\$21.84; Derby,T-\$13.70; Dupont,B-\$24.80; Emanuel,R-\$12.22; Erickson,J-\$21.10; Everhard,B-\$21.10; Fischer,S-\$12.22; Frederickson,J-\$24.80; Gilbery,T-\$12.22; Hiles,D-\$18.88; Hill,W-\$12.96; Hobernicht,H-\$17.40; Hopewell,T-\$20.36; Huth,S-\$12.22; Job,L-\$12.96; Jorgensen,K-\$21.10; Keehn,R-\$10.74; Kling,K-\$21.84; Ladson,J-\$15.18; Larson,J-\$21.10; Lawson,J-\$21.10; Littau,C-\$15.18; Martin,T-\$21.10; McBride,T-\$21.84; Mix,L-\$18.14; Morrison,M-\$12.22; Myers,B-\$32.20; Nelson,Z-\$29.24; Pearson,J-\$13.70; Reynolds,B-\$21.10; Riedel,J-\$21.10; Ritter,D-\$24.80; Rogers,A-\$24.80; Rothenberger,P-\$21.84; Schlup,N-\$24.80; Selken,A-\$24.80; Smith,P-\$12.22; Smith,R-\$21.84; Speirs,F-\$21.10; Stender,S-\$21.10; Stulken,T-\$21.10; Swanson,M-\$24.80; Thomas,R-\$12.22; Thompson,T-\$21.84; Vaneer,M-\$21.10; Vanmarel,D-\$19.62; Wietgreffe,N-\$21.10; Wilson,T-\$10.74

Moved-Seconded (Flanagan-Sleep) to recess the County Commission Meeting at 10:01 a.m. Motion Carried.

1:00 p.m. May 24, 2011 the Lawrence County Commission reconvened with Daryl Johnson, Bob Ewing, Terry Weisenberg, Richard Sleep and Brandon Flanagan present.

WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398: A joint meeting and Public Hearing was held with Planning and Zoning at the Golden Hills Inn in Lead, SD for the WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398. Representatives for Wharf Resources were introduced and Bill Shand presented a slide show on the expansion request. Input was voiced from proponents and opponents. No minutes were taken of this hearing as Teresa Fink, a court reporter was present to prepare a transcript of this portion of the meeting and will be on file in the Auditor's Office. Moved-Seconded (Flanagan-Ewing) to close the public hearing. Motion Carried.

The Board stated they will receive written findings for 10 days and will be discussed and acted on at a future meeting.

ADJOURN: 3:24 p.m. Moved-Seconded (Ewing-Johnson) There being no further business the meeting was adjourned.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 14, 2011

Vice-Chairman Robert Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 14, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Richard Sleep, and Terry Weisenberg present. Daryl Johnson was available for Conference Call during the Wharf, Temporary Alcohol Licenses, and the Court Appointed Attorney Bills for Piper discussions and actions.

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

AGENDA: Moved-Seconded (Sleep-Flanagan) to approve the agenda as amended. Motion Carried. Aye-4, Absent Johnson.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of May 24, 2011 County Commission Meeting. Motion Carried. Aye-4, Absent Johnson.

TRAVEL REQUESTS:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Matt Pike and Eric Witcher to attend the Continuing Legal Education Programming at the State Bar Convention in Sioux Falls, SD on June 22-24, 2011. Motion Carried. Aye-4, Absent Johnson.

BOARD APPOINTMENTS:

MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE: Moved-Seconded (Sleep-Flanagan) 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. Aye-4, Absent Johnson.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve Trent Turbiville as a temporary seasonal GPS G1 at the base rate of \$11.85 an hour, effective 6-5-2011 and to approve Ryan Palmer as a temporary seasonal GPS G2 at the base rate of \$12.50 an hour, effective 6-5-2011. Motion Carried. Aye-4, Absent Johnson.

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve Neil Schlepp as a part-time as needed, Special Deputy II at the base rate of \$16.45 an hour, effective May 9th, 2011. Motion Carried. Aye-4, Absent Johnson.

HIGHWAY: Moved-Seconded (Sleep-Flanagan) to accept the letter of Retirement from Richard D. Lensegrav effective 10-15-2011, and thank him for many years of dedicated work for the County. Motion Carried. Aye-4, Absent Johnson.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Sleep) to accept the following report as read by the Auditor. Motion Carried. Aye-4, Absent

Johnson. Auditor's Account with the County Treasurer: as of May 31, 2011 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)-\$51,602.74; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3546.50; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$8,804,677.15, Money Market \$529,452.23; Bank Balance-\$2,500,940.23; Total \$16,643,328.85.

AMERICAN LEGION RAFFLE: Moved-Seconded (Flanagan-Sleep) to approve the request from the Spearfish American Legion Post#164 to conduct a fund raising raffle. Motion Carried. Aye-4, Absent Johnson.

RELAY FOR LIFE PROCLAMATION: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Lawrence County Resolution # 2011-15 Relay for Life Proclamation. Motion Carried. Aye-4, Absent Johnson. Lawrence County Resolution # 2011-15 Proclamation *Whereas*, **RELAY FOR LIFE** is the signature activity of the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer) and remembers those lost to the disease; and *Whereas*, There are an estimated 11 million Americans with a history of cancer alive today; and *Whereas*, Last year alone, more than 1.5 million new cases of cancer were diagnosed in the United States; and of those **4220 were in South Dakota**; and *Whereas*, Money raised during the American Cancer Society **RELAY FOR LIFE of the Northern Hills** helps support the mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer, and by fighting back; *Whereas*, **RELAY FOR LIFE** funded more than \$150 million in cancer research last year; and *Whereas*, the color **PURPLE** is the signature color of the American Cancer Society's **RELAY FOR LIFE** events signifying the passion that cancer survivors and their families and loved ones feel for the eradication of this disease; and *Now therefore*, we, the Lawrence County Commissioners do hereby proclaim, **Friday, June 17, 2011 as: PAINT THE TOWN PURPLE DAY**; and **Saturday, June 25, 2011 as: RELAY FOR LIFE DAY** We urge all citizens to show your support by wearing **PURPLE** on June 17th and decking out the town – including homes, restaurants, businesses, meeting halls or other areas – in **PURPLE** and encourage citizens to participate in the **RELAY FOR LIFE of the Northern Hills** at the Black Hills State University Track on June 25th Dated this 14th day of June 2011. Robert E. Ewing, Vice-Chair, Terry W. Weisenberg, Brandon D. Flanagan, Richard D. Sleep.

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

HIGHWAY:

DOT ROAD AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Vice-Chairman to sign the State of South Dakota Department of Transportation Funding Exchange Agreement for \$229,024.80. Motion Carried. Aye-4, Absent Johnson.

QWEST UTILITY PERMIT: Moved-Seconded (Flanagan-Weisenberg) to approve the Utility Permit for QWEST located at the Intersection of St. Onge Rd & Lazy HD LN for construction of Telephone Line. Motion Carried. Aye-4, Absent Johnson.

JIM MONTIETH: Moved-Seconded (Weisenberg-Sleep) to approve the Approach Permit for Jim Montieth located on the west side of County Rd 023A, approximately 11570 Tres Crosses Ln. Motion Carried Aye-4, Absent Johnson.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2011-2012 Malt Beverage licenses and for new On-Off sale Malt Beverage License. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve the following 2011-2012 Malt Beverage Licenses Motion Carried: Aye-4, Absent Johnson. **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 JORGENSON, (BOONDOCKS)** PT HES 54 Tract C Section 25 T4N, R3E, B.H.M., **SEVEN DOWN, LLC** Tract 7, Section 27, T6N, R3E., **STEEL WHEEL LLC (STEEL WHEEL CONVENIENCE STORE)** Tract "D" Revised, formerly Tract "D" of HES 297, S18 & 19, T4N, R4E., **JOHNSON FAMILY RESTAURANT (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. **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.**, Big Chair Resort 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., **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.,

Moved-Seconded (Weisenberg-Flanagan) to approve the new **CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE LICENSE: CHARLES FARRUGGIA, Branding Iron Restaurant**, Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368. Motion Carried. Aye-4, Absent Johnson.

RETAIL ON-OFF SALE WINE: A public hearing was held on an application for Retail On-Off Sale Wine License for Dealer Exchange Inc. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve the 2012 On-Off Sale Wine License for **DEALER EXCHANGE INC.**, Big Chair Resort 22493 US Hwy 385 So., Deadwood, SD: Lot L Sec 7., T2N, R5E, BHM, Lawrence County. 05000-00205-073-10. Motion Carried. Aye-4, Absent Johnson.

FLAG DAY PRESENTATION: Deadwood VFW Members were in attendance to present the American and P.O.W. Flag to the County Commission.

AIRPORT PARALLEL TAXIWAY PROJECT: Moved-Seconded (Flanagan-Sleep) to remove from the table the bids received for the Airport Taxiway Project. Motion Carried. Aye-4, Absent Johnson.

Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of the Airport Board and Rod Senn, KLJ and accept the lowest responsible bid from Johner & Sons (EKE)-\$2,932,528.15, and to waive any irregularities, and to approve and authorize the Chairman to sign the contracts and Notice of Award. Motion Carried. Aye-4, Absent Johnson.

CHANGE ORDER – SECTION 1: Moved-Seconded (Flanagan-Ewing) to follow the recommendation of the Airport Board and Rod Senn, KLJ and approve Change Order #1, contingent upon Johner & Sons (EKE) signing the Construction Contract Agreement. Motion Carried. Aye-4, Absent Johnson.

KADRMAS LEE & JACKSON: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Vice-Chairman to approve Amendment #1 Agreement for Professional Services with Kadrmass Lee & Jackson, Inc for Engineering Design Services for Runway 13-31 Parallel Taxiway to include Taxiway, Hangar, Relocations, Apron Improvements, Fueling System Relocation. Motion Carried. Aye-4, Absent Johnson.

CONSTRUCTION MATERIALS TESTING SERVICES: Rodd Senn, KLJ reviewed the following quotes received for Construction Materials Testing Services: Terracon-\$27,234, American Technical Services-\$28,205, American Engineering Testing-\$30,650. Moved-Seconded

(Weisenberg-Sleep) to follow the recommendation of the Airport Board and Rod Senn, KLJ and approve the Agreement for Services with Terraconn Consultants for Professional Services. Motion Carried. Aye-4, Absent Johnson.

STATE AGREEMENTS: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the State of South Dakota DOT Division of Finance & Management Grant Award Agency Agreements 3-46-0065-017-2010 & 3-36-0065-18-2010. Motion Carried. Aye-4, Absent Johnson.

Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Construction Contract Agreement with Johner & Sons (EKE), upon Outka reviewing the documents and bonds. Aye-4, Absent Johnson.

TEMPORARY ALCOHOL LICENSES: Daryl Johnson was available on the conference phone. The Board reviewed the following Planning and Zoning's recommendation on the temporary alcohol license for a fund raising event. "The Board recommended even though they may not all be in favor of issuance, if the Commission approved issuing these licenses, they should be tied to a Temporary Use Permit, located on commercially zoned property only, and only applicants with non-profit status be considered."

The Board discussed SDCL 35-4-124 and the affects it could have on the County and other liquor license holders. Moved-Seconded (Sleep-Weisenberg) "Not" to pursue issuing Temporary Alcohol Licenses at this time in Lawrence County. Motion Carried. Aye-5.

NEW WORLD COMPUTER SOFTWARE AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Vice-Chairman to sign the New World Computer Software Maintenance Agreement. Motion Carried. Aye-4, Absent Johnson.

COURT APPOINTED ATTORNEY CHARGES: Daryl Johnson was available on conference phone. 10:53 a.m. Moved-Seconded (Weisenberg-Sleep) to go into executive session to discuss legal issues with Bruce Outka, County Attorney. Motion Carried. 11:13 a.m. the Board opened for regular business. The Board discussed the letter received from Judge Eckridge directing the Board to pay the court-appointed attorney bills for Piper. "The Court understands your position with respect to court-appointed attorney fees. Nevertheless we are a nation founded upon and governed by the rule of law. The laws of South Dakota and of the United States with respect to this issue are clear and absolute. In our country our leaders cannot and must not actively ignore or reject our constitutions and statues. In fact, all of you before you took office solemnly swore an oath to "support the Constitution of the United States and the Constitution of the State of South Dakota..." Public service sometimes requires unpopular decisions. The Court is not asking you to personally like the decision or even to agree with it. The Court is simply asking you to do your sworn duty."

Ewing stated he is a firm believer of the Constitution and Bill of Rights but he is sure when our forefathers were drawing up the rules we live by today they probably didn't anticipate an individual that admitted guilt, was sentenced, and is now using the appeal system. Ewing stated he feels the appeal process is for someone who is innocent, not for someone who has admitted guilt. Ewing stated he thinks the public defender's office could be used and would result in measurable savings to the taxpayers of Lawrence County.

Ewing stated there are still questions left to be answered by the Judge. Questions unanswered are 1.) Was the Public Defenders office even considered? 2.) Why wasn't the County given the option to bid out the service? 3.) Were attorneys in Lawrence County even considered? 4.) How was the selection of attorney's made?

Ewing stated it was unfair to the citizens of Lawrence County as the County is looking at possible short falls of funds and he doesn't want to sit through budget hearings, and cut budgets, to build a pool of money to pay the large attorney bills. Ewing stated Piper has already had a fair trial and doesn't deserve another one at the expense of taxpayers. Johnson stated he agrees with Ewing's comments but with how the laws are set up, they are responsible to pay, and if they postpone the trial now it could end up costing taxpayers more money. Ewing stated the laws will never get changed if someone doesn't challenge the system. Sleep stated the Judge isn't looking at the Commissioner's responsibility to look after taxpayer's funds and the system needs to be looked at. Weisenberg stated they need to send a letter to the Judge to clarify the unanswered questions. Weisenberg stated they can't change the law, that is the responsibility of the legislature, and they took an oath to follow the laws. Ewing stated they also took an oath to look after the citizens of Lawrence County.

Moved-Seconded (Weisenberg-Flanagan) To send a letter to Judge Eckrich asking for a response to unanswered questions, and pay the attorney bills as presented for Robert VanNorman \$7,126.49 and Michael Stonefield \$9,327.50. Motion Carried. Aye-Weisenberg, Flanagan, Johnson. Nay-Sleep and Ewing.

Moved-Seconded (Flanagan-Weisenberg) To send a letter to the legislative delegation requesting they review the statues to eliminate this from occurring in the future. Motion Carried. Aye-4, Absent-Johnson.

SDSU EXTENSION ASSOCIATION: The Board discussed the SDSU Extension Association letter to provide a 4-H Youth Program Advisor. No action was taken.

PLANNING & ZONING:

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

BUILDING PERMIT REFUND: Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of Amber Vogt and refund the Building Permit Fee to Allen Fryer due to the quote from Black Hills Power & Light of \$45,000 to run power to the lot and they will not be building at this time. Motion Carried.

WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398: Lead, SD for the WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398. Vogt updated the Board on the Special Planning and Zoning Meeting. Vogt presented Planning and Zoning's recommendation to the Board. The Board reviewed the letters received from Betty Ryan and Mike Hickey who is representing Helen Schold. Flanagan expressed concerns on proposed Condition #33 & #34. Discussion followed on roads being reclaimed limiting access to landowners in the area.

Moved-Seconded (Flanagan-Weisenberg) Based on the Public Hearing and having fully considered the transcripts of the public hearing, having considered all documents filed in regard to this matter from the date of the application to this morning, including documentation submitted by Wharf, all of which has been available for public view and inspection in the Planning & Zoning Office and County Auditors Office, I would Move to follow Planning and Zoning Recommendation and approve the application for CUP #398 and set forth what is contained in items One through Ten of the Motion to Approve submitted by Wharf Resources; adopt the Findings One through Forty-three as submitted by Wharf Resources on May 27, 2011; adopt the Decision with attached conditions One through Thirty-four as submitted by Wharf Resources on June 10, 2011 and upon Staff recommendations and analyses. Aye-5. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) Based on the Public Hearing and having fully considered the transcripts of the public hearing, having considered all documents filed in regard to this matter from the date of the application to this morning, including documentation submitted by Wharf, all of which has been available for public view and inspection in the Planning & Zoning Office and County Auditors Office, and the Motion to approve CUP #398 made above. I would move to follow Planning and Zoning recommendation, and staff recommendations and analyses, and approve the Waiver of the Buffer Zones as set forth in #13 of the Findings submitted by Wharf Resources on May 27, 2011 as Wharf has addressed all the concerns regarding health, safety and welfare of Lawrence County and its citizens. All members voted Aye, Motion Carried.

Moved-Seconded (Flanagan-Ewing) To request that at the time of reclamation that Wharf does not reclaim right of ways unless determined beneficial to Lawrence County and the residents of the County. Motion Carried. Aye-5. Max Main for Wharf Resources stated that Wharf will continue to maintain the roads in question while it mines.

POWDER HOUSE PASS DEVELOPMENT PHASE I PRELIMINARY PLAT: The Board discussed the proposed Phase I Preliminary Plat. Flanagan expressed concerns on the pond, dry hydrants, septic system, easement documents and bonds. Sleep expressed concerns that this would be creating a new city and the comprehensive plan was to build from the cities out. Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of Planning and Zoning and approve and authorize the Vice-Chairman to sign the **PRELIMINARY PLAT for Phase 1 of Powder House Pass (PHP) PUD/Wilderness Estates 2nd Addition**, Description (Location): Lots 1-9, Blk 1- Lots 1 & 2, Blk 2- Lots 1-16, Blk 3-Lots 1-5, Blk 4-Lots 1 & 2, Blk 5 -Hwy 85/14A, **Purpose: Preliminary Plat for Phase 1 of PHP PUD (includes 34 lots), Zoning & Acreage: PUD-967 acres +/- 1st Phase is 78 acres +/-.** with the understanding that Planning & Zoning Office will only issue 28 building permits in this Phase 1, and before any more will be issued they will have to have proof of the alternative system and/or an addition to existing system. Motion Carried. Aye-4, Absent-Johnson.

COMMISSION ITEMS:

MCGUIGAN ROAD SPEED LIMIT: Moved by Flanagan to raise the speed limit from 30 to 45 MPH on McGuigan Road south from the Service Road to Oliver St. Motion died to lack of second. The Board will discuss at a future meeting.

PIONEER LANE / FEMA: Flanagan expressed concerns on Pioneer Lane and the possible Flood Plain violation. Outka stated putting gravel on the roads may have altered the water flow and they are checking to see what is the county's responsibility to remedy the situation. The Board discussed a possible flood study.

BILLS: Moved-Seconded (Weisenberg-Flanagan) 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-\$12,949.74; Aud-\$15,394.88; Treas-\$19,753.25; Comp-\$15,303.66; States Atty-\$23,073.34; Pub Def-\$19,327.08; Gen Govt Bldg-\$14,476.14; Equal-\$13,945.62; Rod-\$16,362.52; Vso-\$2,367.80; Disp-\$23,448.97; Sher-\$69,707.44; Jail-\$42,468.80; Coroner-\$946.16; Emerg Mgmt-\$6,973.33; Fire Prot-\$3,926.96; E911-\$3,308.80; Highway-\$74,506.20; Air-\$2,327.69; Ext-\$2,581.32; Weed-\$13,393.96; Pz-\$9,033.95; **Bills:** Atkinson,Sally-\$51.00; Baumann,Michelle-\$13.32; Black,Sue-\$92.00; Green,Sheree-\$51.00; Hamilton,Marian-\$92.00; Harmon,Joseph-\$1,536.00; Heberlig,Gary-\$152.52; Hodson,Timothy-\$75.00; Larson,Rene'-\$26.00; Locken,William-\$355.20; Lopez,Amber-\$484.80; Mowell,Richard-\$6,546.00; Piekola,Darlene-\$75.00; Runge,Brett-\$75.00; Sandvick,Thomas-\$92.00; Steffen,Peggy-\$92.00; Thomson,Paul-\$26.00; Tridle,Debora-\$46.00
Aaa Collections-\$125.00; American Family Life-\$3,454.59; BH Federal Credit Union-\$10,000.00; Credit Collections Bureau-\$250.00; Deadwood Recreation Center-\$659.00; Delta Dental Of South Dakota-\$6,340.14; Dept Of The Treasury-\$45,855.92; Hartford-Priority Accounts-\$1,396.00; NH Family Ymca-\$283.81; Office Of Child Support-\$658.61; SD Retirement System-\$51,179.54; Sdrs Supplemental Retirement-\$1,554.00; Wellmark Blue Cross-\$72,152.84; A&B Business Equip-\$869.67; A&B Welding Supply-\$18.60; A&J Supply-\$114.79; A-Z Shredding-\$58.75; Aaa Collections-\$125.00; Abc Business Supply-\$195.01; Amcon Distributing-\$184.80; American Bar Association-\$170.00; Atv Safety Institute-\$500.00; BH Chemical Company-\$790.82; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$3,900.00; BH Pest Control-\$95.00; BH Pioneer-\$1,754.41; BH Power-\$614.74; Baseco-\$2,617.48; Best Western Ramkota Hotel-\$815.91; Best Western Ramkota-\$166.00; Bomgaars Supply-\$527.20; Butler Machinery Co-\$19.76; Butte Electric Coop-\$536.18; Campbell Supply-\$31.99; Carlson,Jean-\$197.60; Carol Butzman Consulting-\$2,228.74; Cdw Government-\$1,883.73; Central Parts-\$695.18; Century Business Products-\$266.64; Chemical Sanitizing Sys-\$83.52; Chemsearch-\$788.62; Chris Supply Co-\$75.86; Christensen Law Office-\$573.35; City/County Alcohol & Drug-\$1,860.00; Clark Printing-\$148.30; Clinical Lab Of BH-\$3,914.00; Crawford Supply Company-\$48.24; Credit Collections Bureau-\$250.00; Crop Production Services-\$20.00; Dakota Equipment Rental-\$136.73; Dakota Graphics-\$250.00; Dakotacare-\$435.31; Datec-\$330.00; Deadwood Thyme Bistro-\$63.00; Deadwood, City Of-\$756.15; Denise Amber Lee Foundation-\$40.00; Dept Of The Treasury-\$46,251.07; Eke-\$17,212.08; Election Sys & Software-\$541.19; Ellingson, Joseph-\$1,198.37; Evercom Systems-\$1,123.00; Fastenal-\$50.09; Federal Express Corp-\$17.30; Fleet Services-\$1,896.52; Frederickson,John-\$233.70; Fsh Communications-\$60.00; Gene's Lock Shop-\$3.45; Genpro Power Systems-\$1,190.84; Goodson,Desiree-\$375.00; Great Plains Chemical-\$180.00; Great Western Tire-\$20.95; Grimm's Pump Service-\$222.10; Havemeier, Leslie-\$68.40; Heartland Paper Co-\$1,441.61; Heisler Hardware-\$115.52; Hills Material Comp-\$19,180.99; Hillside Disposal Service-\$87.00; Integrity Ford-\$716.31; Intoximeters-\$2,037.45; JI's Gifts-\$150.53; Jt Converters-\$149.00; Kadrmas, Lee And Jackson-\$25,522.85; Keefe Supply Company-\$138.88; Ken's Camper Sales-\$44.90; Kennedy, Pier & Knoff-\$219.20; Kimball-Midwest Co-\$222.72; Kinney,Matthew-\$1,566.32; Knology-\$109.19; Koala Electric-\$3,137.31; LC Auditor-\$29.00; Lead, City Of-\$70.75; Lead-Deadwood Sanitary-\$341.16; Lee,James-\$15.00; Lewis & Clark Bhs-\$142.00; Lexisnexis Risk Data Mgmt-\$75.00; Lueders-\$71.86; Mad Manz Pizza-\$54.48; Manlove Psychiatric Group-\$1,125.00; Mcarthur,Janet-\$100.00; Mcclure,Susan-\$250.00; Megas Propane-\$451.82; Mcleod's Office Supply-\$157.30; Meade County Sheriff-\$29.20; Metric Motors-\$185.90; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$3,587.47; Moore

Medical-\$102.36; Neve's Uniforms-\$122.75; Northern Hills Casa-\$7,500.00; Northern Hills Dental-\$200.00; Occupational Health Network-\$122.80; Odb Company-\$857.50; Office Emporium-\$81.00; Office Of Child Support-\$658.61; Pennington Co Auditor-\$586.00; Pennington County Sts Attny-\$400.00; Phoenix Investigations-\$616.20; Pitney Bowes-\$254.97; Program Works-\$80.00; Quik Signs-\$204.12; Quill Corporation-\$51.96; Qwest-\$1,413.58; RC Regional Hospital-\$2,094.00; Radio Shack/Kazco-\$1,359.95; Rapid Delivery-\$20.71; Rasmussen Mechanical Serv-\$4,582.79; Regional Behavioral Health-\$254.61; Regional Health-\$1,104.00; Reindl,Staci-\$3,091.69; Rocket Lube-\$29.74; SD State Treasurer-\$1,817.59; Sander,Duane-\$400.00; Sdrs Supplemental Retirement-\$1,554.00; Servall Towel & Linen-\$462.28; Southside Oil-\$904.00; Spearfish Auto Supply-\$418.19; Spearfish City Of-\$5,000.00; Spearfish Husky-\$5.00; Spearfish Police Dept-\$1,252.19; Summit Signs & Supply-\$46.55; T & W Appliance Knothole-\$535.99; Top Quality Glove-\$195.00; Triple K Tire & Repair-\$1,339.46; Twin City Hardware & Lumber-\$322.21; Verizon Wireless-\$96.32; Waste Connections-\$804.63; Watertree-\$37.50; Wells Fargo Business Card-\$3,543.73; West Group-\$829.89; Western Communication-\$45,147.75; Western Sd Juvenile Serv-\$3,655.00; Weiger,Mona-\$26.60; White Drug-\$1,292.50; White's Queen City Motors-\$774.00; Wilde & Hunt, Prof-\$353.02; Wolf,Ione-\$8.00; Wolff Law Office-\$395.02; Yankton County-\$103.75; **Witness & Jurors:** Aberle,C-\$12.22; Alderman,M-\$21.10; Atkinson,R-\$13.70; Bomberg,D-\$21.10; Brown,C-\$20.36; Campbell,L-\$21.10; Chaplin,R-\$24.80; Chitwood,L-\$12.96; Cowan,J-\$22.58; Crowell,C-\$10.74; Dell,D-\$21.10; Digioia,S-\$24.80; Finley,K-\$21.10; Froelich,B-\$21.10; Hem,S-\$122.20; Hofer,A-\$122.20; Holen,G-\$12.22; Hurm,V-\$18.88; Land,O-\$21.84; Lyons,A-\$19.62; Massie,S-\$21.10; Mccolley,M-\$19.62; Mollman,V-\$21.10; Nelson,D-\$10.74; Noem,M-\$23.32; Overby,M-\$28.50; Plocek,R-\$126.64; Quaschnick,M-\$22.58; Tieszen,M-\$21.10; Vannorman,G-\$107.40; Zuhr,K-\$14.44; Brady,F-\$63.32; Dar,E-\$62.58; Frost,F-\$61.10; Hunt,R-\$61.10; Kindsfater,T-\$52.22; Nelson,R-\$51.48; Shirey,M-\$51.48; Eberlein,K-\$122.20; Graves,A-\$122.20; Iverson,P-\$12.96; Jones,J-\$24.80; Loeffen,R-\$12.96; Schwindt,B-\$10.74; Thompson,A-\$12.22; Wells,S-\$24.80; Wrightsman,P-\$19.62; Addington,R-\$31.84; Berryhill,M-\$32.14; Geuke,C-\$31.84; Gibbs,A-\$22.22; Hanson,A-\$31.84; Moller,D-\$31.84; Oneil,A-\$31.84;

ADJOURN: 11:35 a.m. Moved-Seconded (Sleep-Ewing) There being no further business the meeting was adjourned.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 28, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 14, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, and Terry Weisenberg present. Brandon Flanagan was absent.

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.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of June 14, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

EQUALIZATION: Darlene Piekkola, Director of Equalization, stated Jason Writer, GIS is resigning, and July 1st will be his last day. Piekkola stated Brett Runge is training on the program at this time and she is not sure if the position will be filled. Piekkola stated she is retiring at the end of 2011 and would like to leave the decision to the new Director. The Board thanked Writer and Piekkola for their dedicated years of service.

SHERIFF: Joe Harmon, Chief Deputy Sheriff, stated a deputy sheriff resigned and he is now in an emergency situation. Harmon stated the Briley Piper trial is set to begin in a week and he does not have time to go through the advertising process. Moved-Seconded (Weisenberg-Sleep) to declare and emergency situation and waive all advertising requirements. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) To hire Misty Walker as a reserve special deputy at \$16.45 an hour, effective June 20, 2011. Motion carried.

Moved-Seconded (Ewing-Weisenberg) To approve Heather Buske as a full-time Secretary GII at the base rate of \$14.17 an hour, effective 6-20-2011. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Ewing-Johnson) to approve Sheree Green, Register of Deeds, at the new base rate of \$52,702.50 a year, to restore the base pay, effective 7/3/2011. Motion Carried. Aye-Ewing, Sleep & Johnson. Nay-Weisenberg. Weisenberg stated he was voting against the requested raise because he voted for the budget and this was not included in the budget.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of June 27, 2011: Spearfish Diesel 2700 Gallons: (prices per gallon) CBH Cooperative - \$2.935; Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.232. Deadwood Diesel 4000 Gallons: (prices per gallon) CBH Cooperative - \$2.935. Unleaded 4200 Gallons: (prices per gallon) CBH Cooperative - \$3.232;

TRAIL CROSSINGS: The Board discussed the City of Spearfish's request to put in trail crossings on the Winterville Road. Moved-Seconded (Ewing-Weisenberg) to allow the City of Spearfish to install the crossings on the Winterville Road, with the stipulation that the crossings will always need to match the elevation of the road at the City's expense. Motion Carried.

ROCHFORD ROAD: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the following Federal Aid Surface Transportation Program Delete Resolution #2011-16 for County and Urban Projects for the Rochford Road. Motion Carried.

Federal Aid Surface Transportation Program Delete Resolution #2011-16 for County and Urban Projects. WHEREAS, Lawrence County wishes to delete the referenced project from the Statewide Transportation Improvement Program (STIP): LOCATION AND LENGTH (PROJECT NUMBER & PCN IF AVAILABLE: Project Number P6403(07) PC#02JA 13.6 miles Rochford Rd. from US14A, 3.5 miles SW of Lead, SD. SE 13.6 miles to Pennington Co. line (FH17) NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the STIP that project described above. Vote of the Commissioners: Yes-4, No-0. Dated at Deadwood, SD this 28th day of June, 2011. Daryl Johnson, Chairman. ATTEST: Connie Atkinson, Auditor.

TEEN COURT: Marlene Todd, Teen Court Director was present to discuss the expansion of Truancy Court and a program update.

CORONER TRAINING: Gary Gould, Coroner was present to discuss travel and training. Gould stated the State is now requiring mandatory training. Gould discussed an hourly rate to cover the training as he is normally paid on a per-call basis. Moved-Seconded (Ewing-Weisenberg) to approve an hourly rate of \$22.41 an hour, for 16 hours, to cover the mandatory training for Gary Gould. Motion Carried.

EXECUTIVE SESSION: 9:54 A.M Moved-Seconded (Ewing-Sleep) to go into executive session to discuss personnel issues with Sheree Green, Register of Deeds. Motion Carried. 10:04 a.m. the Board opened for regular business.

AIRPORT HANGAR CHANGE ORDER #1: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign Change Order#1. Motion Carried.

AIRPORT BROWN BAG PERMIT: Moved-Seconded (Ewing-Johnson) to approve the brown bag permit for Gary Telkamp at the Airport on July 16, 2011. Motion Carried.

SPEARFISH CANYON MINERAL WITHDRAWAL: Jim Nelson, SCOA was present to discuss the Spearfish Canyon Mineral Withdrawal. Tom Nelson and Jerry Krambeck were also

present. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Spearfish Canyon Mineral Withdrawal letter. Motion Carried.

PLANNING & ZONING:

CUP #288-11 KABERNA: A public hearing was held on Amendment #288-11 for Jan Kaberna / Big Mama's Conditional Use Permit. Description (Location): Lot A of CRM/Nemo Rd, Purpose: Outdoor Bands during Sturgis Rally at Existing Beer Garden, Zoning & Acreage: PF/63.57 +/- acres. Vogt presented the staff report recommending approval of the amendment and reviewed the conditions. She stated Kaberna has had this CUP for several years (since 2003) and last year got a temporary use permit for outdoor music. There have been no complaints received by the office regarding Kaberna's enterprise. There was no public input 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, Amendment to Conditional Use Permit #288-11 for Jan Kaberna / Big Mama's, with the elimination of requiring a security company. Motion Carried.

ANNUAL REVIEWS:

CUP#378 SCHULZ / BLACK HILLS C02: An Annual Review was held on CUP#378 for Schulz / Black Hills C02. Moved-Seconded (Ewing-Weisenberg) CUP #378 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.

CUP#388 SWENSON B&B: An Annual Review was held on CUP#388 Swenson B&B.

APPLE SPRINGS / S/D LETTER OF CREDIT/BOND: Amber Vogt, Planning and Zoning Director was present to discuss the Apple Springs Letter of Credit/Bond. 10:36 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session to discuss legal issues. Motion Carried. 11:05 a.m the Board opened for regular business.

BILLY EVANS / JOHNER & SONS GRAVEL PIT CONDITIONAL USE PERMIT #400: A joint meeting and Public Hearing was held with Planning and Zoning for the Billy Evans/Johner & Sons – Gravel Pit on Chicken Creek Road, CONDITIONAL USE PERMIT #400. No public input was voiced and the public hearing was closed. Sleep expressed concerns on the impact on the road and stated the County will need to keep this in mind.

Moved-Seconded (Ewing-Sleep) 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 #400 Evans/Johner & Sons – Gravel Pit on Chicken Creek Road. Motion Carried.

ITEMS FROM COMMISSION:

EXTENSION OFFICE: The Board discussed the recommendation from the Extension Board to combine with Butte County for 4-H. The Board stated they would like to also research the tri-county option with Meade and Butte County.

BILLS: Moved by (Weisenberg) to approve payment of the payroll and vouchers listed on the pay list. Motion died due to lack of second.

Moved-Seconded (Ewing-Sleep) to exclude the bills on the pay list to Michael Stonefield and Nooney Solay & Van Norman for court appointed attorney bills for Briley Piper in the amount of \$9,327.50 and \$7,126.49 and 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

Discussion followed on the burden to Lawrence County taxpayers and how the system is set up. Ewing stated it is their job to keep the County healthy and watch over taxpayers funds. Johnson expressed concerns on the possibility of the increased cost to the County if they have to start the process over. Sleep stated he agreed with Ewing but was concerned of increased cost if the trial needs to be rescheduled, but stated something needs to be done.

Moved-Seconded (Weisenberg-Johnson) to pay the bills to Michael Stonefield and Nooney Solay & Van Norman for court appointed attorney bills for Briley Piper in the amount of \$9,327.50 and \$7,126.49 Aye-Weisenberg & Johnson, Nay-Ewing & Sleep. Motion died due to lack of second. Weisenberg stated they took an oath to support the Constitution and at this point it could end up costing the county more money. Johnson stated the bills were already approved for payment on the June 14th meeting and should not have been included on the bill pay list again. Johnson stated these specific bills will need to be paid according to the June 14th, meeting action.

Payroll: Comm-\$6,949.74; Aud-\$7,697.44; Treas-\$9,876.62; Comp-\$7,651.83; States Atty-\$11,084.56; Pub Def-\$9,668.54; Gen Govt Bldg-\$7,185.96; Equal-\$13,692.07; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$12,408.76; Sher-\$35,011.46; Jail-\$18,144.71; Coroner-\$423.08; Emerg Mgmt-\$3,416.13; E911-\$1,645.40; Highway-\$37,034.87; Air-\$1,335.89; Ext-\$1,369.68; Weed-\$8,360.00; Pz-\$4,556.97; **Bills:** Allen,Dawn-\$73.85; Fitzgerald,John-\$357.00; Harmon,Joseph-\$300.00; Piekola,Darlene-\$52.00; Rans,Amy-\$11.90; Schuchmann,Bernard-\$22.35; Tyson,Chase-\$23.40; A'viands-\$437.69; A&B Business Equip-\$534.49; A&J Supply-\$1,230.57; A-Z Shredding-\$35.00; Aaa Collections-\$125.00; Abc Business Supply-\$349.76; Alco Store-\$37.53; Amcon Distributing-\$156.34; At&T-\$5.11; At&T Mobility-\$442.62; BH Chemical Company-\$479.05; BH Federal Credit Union-\$10,000.00; BH Pioneer-\$444.00; BH Power-\$9,345.42; Baker,Jeff-\$400.00; Best Business Prod-\$23.09; Best Western Plus/Ramkota Hotel-\$93.00; Black Hills Pure-\$46.00; Bob Barker Company-\$111.88; Bomgaars Supply-\$102.95; Butler Machinery Co-\$694.84; Butte Electric Coop-\$401.67; Cass County Sheriff Dept-\$32.00; Central Parts-\$345.00; Century Business Products-\$611.55; Chemical Sanitizing Sys-\$200.98; Crawford Supply Company-\$99.36; Credit Collections Bureau-\$250.00; Crop Production Services-\$2,546.40; Deadwood Recreation Center-\$648.50; Delta Dental Of South Dakota-\$6,375.84; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$45,622.59; Ed Roehr Safety Products-\$106.18; Eddie's Truck Sales/Serv-\$164.29; Ertz, Dewey J, Ed D-\$1,950.00; Et Sports-\$50.56; Fink,Teresa-\$651.95; Frederickson, John-\$2,449.20; Galls, An Aramark Company-\$69.97; Glaxosmithkline Pharmaceutical-\$254.80; Golden Hills Resort-\$210.00; Hali-Brite-\$5,368.15; Hartford-Priority Accounts-\$1,391.30; Herman,Bryant-\$3,000.00; Hills Material Comp-\$220.30; Int'l Security Products-\$372.84; Integrity Ford-\$445.12; Inventory Trading Company-\$154.00; JI's Gifts-\$53.85; John Deere Financial-\$58.64; Jurgens Printing-\$82.00; Kappedal,Jean Rpr,Crr-\$71.40; Keefe Supply Company-\$330.96; Knecht True Value-\$955.54; Knology-\$1,725.98; Kosel,Joseph-\$3,904.62; LC Assessor-\$33.05; LC Treasurer-\$18.00; Lawson Products-\$158.11; Light & Siren-\$557.40; Mack's Auto Body Llc-\$1,325.91;

Metric Motors-\$750.00; Montana Dakota Utilities-\$184.70; NH Family Ymca-\$283.80; Nada Appraisal Guides-\$140.00; Nelson,Christy-\$300.00; Nelson,Tonya-\$350.00; Neve's Uniforms-\$186.90; Novus-\$340.00; Office Of Child Support-\$658.61; Office Technology/Supply-\$174.99; Outdoor Motor Sports-\$73.76; Pennington Co Jail-\$1,804.20; Pennington County Sts Attny-\$200.00; Peterson,Kelly-\$4,700.00; Pitney Bowes-\$1,219.14; Postmaster,Deadwood-\$110.00; RC Finance Office-\$1,260.00; RC Regional Hospital-\$698.00; Reliance Telephone-\$966.30; Rocket Lube-\$37.99; Royal Electric-\$514.62; SD Retirement System-\$51,941.84; Sand Creek Printing-\$203.00; Sdrs Supplemental Retirement-\$1,554.00; Servall Towel & Linen-\$462.28; Spearfish Auto Supply-\$157.03; Spearfish Police Dept-\$3,619.41; Sterna,Laura-\$250.00; Triple K Tire & Repair-\$1,813.10; Twin City Hardware & Lumber-\$337.41; Usd School Of Law-\$48.00; Victims Of Violence-\$1,075.00; Warne Chemical-\$158.40; Wellmark Blue Cross-\$75,060.97; Wells Plumbing & Farm Supp-\$189.69; West Group-\$133.50; West Tire And Alignment-\$2,316.86; Western Communication-\$60.50; White's Queen City Motors-\$115.91; Wolff Law Office-\$2,412.12; Yankton Co Sheriff-\$25.00; Z&S Dust Control-\$75,857.92; **Witness & Juror Fees:** Garrison,M-\$31.10; Garrison,V-\$20.00; Brant,S-\$38.50; Moser,C-\$57.00; Nicholas,C-\$42.57; Novotny,S-\$31.84; Smith,C-\$22.22

ADJOURN: 11:45 a.m. Moved-Seconded (Ewing-Weisenberg) There being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 12, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 12, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

AGENDA: Moved-Seconded (Sleep-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of June 28, 2011 County Commission Meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Flanagan) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 30, 2011 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)-\$70,551.02; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,243.68; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$5,905,401.43, Money Market \$529,553.77; Bank Balance-\$2,984,764.26; Total \$14,248,624.16.

TRANSFER OF FUNDS: Moved-Seconded (Ewing-Weisenberg) to approve the transfer of Title III Funds of \$10,116.20 to the Fire Protection Fund to reimburse for expenses to carry out activities under the Firewise Communities Program. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve the automatic supplement of \$11,128.58 for Sheriff Salary and \$3,500 for Sheriff Supplies for grant funds received. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Sleep) to approve the automatic supplement of \$743.88 for Emergency Management Grants for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Flanagan-Weisenberg) to set a supplemental budget hearing for Fire Protection Fund – Salaries \$50,000 for July 26th, 2011 at 8:15 a.m. Motion Carried.

Moved-Seconded (Ewing-Sleep) to set a supplemental budget hearing for Emergency Management Fund – Search & Rescue \$200.00 for July 26th, 2011 at 8:20 a.m. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve and hire Patrick Johnson as a Full Time Deputy I G2 at a base rate of \$19.46 effective July 12, 2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve and hire Hexon Maldonado as a Part Time Correctional Officer I G3 at a base rate of \$14.54 effective August 1, 2011. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Sara Fitzgerald as a Full Time Sheriff Administrative Assistant at a base rate of \$17.67 effective 7-12-2011. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Julie Rakow as a Full Time Administrative Secretary G3 at a base rate of \$15.92 effective 07-12-2011. Motion Carried.

LAWRENCE COUNTY CREDIT CARD:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to cancel the Lawrence County Credit cards for Brooke Leighty and Judy Davis and issue Lawrence County Credit Cards for Patrick Johnson, Julie Rakow and Sara Fitzgerald. Motion Carried.

HIGHWAY:

MCGUIGAN ROAD: Moved-Seconded (Flanagan-Sleep) to change the speed limit on McGuigan Road from the Service Road to Oliver Street from 35 mph to 45mph. Motion Carried.

AARON & CARIN DERBONNE: Moved-Seconded (Weisenberg-Sleep) to approve the Approach Permit for Aaron & Carin Derbonne located 3 miles off Highway 385 on Galena Road with the condition that all of the flood plan issues are resolved. Motion Carried

CWPP UPDATE: Rob Mattox was present to give an update on the CWPP Plan. Moved-Seconded (Ewing-Weisenberg) to authorize the Chairman to sign the amended CWPP Plan. Motion Carried.

MALT BEVERAGE / NEMO MERCANTILE: A public hearing was held on an application for Retail On-Off Sale Malt Beverage License for Larry Kaiser, Nemo Mercantile. Larry Kasier was present and stated that he had signed a Temporary Easement Agreement (Rental Agreement) with Margery Ford for a period of one year. Margery is the owner of the property which contains the drain field for his septic system. The hearing was closed. Moved-Seconded (Flanagan-Ewing) to approve the 2011-2012 On-Off Malt Beverage License for **LARRY KAISER, Nemo Mercantile**, Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, located in the NE ¼ of Section 27, T3N, R5E, B.H.M 26580-01368-010-30, with the attached Temporary Easement Agreement (Rental Agreement) Doc #2011-02751. Motion Carried. Larry Kasier will need to show proof of a new

Temporary Easement Agreement (Rental Agreement) each year or show proof of an alternate drain field at Malt Beverage renewal time.

PROPERTY TAX AGREEMENT: Moved-Seconded (Ewing-Johnson) 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 M. Christopher Panetta. Motion Carried

LAWRENCE COUNTY RESOLUTION NO. 2010-17 SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION: Moved-Seconded (Weisenberg-Flanagan) to adopt and authorize the Chairman to sign the following Resolution #2011-17. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2010-17 "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT" WHEREAS, the U.S. Congress amended and reauthorized for fiscal years 2008 through 2011 the Secure Rural School and Community Self-Determination Act of 2000 (P.L. 110-343); and WHEREAS, Lawrence County selected to receive a share of the full state payment derived from Forest Revenue payments, and WHEREAS, Lawrence County selected 15% of its share of the full state payment to be allocated to Title II or Title III local projects under this legislation, and WHEREAS, Lawrence County must declare each year what percentage of the local project funds will be dedicated to Title II or Title III projects, and THEREFORE BE IT RESOLVED, that Lawrence County intends to allocate the portion of funds which it receives for local projects through their share of the state payment in the following manner: TITLE II 8% and Title III 7%. Dated this 12th day of July, 2011 FOR THE BOARD: Daryl Johnson CHAIR, ATTEST: Connie Atkinson, Auditor

PLANNING & ZONING:

ANNUAL REVIEWS:

CUP # 172 GREG DITTMAN 2ND RESIDENCE: An annual review was held on CUP #172 for Greg Dittman / 2nd Residence. Moved-Seconded (Ewing-Flanagan) to table till next meeting to give Greg Dittman a chance to explain what he is doing with the 2nd Residence. Motion Carried.

CUP #309 B.H. CHRISTIAN ACADEMY: An annual review was held on CUP#309 for B.H. Christian Academy. Moved-Seconded (Ewing-Flanagan) to cancel CUP#309 due to the fact that they have moved from the current location to the old Northern Hills Training Center. Motion Carried.

CUP #379 JO DICKERT 2ND RESIDENCE: An annual review was held on CUP#379 for Jo Dickert 2nd Residence. Jo Dickert has requested a 1 year extension to see if a 2nd residence is going to be necessary as they are in the process of working on an addition to the primary residence.

APPLE SPRINGS / S/D LETTER OF CREDIT/BOND: Amber Vogt, Planning & Zoning Administrator was present to discuss the letter of credit with Apple Springs. The letter of credit states that it is for the use of Subdivision improvements to include sewer lines, water lines, Storm sewer, road cost, power, gas, phone, and utilities. 9:57 a.m. Moved-Seconded (Ewing-Sleep) to go

into executive session to discuss legal issues. Motion Carried. 10:29 a.m the Board opened for regular business. Moved-Seconded (Flanagan-Johnson) to reduce the amount of the letter of credit to \$165,000.00 with the condition that the letter of credit shall be extended in that amount for a period of twelve months. Dacotah Bank shall send written confirmation of agreement to these terms with such written confirmation received by 3:00 p.m. July 12, 2011. Upon agreement with these terms county staff is directed to begin the formal bidding process for the improvements yet to be installed. Otherwise, staff is directed to call in the letter of credit in the full amount of \$264,003.00. Motion Carried.

PRELIMINARY PLAT MYSTIC MINERS: Moved-Seconded (Weisenberg-Johnson) to follow Planning and Zonings recommendation and approve and authorize the Chairman to sign the PRELIMINARY PLAT MYSTIC MINER for Union Resorts/Mystic Miner Sub/CETEC. Description (Location): Lots 1 thru 10 Blk 2 & Lots 1-4 Blk 3 of Mystic Miner (Dear Mountain Rd), Purpose: Subdivision, Zoning & Acreage: PUD / 4.94 acres +/- . Motion Carried. Aye-4 Nay-Sleep. Sleep asked if they had discussed adding on to the Lead-Deadwood Sanitary District. Kevin Kalporadt said they had talked with them but it was too costly to pursue.

2012 BUDGET REVIEW: The Board reviewed the 2012 Preliminary Budget.

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-\$7,697.43; Treas-\$9,877.74; Comp-\$7,651.83; States Atty-\$11,311.41; Pub Def-\$9,671.74; Gen Govt Bldg-\$7,186.44; Equal-\$13,772.56; Rod-\$8,181.26; Vso-\$1,183.90; Disp-\$10,727.82; Sher-\$40,785.57; Jail-\$19,607.71; Coroner-\$23.08; Emerg Mgnt-\$3,464.15; E911-\$1,654.40; Highway-\$37,327.49; Air-\$1,087.86; Ext-\$1,141.40; Weed-\$8,431.88; Pz-\$4,516.98; **Bills:** Brady,Thomas-\$71.04; Johnson,Daryl-\$23.68; Mattson,Barbara-\$33.30; Mickelson,Craig-\$71.04; Mowell,Richard-\$5,448.00; O'dea,Marty-\$94.72; Outka,Bruce-\$38.00; Pike,Matthew-\$87.00; Sandvig,Scott-\$38.00; Tysdal,Richard-\$106.56; Whitcher,Eric-\$66.00; A&B Business Equip-\$519.39; A&B Welding Supply-\$19.22; A&I Distributors-\$1,847.51; A&J Supply-\$187.36; A-Z Shredding-\$9.50; Aaa Collections-\$125.00; Abc Business Supply-\$564.35; Active Data Systems-\$3,679.00; Air Connection-\$65.00; Alco Store-\$28.64; Amcon Distributing-\$148.25; American Family Life-\$3,454.59; At&T Mobility-\$100.74; BH Chemical Company-\$1,050.79; BH Federal Credit Union-\$10,000.00; BH Pest Control-\$95.00; BH Pioneer-\$913.31; BH Power-\$827.27; BH Window Cleaning-\$2,901.00; Biegler,Greg-\$60.00; Bingham,James-\$769.00; Bullberry Systems-\$3,885.00; Butler Machinery Co-\$99.96; Butte Electric Coop-\$414.20; Carol Butzman Consulting-\$973.13; Cbh Cooperative-\$35,392.15; Central Parts-\$730.36; Century Business Products-\$83.16; City/County Alcohol & Drug-\$1,367.50; Clinical Lab Of BH-\$1,957.00; Coburn,Bill-\$71.04; Cody, Denise-\$15.00; Credit Collections Bureau-\$250.00; Dakota Equipment Rental-\$14.99; Dakota Fluid Power-\$2,350.69; Dakotacare-\$196.30; Deadwood Gulch Resort-\$700.00; Deadwood, City Of-\$852.46; Dept Of The Treasury-\$46,788.11; Dietrich,Donna-\$151.39; Eke-\$632.53; Fastenal-\$21.11; Frederickson,John-\$147.60; Fsh Communications-\$60.00; Gene's Lock Shop-\$429.50; Great Western Tire-\$107.40; Hammond,Kevin-\$175.00; Hansen & Hubbard-\$314.39; Heartland Paper Co-\$435.21; Heimdal,Marie Ann-\$34.00; Howell,Jack Ken-\$296.40; Kadrmas, Lee And Jackson-\$3,850.64; Ken's Camper Sales-\$7.95; Knecht True Value-\$86.50; Knology-\$109.09; LC Conservation-\$5,000.00; LC Sheriff-\$626.11; Lead, City Of-\$56.75; Lead-Deadwood Sanitary-\$394.92; Lee,James-\$15.00; Lei,William-\$1,560.00; Lexisnexis Risk Data

Mgmt-\$75.00; Mcclure,Susan-\$250.00; Mcpherson Propane-\$45.00; Metric Motors-\$1,302.44; Minnwest Bank Sioux Falls-\$171.03; Mitchell,Mark-\$550.00; Montana Dakota Utilities-\$2,795.05; Northern Hills Dental-\$167.95; Office Of Child Support-\$635.54; Pennington Co Auditor-\$246.00; Pennington County Sts Attny-\$200.00; Postmaster,Deadwood-\$180.00; Program Works-\$80.00; Project Livesaver-\$749.43; Quill Corporation-\$138.94; Qwest-\$1,314.56; RC Regional Hospital-\$2,792.00; Radio Shack/Kazco-\$165.94; Regional Behavioral Health-\$100.74; Regional Health Physicians-\$108.46; Reliance Telephone-\$700.14; Rocket Lube-\$67.94; Royal Electric-\$465.70; Ru2 Systems-\$295.04; SD Assn Of Co Comm-\$160.00; SD Dept Of Labor Unemployment-\$839.50; SD Human Services Center-\$600.00; SD State Treasurer-\$15,424.27; Salzsieder,Milan-\$3,735.00; Scott J Odenbach-\$82.00; Sdrs Supplemental Retirement-\$1,554.00; Servall Towel & Linen-\$340.62; Sioux City Foundry Co Corp-\$1,260.00; Skinner & Winter Prof-\$445.38; Spearfish Auto Supply-\$1,450.46; Spearfish Husky-\$23.00; Spearfish Police Dept-\$2,446.87; Subway-\$270.00; Swanda,Karen-\$15.00; Tigerdirect-\$652.91; Triple K Tire & Repair-\$303.22; Turbiville Industrial Electric-\$808.84; Twin City Hardware & Lumber-\$1,128.26; United Parcel Service-\$14.15; Warne Chemical-\$2,757.10; Waste Connections-\$574.42; Watertree-\$71.20; Wells Fargo Business Card-\$6,106.66; West Group-\$740.89; Western Communication-\$3,333.10; White's Queen City Motors-\$527.78; Wilde & Hunt, Prof-\$353.27; Xerox Corporation-\$308.20; Z&S Dust Control-\$53,684.48; **Witness & Jurors:** Crary,D-\$52.22; Dar,E-\$62.58; Ford,T-\$52.22; Frost,F-\$61.10; Hines,K-\$61.10; Hunt,R-\$61.10; Jackovich,R-\$58.88; Kindsfater,T-\$52.22; McGriff,M-\$68.50; Nelson,R-\$51.48; Park,E-\$50.74; Ryan,V-\$57.40; Shaw,A-\$52.96; Shirey,M-\$51.48; Skvicalo,C-\$56.66; Mcquilkiln,R-\$36.10; Rigby,A-\$31.84; Tchida,J-\$31.10; Blakney,V-\$20.00; Costa,H-\$50.34; Culver,K-\$34.80; Kelly,E-\$32.58; Kelly,H-\$32.58; Marshall,D-\$31.10

ADJOURN: 12:30 p.m. Moved-Seconded (Ewing-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 26, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 26, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

AGENDA: Moved-Seconded (Sleep-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of July 12, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve Sharon Hagerty as a Transport Officer at the base rate of \$12.33 an hour, effective 7-22-2011. Motion Carried.

COMMISSION: Moved-Seconded (Ewing-Flanagan) to approve Bruce Outka as County Attorney/Commission Assistant at the base yearly salary of \$85,886.73, effective 7-31-2011. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve Tom Derby and Pat Johnson for a County Credit Card. Motion Carried.

AUTOMATIC SUPPLEMENTS:

EMERGENCY MANAGEMENT: Moved-Seconded (Flanagan-Ewing) to approve the automatic supplement of \$1,945 for Emergency Management Grants for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGETS:

REGISTER OF DEEDS: Moved-Seconded (Ewing-Weisenberg) to set a supplemental budget hearing for Register of Deeds - Salaries \$34,123 for August 16th, 2011 at 8:15 a.m. Motion Carried.

FIRE PROTECTION & EMERGENCY MANAGEMENT: A public hearing was held on a request for supplemental budget for **Fire Protection Fund / Salaries - \$50,000**. No public input was voiced and the hearing was closed.

A public hearing was held on a request for supplemental budget for **Emergency Management Fund / Search & Rescue - \$200**. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the following Resolution #2011-18. Motion Carried.

RESOLUTION #11-18 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **Fire Protection Fund / Salaries - \$50,000 & Emergency Management Fund / Search & Rescue - \$200**. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 26th day of July, 2011 at the hour of 8:15 & 8:20 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 26th day of July, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

DEADWOOD GRANT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Outside of Deadwood Grant for the Register of Deeds for \$22,500 for digitization of records. Motion Carried.

HIGHWAY:

APPROACH PERMIT: Moved-Seconded (Flanagan-Johnson) to approve the approach permit for Terry S. Liddick on the east side of Lookout Mountain Road located approximately ¼ mile N of intersection with Kerwin Ln. Motion Carried.

COUNTY ROAD SYSTEM: The Board discussed possible changes to the County Road System. Bob Ewing and Bruce Outka will work with Dick Birk to come forward with proposed changes. The Board discussed roads within the County and issues on the roads. Moved-Seconded (Sleep-Ewing) to send a letter to Butte County in regards to connecting road improvements, and to Cadillac Ranch asking them to address their neighbors concerns regarding dust issues. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign Modification #4 Participating Agreement between Lawrence County and B.H. National Forest #09-PA-11020308-020. Motion Carried.

AIRPORT: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the State Agreement of \$120,000 with 2% match to fix the cracks on the apron and taxi-lane rehabilitation upon legal review of Outka. Motion Carried.

PLANNING & ZONING:

Amber Vogt updated the Board on the Apple Springs / SD Letter of Credit/Bond. Vogt discussed the proposed Extractive Industry Ordinance Revisions process. Vogt stated they are working on repealing the current County Junk Ordinance. The County will then operate under the State Law instead.

ANNUAL REVIEWS:

CUP#355 PAUL DANGLE/CENTENNIAL TRAIL RIDES: An annual review was conducted on CUP#355 Paul Dangle/Centennial Trail Rides. Moved-Seconded (Ewing-Weisenberg) CUP #355 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.

CUP#376 BARB MOORE/SPECIALTY RESORT: An annual review was conducted on CUP#376 Barb Moore/Specialty Resort. Moved-Seconded (Ewing-Weisenberg) To follow Planning and Zoning recommendation and grant a twelve month extension to CUP#376 to allow additional time to complete work needed. Motion Carried.

CUP#389 PATRICK AUER/GUNSMITHING: An annual review was conducted on CUP#389 Patrick Auer/Gunsmith. No complaints were received.

CUP#391 7TH DAY ADVENTIST CHURCH: An annual review was conducted on CUP#391 7th Day Adventist Church. No complaints were received.

CUP#172-09 GREG DITTMAN / 2nd RESIDENCE: Moved-Seconded (Ewing-Flanagan) to remove from the table the Annual Review for Greg Dittman for a 2nd Residence. Motion Carried. An annual review was conducted on CUP#172-09 for Greg Dittman for a 2ND Residence. Dittman was present to answer any questions. The Board will review again in twelve months.

HOMESTAKE MINE / RICHMOND HILL ANNUAL REVIEWS: Mark Tieszen was present for the Annual Review of Homestake Mine and Richmond Hill.

2012 BUDGET REVIEW: The Board reviewed the 2012 Preliminary Budget. 12:56 p.m. Moved-Seconded (Weisenberg-Seward) to go into executive session to discuss personnel. Motion Carried. 1:07 p.m. The Board opened for regular business.

USGS: Dan Driscoll, USGS was present to discuss the 2012 budget request and the preliminary proposal for the simulation of groundwater flow in the Madison and Minnelusa aquifers, Black Hills Area.

BLACK HILLS VISION: Jim Aberle, Executive Director and Mike Derby, Chairman of Black Hills Vision were present to discuss the 2012 budget request.

BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS: Blaise Emerson, Black Hills Council of Local Government was present to discuss the 2012 budget request.

SHERIFF'S OFFICE: Joe Harmon, Chief Deputy Sheriff and Tom Sandvick, E911 Coordinator was present to discuss the E911 budget and dispatch budget requests.

EQUALIZATION: Darlene Piekola, Director of Equalization was present to discuss the 2012 budget request.

2012 PROVISIONAL BUDGET: Moved-Seconded (Ewing-Weisenberg) to approve the 2012 provisional budget for Lawrence County. Motion Carried.

BILLS: Moved-Seconded (Ewing-Flanagan) 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-\$7,794.93; Treas-\$9,878.23; Comp-\$7,651.84; States Atty-\$12,046.08; Pub Def-\$9,672.54; Gen Govt Bldg-\$7,211.27; Equal-\$13,203.75; Rod-\$8,304.62; Vso-\$1,183.90; Disp-\$12,142.08; Sher-\$41,183.68; Jail-\$22,414.19; Coroner-\$323.08, Emerg Mngt-\$3,452.15; E911-\$1,657.40; Highway-\$37,369.26; Air-\$1,247.86; Mh Serv-\$492.00; Exten-\$1,317.00; Weed-\$6,486.48; Pz-\$4,516.97; **Bill:** Baumann,Michelle-\$222.00; Davis,Judy-\$13.02; Dias,Gregory-\$81.40; Harmon,Joseph-\$1,008.64; Kotak,Joe-\$20.36; Leighty,Brooke-\$30.48; Lopez,Amber-\$111.00; Peters,Dustin-\$40.00; Writer,Jason-\$7.50; A&B Business Equip-\$938.97; A-Z Shredding-\$42.75; Aaa Collections-\$125.00; Abc Business Supply-\$248.65; Alco Store-\$14.99; Amcon Distributing-\$154.33; At&T-\$6.78; At&T Mobility-\$764.54; BH Chemical Company-\$300.75; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$1,000.00; BH Power-\$10,128.17; BH Window Cleaning-\$17.50; Benson Technical Works-\$1,668.75; Binder,Tracy-\$91.80; Black Hills Pure-\$17.25; Century Business Products-\$773.14; Chris Supply-\$42.48; Credit Collections Bureau-\$250.00; Dakota Graphics-\$465.00; Deadwood Recreation Center-\$644.00; Delta Dental Of South Dakota-\$6,375.84; Dept Of The Treasury-\$48,835.13; Eke-\$77,367.29; Et Sports-\$67.99; Fastenal-\$145.96; Federal Express Corp-\$30.93; Fidler-Isburg Funeral Chapel-\$1,170.00; Fish,Veronica-\$189.00; Fleet Services-\$1,892.62; Glenn C Barber & Assoc-\$20,072.75; Greens Alignment-\$689.94; Hamann,Chris-\$200.00; Hartford-Priority Accounts-\$1,401.20; Havemeier,Leslie-\$11.60; Heartland Services-\$480.00; Hobart Sales & Service-\$328.32; Huron Culvert & Tank Co-\$6,049.50; Janke,Wendy-\$1,170.00; Jimmy Johns-\$47.96; Kappedal,Jean Rpr,Crr-\$8.40; Knology-\$1,698.03; LC Sheriff-\$157.28; Lacroix Law Office-\$227.44; Lead-Deadwood Regional Hospital-\$378.00; Leighty,Ron-\$900.00; Marshall& Swift/Boeckh-\$808.95; Metric Motors-\$669.82; Montana Dakota Utilities-\$36.44; Mutchler,Tricia-\$1,717.60; NH Family Ymca-\$283.80; Nelson,Tonya-\$400.00; Neve's Uniforms-\$1,890.28; Newman Traffic Signs-\$362.46; Npc International-\$176.18; Office Of Child Support-\$439.85; Osborn,Roxane-\$30.60; Pennington Co Jail-\$1,765.70; Pitney Bowes-\$117.69; Project Livesaver-\$56.00; Pruss,Tina Rae-\$54.60; Pump House Coffee & Deli-\$217.93; Quik Signs-\$1,497.84; Qwest-\$110.23; RC Finance Office-\$1,160.00; RC Regional Hospital-\$83.99; Radiology Associates-\$13.97; Regional Health Physicians-\$38.26; Reindl,Staci-\$2,280.46; Rocket Lube-\$283.72; Rsinet/Thomas W Nichols-\$180.00; SD Assn Of Co Comm-\$320.00; SD Dept Of Transportation-\$82.00; SD Emergency Mngt Association-\$90.00; SD Public Assur Alliance-\$35,149.05; SD Retirement System-\$52,293.98; Sdrs Supplemental Retirement-\$1,554.01; Servall Towel & Linen-\$499.28; Software House International-\$2,118.40; Spearfish Police Dept-\$14,650.16; Stadler Ind Service-\$90.00; Superior Lamp And Supply-\$646.06; Teen Court-\$7,500.00; Thompson Publishing Group-\$409.00; Triple K Tire & Repair-\$572.57; Twilight First

Aid & Safety-\$68.40; Twin City Hardware & Lumber-\$287.43; Valley Auto-\$10.00; Verizon Wireless-\$96.33; Victims Of Violence-\$1,310.00; Wellmark Blue Cross-\$74,225.33; Wells Plumbing & Farm Supp-\$82.46; West Group-\$2,326.00; West Tire And Alignment-\$768.18; Westcoast Sales & Marketing-\$277.57; Western Communication-\$1,367.50; Western Construction-\$68,700.00; Western Sd Juvenile Serv-\$4,945.00; White Drug-\$672.87; Wolf,Ione-\$44.00; Z&S Dust Control-\$29,221.12; Zep Manufacturing-\$203.54; **Witness & Jurors:** Mcgriff,M-\$24.80; Andrews,B-\$12.96; Awbrey,J-\$61.10; Barbarevech,L-\$21.10; Boldt,K-\$24.80; Burtzlaff,L-\$23.32; Clem,S-\$19.62; Denton,B-\$24.80; Dore,W-\$21.10; Edstrom,R-\$61.84; Folger,M-\$18.88; Haar,C-\$18.14; Hall,N-\$62.58; Harrington,L-\$21.10; Haugland,P-\$57.40; Holden,D-\$21.10; Huyett,R-\$22.58; Kunkel,D-\$11.48; Kvilhaug,P-\$12.22; Lee,J-\$62.58; Leonard,A-\$20.36; Ludens,T-\$23.32; Mathis,L-\$28.50; Mccord,A-\$19.62; Muxlow,P-\$21.10; Phinney,P-\$61.10; Pierce,R-\$12.96; Russett,D-\$24.80; Skvicalo,T-\$15.92; Tieszen,T-\$22.58; Timm,P-\$50.74; Vanpatten,D-\$20.36; Verhulst,M-\$23.32; Weber,M-\$21.10; Wilson,A-\$63.32; Wipf,W-\$21.84; Wright,J-\$61.10; Zvorak,A-\$62.58; Cofield,C-\$20.00; Noren,K-\$31.10; Preston,K-\$28.88; White,K-\$31.10

ADJOURN: 3:03 p.m. Moved-Seconded (Weisenberg-Johnson) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 16, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 16, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, Brandon Flanagan, and Terry Weisenberg present. Robert Ewing was absent.

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

AGENDA: Moved-Seconded (Sleep-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of July 26, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Flanagan-Weisenberg) To approve Hexon Maldonado as a full-time Correctional II G2 at the base rate of \$16.40 an hour, effective 8/14/2011; and to accept the resignation of Shane Hyronymous as a full-time Correctional II, effective 8/10/2011 and to approve him as a part-time (under 20 hours) Correctional II G3 at the base rate of \$16.73 an hour, effective 8/14/2011. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve Kayla Balsley as a part-time Dispatcher I G3 at the base rate of \$14.54 an hour, effective 8-16-11. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve a cell phone allowance of \$104 a month for Patrick Johnson, effective 8-14-11. Motion Carried.

NICK ARMSTRONG: The board recognized the loss of Nick Armstrong, former Lawrence County resident, who was killed in the line of service as a Rapid City Police Officer. The Board recognized him and his family for his service.

EQUALIZATION: Moved-Seconded (Flanagan-Weisenberg) to approve Brett Runge as Appraiser IV/GIS Coordinator at the base rate of \$19.69 an hour, effective 8/15/2011 as long as she is doing both positions. Motion Carried.

TRAVEL REQUESTS:

PLANNING & ZONING: Moved-Seconded (Weisenberg-Flanagan) to approve the travel advance for Amber Vogt to attend the Western Planners Conference in Santa Fe, NM. Motion Carried.

EQUALIZATION: Moved-Seconded (Flanagan-Johnson) to approve the travel request for Brett Runge & Scott Sandvig to attend the Annual Assessor's School in Pierre, SD on September 19-23, 2011. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Sleep) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of July 31, 2011 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)-\$44,930.94; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,177.73; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$5,906,243.73, Money Market \$529,635.02; Bank Balance-\$2,306,230.07; Total \$13,542,327.49.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Flanagan-Johnson) to approve the automatic supplement of \$3,214.28 for Sheriff Salary for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGETS:

REGISTER OF DEEDS: A public hearing was held on a request for supplemental budget for **Register of Deeds / Salaries** - \$34,123. No public input was voiced and the hearing was closed.

Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2011-20. Motion Carried.

RESOLUTION #11-20 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **Register of Deeds / Salaries - \$34,123**. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 16th day of August, 2011 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 16th day of August, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

EXTENSION SERVICE: Dan Oedekoven, Director SDSU West River Ag. Center and Amy Rans 4H Advisor were present to answer any questions on the agreement for the 4H Advisor position. Moved-Seconded (Flanagan-Sleep) to send a letter of intent to SDSU Extension Service, to combine with Butte County on a shared full-time 4H Advisor, contingent upon a signed agreement with Butte County. Motion Carried.

RESOLUTION #11-19 LIQUOR LICENSES: Moved-Seconded (Flanagan-Weisenberg) to approve the following Resolution #11-19 Liquor Licenses for 2012. Motion Carried

RESOLUTION #11-19 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 2011, whichever is less for the ensuing year, and Eleven (11) 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, Dealer Exchange Inc., Big Chair Resort, **DATED** at Deadwood, South Dakota, this 16th day of August, 2011. **FOR LAWRENCE COUNTY COMMISSIONERS:** Daryl Johnson, Chairperson. **ATTEST:** Connie Atkinson, Auditor

EMERGENCY MANAGEMENT:

FLOW STUDY: Rene Larson presented the 2011 Commodity Flow Study for Lawrence County.

HAZ-MAT PLAN: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Commission to sign the Hazardous Materials Plan for Lawrence County. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of August 2, 2011: Spearfish Diesel 2400 Gallons: (prices per gallon) CBH Cooperative - \$3.629*; Unleaded 1100 Gallons: (prices per gallon) CBH Cooperative - \$3.665*; Deadwood Diesel 4700 Gallons: (prices per gallon) CBH Cooperative - \$3.629*; Unleaded 3400 Gallons: (prices per gallon) CBH Cooperative - \$3.665*. Whitewood Diesel: 550 (prices per gallon) CBH Cooperative - \$3.629*; (*represents lowest quote).

EQUALIZATION / PICTOMETRY: Darlene Piekkola, Director of Equalization was present to discuss the possibility of contracting with Pictometry to provide "4D" directional orthos, and splitting the cost with Spearfish, Deadwood and possibly Lead. The total package price would be approximately \$57,000 and the County's share would be 25-33%. Flanagan questioned the

necessity of the technology. Piekkola stated it is not a necessity, but it would be used by various departments and would improve the accuracy of the information used by the County departments. No action was taken.

EXECUTIVE SESSION: 8:49 a.m. Moved-Seconded (Weisenberg-Sleep) to go into executive session to discuss personnel issues with Darlene Piekkola, Director of Equalization. Motion Carried. 9:10 a.m. the Board opened for regular business.

MOUNTAIN PINE BEETLE:

Bill Coburn updated the Board on the Regression Model. The Board discussed the Mountain Pine Beetle issues and the urgency to cut the bug infected trees. Frustration with the Forest Service was expressed and what action is needed. The Board stated they will invite the Forest Service to the next Commission Meeting to discuss the Forest Service Strategy. Terry Weisenberg will contact Pennington County in regards to the Black Hills District Advisory Group.

DISASTER DECLARATION: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign Resolution #11-21 Motion Carried.

LAWRENCE COUNTY RESOLUTION 2011-21 DECLARATION OF EMERGENCY /DISASTER CONCERNING MOUNTAIN PINE BEETLES: WHEREAS,

conditions of extreme peril to people, property and the environment exist within and around Lawrence County, caused by the extraordinary number of dead, dying and diseased trees resulting from overstocked forests and infestation by Mountain Pine Beetle (MPB); and **WHEREAS,** the outbreak of the epidemic has caused the death of trees on thousands of acres, resulting in conditions of increased fire danger, flooding potential, damage to watersheds, erosion and other environmental damage, and hazards from falling trees; and **WHEREAS,** the majority of private forest landowners in Lawrence County have either been significantly affected or are at imminent risk of being significantly affected by the MPB epidemic; and **WHEREAS,** by reason of their magnitude and location on federal lands, these conditions are beyond the control of the services, personnel, equipment and facilities of Lawrence County, thereby requiring a proclamation of a state of emergency; and **WHEREAS,** unless the risks posed by dead and dying trees are immediately reduced, there will be an ever increasing risk to life and property from catastrophic fire, especially in areas with limited access for residents and emergency responders; and **WHEREAS,** unless the risks posed by dead and dying trees are immediately reduced, the timber industry, the tourism industry and the livelihoods and business of thousands of individuals will be affected, causing untold hardships and the loss of income, jobs, and revenues to communities, county, state, and federal governments; and **WHEREAS,** Lawrence County has declared the MPB a public nuisance; and **WHEREAS,** it seems more prudent, logical and economical to use a proactive, common-sense approach to address the MPB problems now, rather than dealing with MPB after the fact; and **WHEREAS,** Lawrence County has committed and spent significant funds to assist landowners with the costs and problems associated with the MPB epidemic; and **WHEREAS,** Lawrence County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation; **NOW THEREFORE BE IT FURTHER RESOLVED THAT,** the Lawrence County Board of Commissioners for, and on behalf of the citizens of Lawrence County, request the Governor of the State of South Dakota to petition the President of the United States and the United State Secretary

of Agriculture to declare Lawrence County, South Dakota an emergency/disaster area. Dated this 16th day of August, 2011. LAWRENCE COUNTY BOARD OF COMMISSIONERS: By: Daryl Johnson, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

INVASIVE SPECIES MANAGEMENT:

USFS/LAWRENCE COUNTY PARTICIPATING AGREEMENT #11-PA-11020308-030:

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign Participating Agreement #11-PA-11020308-030 with the USFS. Motion Carried.

2009/2010 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2009 and 2010. Hintz discussed the Housing and Redevelopment Commission and their financial information. Hintz stated the Housing and Redevelopment financials are on a different basis and are not sure how they will report the information on the County's Audit. Moved-Seconded (Flanagan-Johnson) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit. Motion Carried.

PLANNING & ZONING:

Amber Vogt, Planning & Zoning Administration, updated the board on Planning & Zoning matters. Vogt and Outka will attend the SDPA meeting in Chamberlain.

POWDER HOUSE PASS: Flanagan noted that there is a fire access trail through Tract 2B that is not noted on the Boundary Plat. The Board discussed treatment plants, water and septic systems. Concerns were expressed on developments that are not built to completion. The Board discussed the future of developments in the County to assure the citizens in the County are protected. Moved-Seconded (Weisenberg-Flanagan) to approve the Powder House Pass Boundary Plat, contingent to adding the road to Tract 2B. Aye-Weisenberg. Nay-Flanagan, Sleep and Johnson. Motion Failed. Flanagan stated he voted against approval because the road is not on the plat, and questioned if the septic system should or should not be noted. The Board also expressed concerns that the developers were not in attendance.

BILLS: Moved-Seconded (Weisenberg-Flanagan) 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-\$7,715.83; Treas-\$9,878.24; Comp-\$7,651.83; States Atty-\$13,495.91; Pub Def-\$9,672.54; Gen Govt Bldg-\$7,186.76; Equal-\$12,381.67; Rod-\$8,308.62; Vso-\$1,183.90; Disp-\$11,658.50; Sher-\$37,780.82; Jail-\$21,710.11; Coroner-\$381.64; Emerg Mgmt-\$3,477.16; E911-\$1,654.40; Highway-\$37,041.84; Air-\$1,071.85; Ext-\$1,317.00; Weed-\$7,908.72; Pz-\$4,356.97; **Bills:**Baumann,Michelle-\$93.60; Fitzgerald,John-\$666.00; Gould,Gary-\$137.85; Larimore,Mark-\$31.10; Leighty,Brooke-\$54.80; Mowell,Richard-\$6,924.00; Vandenberg,Maria-\$125.00; Walker,John-\$744.02; A&B Business Equip-\$424.07; A&B Welding Supply-\$18.60; A&J Supply-\$18.63; A-Z Shredding-\$13.00; Abc Business Supply Corp-\$523.74; Action Mechanical-\$1,341.84; Alco Store-\$17.97; American Family Life-\$3,454.59; At&T-\$89.27;

At&T Mobility-\$763.02; BH Chemical Company-\$1,564.25; BH Federal Credit Union-\$10,000.00; BH Land Analysis-\$4,475.00; BH Pest Control-\$95.00; BH Pioneer-\$463.17; BH Power-\$10,725.01; Bennett, Main & Gubbrud-\$2,384.36; Best Business Prod-\$23.09; Bickle's Truck & Diesel-\$60.74; Binder, Tracy-\$193.80; Black Hills Pure-\$51.75; Bomgaars Supply-\$52.23; Brownsville Fire Dept-\$8,218.49; Butler Machinery Co-\$1,150.17; Butte County Sheriff-\$25.00; Butte Electric Coop-\$390.64; Campbell Co Sheriffs Off-\$50.00; Carol Butzman Consulting-\$845.73; Cbh Cooperative-\$41,256.40; Central Parts-\$1,410.57; Century Business Products-\$47.55; Centurylink-\$53.28; Chemical Sanitizing Sys-\$118.14; Clinical Lab Of BH-\$1,952.00; Community Health Center Of The-\$130.00; Community Health Services-\$10.00; Cooperative Extension Service-\$158.21; Crawford Supply Company-\$16.08; Credit Collections Bureau-\$250.00; Crop Production Services-\$189.60; DWare-\$180.00; Dakota Equipment Rental-\$23.84; Dakota Graphics-\$72.00; Dakotacare-\$1,066.92; Datec-\$143.45; Deadwood Vol Fire Dept-\$13,791.47; Deadwood City Of-\$829.02; Decastro Law Firm-\$825.83; Dept Of Hlth Lab Services-\$132.00; Dept Of The Treasury-\$47,513.13; Ditmanson, Keith-\$118.00; Ecolab-\$127.50; Eddie's Truck Sales/Serv-\$144.51; Eke-\$700,166.07; Ellingson, Joseph-\$470.33; Ertz, Dewey J-\$1,885.00; Esri-\$1,500.00; Et Sports-\$8.60; Express Collections-\$117.00; Fastenal-\$99.40; Fleet Services-\$3,265.60; Franks, Ronald-\$7,060.99; Frederickson, Robert-\$118.00; Fsh Communications-\$60.00; Glenn C Barber & Assoc-\$74,172.01; Glaxosmithkline Pharmaceutical-\$875.80; Godfrey's Brake Serv-\$248.76; Geospatial Experts-\$1,614.00; Great Western Tire-\$1,628.25; Greens Alignment-\$1,258.95; Hamann, Chris-\$350.00; Havemeier, Leslie-\$167.20; Haydock, Roger-\$1,200.00; Heisler Hardware-\$31.72; Hewlett-Packard Company-\$2,296.89; Hill, Maury-\$400.00; Hills Material Comp-\$474.18; Horizons Unlimited-\$314.40; Inventory Trading Company-\$62.00; Jacobs Precision Welding-\$57.40; Janke, Wendy-\$1,200.00; Jimmy Johns-\$139.97; Juneks' Chrysler/Dodge-\$302.08; Kadrmas, Lee And Jackson-\$27,399.45; Keefe Supply Company-\$151.12; Kimball-Midwest Co-\$214.98; Knecht True Value-\$182.64; Knology-\$109.07; LC Auditor-\$26.75; LC Sheriff-\$267.08; Lawson Products-\$183.60; Lead Fire Protection District-\$19,488.78; Lead, City Of-\$56.75; Lead-Deadwood Reg Med Clinic-\$41.00; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$381.48; Lee, James-\$15.00; Lewis & Clark Bhs-\$298.00; Lexisnexis Risk Data Mgmt-\$75.00; Lynn's Dakotamart-\$2.49; McClure, Susan-\$250.00; Metric Motors-\$2,177.64; Michael Stonefield Atty-\$14,599.00; Microfilm Imaging Systems-\$2,265.00; Midwest Alarm Co-\$84.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$1,011.79; National Business Furniture-\$2,200.16; Nelson, Tonya-\$1,450.00; Nemo Volunteer Fire Dept-\$2,462.20; Neve's Uniforms-\$39.64; New World Systems-\$48,185.00; Newman Traffic Signs-\$2,110.04; Nooney Solay & Van Norman-\$15,088.13; Office Depot-\$905.52; Office Of Child Support-\$439.85; Pennington Co Auditor-\$266.00; Pennington Co Jail-\$1,251.40; Pennington County Sts Attny-\$200.00; Pesce, Ulises-\$1,200.00; Pheasantland Industries-\$343.11; Phoenix Investigations-\$400.91; Pizza Ranch-\$124.71; Program Works-\$80.00; Queen City Tire-\$674.72; Quill Corporation-\$38.46; Qwest-\$1,367.64; Rabe Elevator-\$799.88; Rapid Delivery-\$9.78; Rasmussen Mechanical Serv-\$9,270.00; Regional Behavioral Health Ctr-\$304.98; Regional Health-\$192.00; Regional Health Physicians-\$6.65; Reindl, Staci-\$1,576.79; Reitsma, Chris-\$40.00; Rochford Fire Protection Dist-\$1,325.93; Rocket Lube-\$66.15; Royal Electric-\$240.00; SD Aao-\$500.00; SD Emergency Mngt Association-\$30.00; SD State Treasurer-\$1,672.24; Sacrison Paving-\$59,841.54; Sanitation Products-\$37.50; Scott J Odenbach-\$246.00; Sdrs Supplemental Retirement-\$1,554.00; Servall Towel & Linen-\$755.24; Sheldon, Jeannette-\$5,230.50; Skinner & Winter Prof-\$165.89; Span Publishing-\$152.10; Spearfish Auto Supply-\$798.08; Spearfish Canyon Fire-\$5,195.87; Spearfish Fire Dept-\$55,568.39; Spearfish Police Dept-\$5,624.66; St Onge Fire Dept-\$1,822.79; State Radio Communication-\$5,280.00; Steak-Etc-\$197.45; Stretch's Glass & Mirror-\$313.47; Sturdevant's Auto Parts-\$24.06; Sturgis Fire

Department-\$6,280.82; Subway-\$58.06; The Repair Shop-\$70.73; Thompson Publishing Group-\$29.50; Tigerdirect-\$1,527.68; Top Quality Glove-\$195.00; Triple K Tire & Repair-\$864.30; Trump Law Office-\$231.00; Twin City Hardware & Lumber-\$785.81; Veld,Heather-\$118.00; Verizon Wireless-\$96.33; Wagner,Jennifer-\$118.00; Warne Chemical-\$145.00; Waste Connections-\$574.42; Watertree-\$44.60; Weichmann,Cynthia-\$30.40; Wellard,Keith-\$30.00; Wells Fargo Business Card-\$5,302.46; Wells Plumbing & Farm Supp-\$24.85; West Group-\$740.89; West River International-\$159.71; West Tire And Alignment-\$768.18; Western Communication-\$42,085.10; Western Sd Juvenile Serv-\$215.00; White Drug-\$746.79; White's Queen City Motors-\$992.83; Whitewood Fire Prot District-\$8,217.35; Wilde & Hunt, Prof Llc-\$317.00; Winner Police Department-\$67.43; Wolf,Ione-\$38.00; Woodward,Brad-\$66.00; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Noland,M-\$22.22; Wright,R-\$20.37; Doud,K-\$21.10; Awbrey,J-\$61.10; Dore,W-\$122.20; Folger,M-\$117.76; Haar,C-\$116.28; Hall,N-\$62.58; Harrington,L-\$61.10; Haugland,P-\$57.40; Holden,D-\$122.20; Kunkel,D-\$51.48; Kvilhaug,P-\$104.44; Lee,J-\$62.58; Mcgriff,T-\$24.80; Phinney,P-\$61.10; Skvicalo,T-\$111.84; Timm,P-\$50.74; Wilson,A-\$63.32; Wipf,W-\$123.68; Wright,J-\$61.10; Zvorak,A-\$62.58; Allen,J-\$20.00; Campbell,B-\$20.00; Goss,J-\$31.84; Harvey,T-\$22.22; Kinstle,A-\$20.00; Lafontaine,A-\$31.10; Lafontaine,T-\$31.10; Locati,M-\$31.10; Martens,S-\$20.00; Miller,K-\$57.00; Mitsos,J-\$31.84; Nelson,A-\$31.10; O'neill,A-\$31.10; Rang,B-\$31.10; Thomas,D-\$29.62; Tyrell,J-\$40.72; Weyer,A-\$31.10

ADJOURN: 11:15 a.m. There being no further business the Chairman adjourned the meeting so they could participate in a Webinar with FEMA. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 29, 2011

Chairman Daryl Johnson called the special meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 29, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, Robert Ewing, and Terry Weisenberg present. Brandon Flanagan was absent.

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.

AIRPORT: Bob Golay, Airport Board President and Rod Senn, KLJ were present to discuss the Airport Project. Golay presented an overview of the future of the Airport and Senn discussed the federal grants. Moved-Seconded (Weisenberg-Johnson) To accept the terms and conditions of accepting the Airport Improvement Program Grant and to approve and authorize the Chairman to sign the application for Federal Assistance, not to exceed \$3,150,000.00 when final documents are received. Motion Carried. Aye-Weisenberg, Ewing and Johnson. Nay-Sleep. Absent-Flanagan.

ADJOURN: 9:04 a.m. There being no further business the Chairman adjourned the meeting. Motion Carried.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 6, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 6, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of August 16th & 29th, 2011 County Commission Meetings. Motion Carried.

MEETINGS: Moved-Seconded (Weisenberg-Flanagan) to schedule a special meeting on September 30, 2011 at 7:00 a.m. for the designation of Title III funds. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Sleep) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2011 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)-\$28,344.97; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,917.47; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,906,721.81, Money Market \$529,716.28; Bank Balance-\$3,064,847.78; Total \$12,284,658.31.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Flanagan-Johnson) to approve the automatic supplement of \$2,265.00 for the Register of Deeds Supplies for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGETS:

A public hearing was held on a request for supplemental budget for GENERAL FUND: Coroner – Salary - \$2,000; Mentally Handicapped Services - \$20,000; Court Appointed Attorneys - \$50,000; Insurance - \$10,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2011-22. Aye-Weisenberg, Flanagan, Sleep and Johnson. Nay-Ewing. Motion Carried.

RESOLUTION #11-22 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND:** Coroner – Salary - \$2,000; Mentally Handicapped Services - \$20,000; Court Appointed Attorneys - \$50,000; Insurance - \$10,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 6th day of September, 2011 at the hour of 8:50 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 6th day of September, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

EMERGENCY MANAGEMENT:

STATE AGREEMENT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the 2011 State and Local Agreement (SLA) Amendment. Motion Carried.

ADMINISTRATIVE PLAN: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Emergency Management Administrative Plan for Lawrence County. Motion Carried.

ANNUAL BRIEFING: Paul Thomson, Emergency Manager Director conducted the Elected Official Briefing. Thomson reviewed the Disaster Declaration Process / Response & Recovery Procedures, Emergency Management Overview, Emergency Planning and NIMS (National Incident Management System).

STATES ATTORNEY'S OFFICE: Connie Young was present as a concerned citizen and requested the Commission review wages of Shelly Baumann at the States Attorney's Office and John Fitzgerald, States Attorney. Young commended them on a job well done and asked the Board to consider increasing the wages for Baumann and Fitzgerald.

2012 BUDGET: A public hearing was held on the proposed 2012 Budget. Doug Pavel, Extension Board was present to ask the Commission to consider keeping some kind of store front in Lawrence County for Extension and 4H programs. Pavel stated he thinks it would only cost \$10-\$15,000 extra. Sue White, Linda Johnson, and Stephanie Crowley were also in attendance and spoke on behalf of the programs in Lawrence County. Sleep stated it was unfortunate that the State has revamped the State funding for Extension and 4H programs and has put Lawrence County in this predicament. Ewing stated the County needs to try combining with Butte County and see how it works for 2012. The public hearing was closed.

EQUALIZATION: Moved-Seconded (Flanagan-Ewing) To make the following adjustments to Equalization Budget: Salary from \$318,102 to \$320,618; OASI from \$24,002 to \$24,203; Retirement from \$18,888 to \$19,039. Motion Carried.

EXTENSION: Moved-Seconded (Ewing-Sleep) To make the following adjustments to the Extension budget from \$34,433 to \$35,189 to cover the adjusted numbers from Butte County. Motion Carried.

ADOPTION OF 2011 BUDGET RESOLUTION #2011-23: Moved-Seconded (Weisenberg-Flanagan) to adopt the 2012 Annual Budget and approve the following Resolution #2011-23. Motion Carried. **RESOLUTION #11-23: 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, 2012 and ending December 31, 2012 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 6TH day of September, 2011 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, 2012 through December 31, 2012.

FUND	TAX LEVY IN DOLLARS	\$/s/thousand (levy)
GENERAL	8,080,727	4.063
SNOW REMOVAL	200,000	.101
HIGHWAY & BRIDGE	200,000	.101
COURTHOUSE & JAIL	100,000	.050
FIRE PROTECTION	72,652	.071
TOTALS	8,653,379	4.386

DATED at Deadwood, South Dakota, this 6TH day of September 2011. LAWRENCE COUNTY COMMISSIONERS: Daryl Johnson, Chairman, Robert Ewing, Terry Weisenberg, Brandon Flanagan, and Richard Sleep. ATTEST: Connie Atkinson, Auditor.

EXTENSION OFFICE LEASE: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign and send a letter to Milen Salzieder terminating the lease of High Plains Condominiums #4 (Extension Office) on October 31, 2011. Motion Carried.

MOUNTAIN PINE BEETLE RESPONSE PROJECT: Dennis Jaeger, Deputy Forest Supervisor was present for a briefing on the Mountain Pine Beetle Response Project. The project area encompasses approximately 325,000 acres on National Forest System lands but would not be ready

to go until the fall of 2012. Treatment actions and methods proposed include thinning, cut/chunk, chipping, spraying, ground based, cable, helicopter and roads. The Board expressed concerns that additional flights of the beetle would take place before any action could be started but stated they are encouraged by the action being proposed.

Bill Coburn, Timber Committee was present to review the comments on the MPB Response Project. Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the scoping document comments on the MPB Response Project and to forward them on. Motion Carried. Outka will work with Johnson to be certain to cover all points and issues relating to the MPB Response Project.

TITLE II REQUEST FOR PROPOSALS: Advertisement of the 45 day comment period for proposals of Title II funds is in progress and project designation will be September 30, 2011.

SD DEPARTMENT OF AG JOINT POWERS CONTRACT / MOUNTAIN PINE BEETLE PROGRAM: Coe Foss, SDDA was present to review the contract. Discussion followed on the priority areas in the County. The total contract amount is not to exceed \$300,000. The Board will discuss at next meeting.

LAWRENCE COUNTY MOUNTAIN PINE BEETLE STRATEGY: Dan Hefner, Invasive Species Management Board was present to discuss the Mountain Pine Beetle Strategy Plan. Hefner asked if the Invasive Species Management Board could have a seat on the Mountain Pine Beetle Board. Moved-Seconded (Ewing-Flanagan) To appoint a member of the Invasive Species Management Board to the Mountain Pine Beetle Committee. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to take expenses related to the Mountain Pine Beetle marking out of the Fire Protection Budget. Motion Carried.

PLANNING & ZONING:

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

POWDER HOUSE PASS:

An update on the development was presented from Greg and Jennifer Kaschmitter. Kaschmitter stated they are still planning on providing water and septic service from Lead/Deadwood Sanitary District, City of Deadwood and Lead. Discussion followed on the need to have the infrastructure in before lots are sold and the Board urged the Kaschmitters to get the water and septic lines in place.

Moved-Seconded (Weisenberg-Flanagan) to approve the Powder House Pass Boundary Plat, Powder House Pass/Ponderosa Land Surveys, Description (Location): Tracts 2A & 2B of Tract 2 of Wilderness Estates 2nd Addition-Hwy 85, Purpose: Creating 2 larger parcels within the original boundary for financing purposes/setting up boundaries for phases, Zoning & Acreage: PUD/Tract 2A 34.668 acres & Tract 2B 43.394 acres, with the condition that the fire access trail be added to the plat. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the Powder House Pass Preliminary Plat, Description (Location): Phase 1 of Powder House Pass (PHP) PUD, Description (Location): Lots 1-9, Blk 1- Lots 1 & 2, Blk 2- Lots 1-16, Blk 3-Lots 1-5, Blk 4-Lots 1 & 2, Blk 5 -Hwy 85/14A,Zoning & Acreage: PUD-967 acres +/- 1st Phase is 78 acres +/- , stating the water and septic lines will need to be in before any final plats are approved. Motion Carried.

GOLDEN HILLS SUBDIVISION: Moved-Seconded (Ewing-Weisenberg) to follow Planning and Zoning recommendation and approve the Final Plat of Golden Hills Sub/ Two Bit LLC/Arleth & Associates, Description (Location): Lot 54 of Golden Hills Sub – (Two Bit Road across from Brighter Day Sub) Purpose: First Final of Subdivision, Zoning & Acreage: PF / 2.47 acres +/- . Motion Carried.

ST.ONGE BHP SUBSTATION: Moved-Seconded (Weisenberg-Flanagan) to follow Planning and Zoning recommendation and approve the Final Plat of A & G Jensen Land LLC/Brosz Engineering, Description (Location): St Onge Substation – (SE of ST. Onge off Weisman Road), Purpose: BHP Substation location, Zoning & Acreage: A-1 / 6.68 acres +/-, with the condition that the spelling error be corrected in the note section. Motion Carried.

NORTHERN HILLS INDUSTRIAL PARK: Moved-Seconded (Flanagan-Weisenberg) to follow Planning and Zoning recommendation and approve Northern Hills Industrial Park/Mitch Moe Extension of approval of preliminary plat Description (Location): Lots 1-9 of Northern Hills Industrial Park – (north of whitewood) Zoning & Acreage: C/LI / 12.53 acres. Motion Carried.

JACKASS GULCH PRIVATE ROAD EASEMENT: Tom Brady, Attorney for Jim & Kathy Benson was present to discuss the Jackass Gulch Private Road Easement. Moved-Seconded (Sleep-Flanagan) to table the Jackass Gulch Private Road Easement till next meeting to allow time to review the documents. Motion Carried.

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

Payroll: Comm-\$12,110.00; Aud-\$7,715.83; Treas-\$9,878.23; Comp-\$7,651.83; States Atty-\$11,598.81; Pub Def-\$9,676.94; Gen Govt Bldg-\$7,270.87; Equal-\$12,363.44; Deeds-\$8,308.62; Vso-\$1,183.90; Disp-\$13,449.57; Sher-\$48,203.97; Jail-\$28,109.00; Coroner-\$223.08; Emerg Mgmt-\$3,544.20; E911-\$1,654.40; Highway-\$37,293.65; Air-\$1,007.81; Mh Serv-\$1,722.00; Exten-\$1,264.32; Weed-\$3,421.40; Pz-\$4,596.97; **Bills:** American Family Life-\$3,454.59; BH Federal Credit Union-\$10,000.00; BH Power-\$44.87; Credit Collections Bureau-\$250.00; Deadwood Recreation Center-\$701.00; Delta Dental Of South Dakota-\$6,340.14; Dept Of The Treasury-\$54,179.57; Express Collections-\$117.00; Hartford-Priority Accounts-\$1,405.00; Knology-\$1,413.44; Montana Dakota Utilities-\$13.84; NH Family Ymca-\$268.40; Office Of Child Support-\$439.85; SD Retirement System-\$54,722.62; Sdrs Supplemental Retirement-\$1,554.00;

Victims Of Violence-\$1,575.00; Wellmark Blue Cross-\$75,564.10; Mowell, Richard-\$7,296.00; Smith,Molly-\$80.00; Vogt,Amber-\$144.00; A&B Business Equip-\$797.14; A&B Welding Supply-\$65.30; A-Z Shredding-\$26.50; Abc Business Supply-\$23.84; Amcon Distributing-\$159.39; At&T Mobility-\$763.02; BH Chemical Company-\$1,158.66; BH Federal Credit Union-\$9,300.00; BH Power-\$950.58; Binder,Tracy-\$205.20; Black Hills Auto Parts-\$11.99; Butler Machinery Co-\$187.32; Cdw Government-\$536.95; Central Parts-\$220.07; Century Business Products-\$837.59; Crawford Supply Company-\$108.84; Credit Collections Bureau-\$100.00; Crescent Sales-\$624.65; Deadwood, City Of-\$1,098.84; Dept Of Hlth Lab Services-\$172.00; Dept Of The Treasury-\$48,738.87; Ed Roehr Safety Products-\$338.00; Eke Inc-\$398,026.28; Ellingson,Joseph-\$277.88; Express Collections-\$117.00; Fastenal-\$37.44; Fidler-Isburg Funeral Chapel-\$1,220.00; Glenn C Barber & Assoc-\$115,130.24; Harkins, Carolyn Rpr-\$450.00; Havemeier,Leslie-\$287.20; Heartland Paper Co-\$2,003.80; Heisler Hardware-\$174.64; JH Hilt Engineering-\$3,213.00; Jacobs Precision Welding-\$330.00; Jacobsen Ford-Mercury-\$877.93; Kadrmas, Lee And Jackson-\$30,943.00; Keefe Supply Company-\$126.64; Knology-\$381.96; Koala Electric-\$111.43; La Pier And Associates-\$2,500.00; Lead,City Of-\$67.95; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$533.16; Mad Manz Pizza-\$62.16; Marco-\$23.09; Mcpherson Propane-\$69.00; Meade Co Auditor-\$770.00; Montana Dakota Utilities-\$2,550.43; Nelson,Christy-\$300.00; Nelson, Tonya-\$400.00; Neve's Uniforms-\$657.51; Nooney Solay & Van Norman-\$16,585.93; Office Of Child Support-\$439.85; Pennington Co Auditor-\$11,257.02; Pennington Co Jail-\$1,953.00; Pennington County Sts Attny-\$200.00; Pheasantland Industries-\$624.93; Queen City Tire-\$12.00; Quik Signs-\$252.00; Quill Corporation-\$486.86; RC Finance Office-\$1,680.00; RC Journal-\$104.00; Radiology Associates-\$22.62; Regional Health Physicians-\$68.20; Reliable-\$82.18; Reuer,Allen-\$60.00; Riis,Rex-\$784.00; Rocket Lube-\$265.19; SD Sheriff's Association-\$75.00; Sacrison Paving-\$66,114.18; Safeway-\$136.70; Schmidt Construction-\$1,500.00; Sd State Fair-\$72.00; Securus Technologies T-Netix-\$1,060.00; Servall Towel & Linen-\$499.28; Spearfish Husky-\$9.00; Spearfish Police Dept-\$1,903.62; Sterna,Laura-\$650.00; Stretch's Glass & Mirror-\$382.23; Subway-\$11.97; Thompson,Katie-\$82.00; Tigerdirect-\$38.52; Triple K Tire & Repair-\$32.50; Turbiville Industrial Electric-\$416.76; Twin City Hardware & Lumber-\$375.09; West Group-\$611.00; Westcoast Sales & Marketing-\$640.69; Western Communication-\$696.50; White's Queen City Motors-\$205.27; Williams Standard Serv-\$414.89; **Witness & Jurors:** Awbrey,J-\$61.10; Dore,W-\$61.10; Edstrom,R-\$61.84; Folger,M-\$58.88; Haar,C-\$58.14; Hall,N-\$62.58; Haugland,P-\$57.40; Holden,D-\$61.10; Kunkel,D-\$51.48; Kvilhaug,P-\$52.22; Lee,J-\$62.58; Skvicalo,T-\$55.92; Timm,P-\$50.74; Wipf,W-\$61.84; Wright,J-\$61.10; Zvorak,A-\$62.58; Nelson,A-\$31.84; Bridges,C-\$42.57; Tyrell,L-\$31.84; Foltz,G-\$31.84; Blamy,N-\$22.22

ADJOURN: 12:15 p.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 20, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 20, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 6th, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Ewing-Flanagan) to approve Kristan Alfson as a temporary part-time legal Secretary II G2 at the base rate of \$15.07 an hour, effective 9-7-2011 in the States Attorney's Office. Motion Carried.

ROAD & BRIDGE: Moved-Seconded (Ewing-Sleep) to accept the amended Letter of Resignation for Richard Lensegrav, effective 10-22-2011. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to accept the Letter of Resignation for Chris Rogers, effective 09-24-2011. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Weisenberg-Flanagan) to approve Richard W. Carlson as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 9-12-2011. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve Tyson Hazledine at the base rate of \$11.85 an hour effective 9-26-2011; and Don Salazar as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 9-15-2011. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Megan Merwin as a part-time Correctional Officer II G1, at the rate of \$16.07 and hour, and to approve Marc Crandall as a full-time Correctional Officer I G3, at the base rate of \$14.54 an hour, effective 09-16-2011. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Julie Rakow to attend the NorthWest Shuttle Conference in Prescott Arizona for training on Extradition on wanted subjects on September 19-22, 2011. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Flanagan-Ewing) to approve the transfer of \$50,000 from General Fund to Emergency & Disaster Fund. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement of \$41,116.00 for the Sheriff, Computer Supplies for grant funds received. Motion Carried.

SANFORD LAB UPDATE: Bill Harlan, Communications Director updated the Board on the Sanford Lab, and reviewed projects completed and in progress.

HIGHWAY BUSINESS:

Dick Birk was present to update the board on Highway related business.

Moved-Seconded (Flanagan-Sleep) to authorize the Chairman to sign Right-a-way and Utility Certificates (Project 6404(09) and Project 6585(01)), and approved the authorization to let bids for the Nemo Road construction project. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Ewing-Sleep) to approve a Utility Permit for Black Hills Power to occupy highway right-of-way near intersection of Nemo Rd and Hay Springs Lane. Motion Carried.

APPROACH PERMIT: Moved-Seconded (Weisenberg-Flanagan) to approve an approach permit for Jeff and Polly Garrett on the south side of Camp Comfort Road located at 615 Camp Comfort Road. Motion Carried.

SUPPLEMENTAL BUDGETS:

A public hearing was held on a request for supplemental budget for **FIRE PROTECTION FUND:** Pine Beetle Expenses – \$20,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the following Resolution #2011-24. Motion Carried.

RESOLUTION #11-24 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **FIRE PROTECTION FUND:** Fire Protection – Pine Beetle Expenses - \$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 20th day of September,

2011 at the hour of 8:50 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 20th day of September, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS. Daryl Johnson, Chairperson. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

MOUNTAIN PINE BEETLE COMMITTEE AND LCISM BOARD: Dan Hefner, LCISM Chairman and board member Doug Pavel reported on the LCISM Board's proposed MPB strategy for the county and stated concerns regarding the State's MPB program. Hefner detailed the LCISM Board's MPB plan including the intention to purchase 4 sprayer units to be lent to the public for MPB tree spraying. Dave Heck, LCISM Coordinator added that the spray units will be purchased with existing USFS contract proceeds. Heck also reported that the cost for private landowners to spray trees will be \$7.00/tree. A second component of the LCISM Board's MPB plan is a focus on proactive education for landowners.

Coe Foss from the SD Dept. of Ag was present to answer questions about the proposed State/County MPB agreement.

Moved-Seconded (Weisenberg-Ewing) to authorize Chairman Johnson to sign the State/County MPB agreement with county match up to \$300,000.00. Motion Carried.

TIMBER COMMITTEE: Bill Coburn, Timber Committee was present to discuss the USFS Steamboat Project Comments.

Coburn presented a draft letter containing the comments and recommendations of the Timber Committee including a preference for Alternative C.

Moved-Seconded (Ewing-Flanagan) to adopt the Project comments submitted by the Timber Committee subject to a final review by Bruce Outka, Deputy State's Attorney. Motion Carried.

AIRPORT:

TEE HANGAR: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Tee/Hangar Construction/Black Hills Airport: Change Order #2 (add an electrical transfer switch for backup generator). Motion Carried.

SHERIFF:

JAIL MEDICAL SERVICES AGREEMENT: Moved-Seconded (Flanagan-Sleep) to authorize the Chairman to sign the contract for Medical Services at the Lawrence County Jail with the Lead-Deadwood Regional Hospital. Motion Carried.

PUBLIC HEARING AND FIRST READING-ORD 11-02 Extractive Industry: Amber Vogt, Planning & Zoning Administrator, reviewed the proposed changes with the board. No public input was given. Public Hearing Closed. 2nd Reading scheduled for October 11, 2011 at 9:30 a.m.

PLANNING & ZONING:

Amber Vogt, Planning & Zoning Administrator, updated the board on Planning & Zoning matters.

CUP #352: Moved-Seconded (Flanagan-Ewing) to accept the transfer of CUP #352 from Dave Wickstrom to Randi and David Smith, upon the acceptance of the current conditions. Motion Carried.

ANNUAL REVIEWS:

ANNUAL REVIEW CUP#363 / REHORST: An annual review was held for CUP #363 for Dennis Rehorst second Residence. No complaints were received

ANNUAL REVIEW CUP#380 / WENBERG: An annual review was held for CUP #383 Charles Wennberg second Residence. No complaints were received

ANNUAL REVIEW CUP#390 / SADDLE MOUNTAIN CHURCH: An annual review was held for CUP #390 Saddle Mountain Church. Brian Hall was present to ask the Board for 12 month extension. Moved-Seconded (Flanagan-Sleep) to approve extension on CUP #390. Motion Carried.

ANNUAL REIVEW #392 / TERRY & COLLEEN SCHMITZ: An annual review was held for CUP #392 Terry & Colleen Schmitz second Residence. No complaints were received.

BRUCE OUTKA, DEPUTY STATES ATTORNEY: State DOT Aeronautics Apportionment Grant reimbursement for land acquisition (Runway Project Final Reimbursement). Moved-Seconded (Ewing-Flanagan) to authorize the Chairman to sign the grant for final reimbursement. Motion Carried.

BILLS: Moved-Seconded (Flanagan-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. Aye-Weisenberg, Flanagan, Sleep and Johnson. Nay-Ewing.

Payroll: Comm-\$10,866.58; Aud-\$15,461.14; Treas-\$19,756.44; Comp-\$15,303.66; States Atty-\$23,406.07; Pub Def-\$19,362.68; Gen Govt Bldg-\$14,635.20; Equal-\$24,956.24; Rod-\$16,617.25; Vso-\$2,367.80; Disp-\$25,281.50; Sher-\$66,014.30; Jail-\$44,181.22; Coroner-\$846.16; Emerg Mgmt-\$6,847.26; E911-\$3,308.80; Highway-\$74,204.80; Air-\$2,591.78; Ext-\$2,958.86; Weed-\$7,117.07; Pz-\$8,833.94; **Bills:** Agena, Timothy-\$61.10; Dewese, Rodney-\$25.00; Kampa, Kerry-\$3.75; Riley, David-\$61.10; Runge, Brett-\$121.00; Sandvig, Scott-\$121.00; A&B Business Equip-\$1,960.38; A&B Welding Supply-\$19.22; A-Z Shredding-\$113.00; Abc Business Supply-\$272.23; Air Connection-\$147.49; Alco Store-\$36.00; Andersen, Norma-\$24.00; At&T-\$10.16; At&T

Mobility-\$139.48; BH Chemical Company-\$525.73; BH Federal Credit Union-\$9,300.00; BH Pest Control-\$95.00; BH Pioneer-\$982.26; BH Power-\$9,884.65; Best Western Ramkota Hotel-\$154.00; Binder,Tracy-\$822.80; Butler Machinery Co-\$112,810.00; Butte Electric Coop-\$377.18; Carol Butzman Consulting-\$1,289.85; Central Parts-\$938.17; Century Business Products-\$253.00; Centurylink-\$1,376.11; Christensen Law Office-\$187.25; Clinical Lab Of BH-\$3,580.00; Cody,Denise-\$15.00; Collison,Jeanne-\$24.00; Coulls Informatics Corp-\$75.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$439.95; Dakota Graphics-\$390.00; Dakotacare-\$533.46; Dept Of The Treasury-\$45,806.68; Dietrich,Donna-\$210.88; Eagle Aviation-\$44.41; Fastenal-\$56.13; Fidler-Isburg Funeral Chapel-\$690.00; Fish,Veronica-\$30.60; Fisher Sand & Gravel-\$15,627.52; Fleet Services-\$1,392.08; Fsh Communications-\$60.00; Hamann,Chris-\$50.00; Havemeier,Leslie-\$57.00; Hills Material Comp-\$60,771.63; Hilltop Electric Services-\$281.39; Interstate Engineering-\$2,576.60; Jacobsen Ford-Mercury-\$268.73; Janke,Wendy-\$1,050.00; Kinney,Matthew-\$2,342.04; LC Sheriff-\$220.42; Lab Safety Supply-\$67.36; Lead-Deadwood Regional Hospital-\$1,467.68; Lee,James-\$15.00; Lewis & Clark-\$149.00; Lexisnexis Risk Data Mgmt-\$75.00; Lueders-\$6.76; Manlove Psychiatric Group-\$450.00; McClure,Susan-\$100.00; Michael Stonefield Atty-\$21,279.00; Microfilm Imaging Systems-\$755.00; Mikelson,Gary-\$45.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$60.31; Nelson,Tonya-\$350.00; Newman Traffic Signs-\$190.25; Nooney Solay & Van Norman-\$31,483.18; Occupational Health Network-\$50.00; Office Of Child Support-\$439.85; Pennington Co Auditor-\$27.00; Pennington Co Jail-\$1,189.30; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$826.14; Pollard,Jerry-\$72.00; Professional Equipment-\$205.55; Program Works-\$80.00; Quik Signs-\$216.00; Quill Corporation-\$81.32; Radio Shack/Kazco-\$624.39; Regional Behavioral Health Ctr-\$308.72; Regional Health Physicians-\$54.56; Reindl,Staci-\$2,475.00; Reserve Account-\$5,500.00; Rocket Lube-\$128.85; Royal Electric-\$105.00; SD Dept Of Transportation-\$24,299.09; SD State Treasurer-\$1,414.89; Scott J Odenbach-\$164.00; Sdrs Supplemental Retirement-\$1,314.00; Servall Towel & Linen-\$499.28; Sheldon,Jeannette-\$2,630.42; Sioux City Foundry Co Corp-\$16,275.00; Skinner & Winter Prof-\$82.00; Spearfish Auto Supply-\$1,235.96; Surety Finance-\$110.80; Swanda,Karen-\$15.00; Terracon Consultants-\$1,670.50; Thompson,Katie-\$82.00; Tigerdirect-\$100.95; Triple K Tire & Repair-\$148.57; Twin City Hardware & Lumber-\$558.47; US Identification Manual-\$82.50; Verizon Wireless-\$96.33; Waste Connections-\$574.42; Watertree-\$51.25; Wells Fargo Business Card-\$831.03; West Group-\$914.89; Western Sd Juvenile Serv-\$1,075.00; White Drug-\$1,409.77; Wilde & Hunt, Prof-\$666.50; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Edstrom,R-\$61.84; Hall,N-\$62.58; Haugland,P-\$57.40; Lee,J-\$62.58; Phinney,P-\$61.10; Timm,P-\$50.74; Wilson,A-\$63.32; Wright,J-\$61.10; Zvorak,A-\$62.58; Bunnell,M-\$32.58; Fraiser,E-\$31.84; Fraiser,S-\$31.84; Jinzo,L-\$28.88; Lubber,L-\$22.10; Nohr,J-\$31.84; Paul,K-\$22.22; Thoresen,S-\$22.10; Tonkel,B-\$50.34; Westers,R-\$50.46; Aberle,L-\$52.22; Aldren,J-\$28.50; Becker,R-\$12.22; Chewakin,M-\$61.10; Colmenero-Chilberg,L-\$27.02; Conover,M-\$12.22; Copeland,K-\$20.36; Daniels,J-\$57.40; Edwards,P-\$21.10; Grass,J-\$57.40; Haney,D-\$12.22; Hanzlik,K-\$21.10; Hettick,J-\$21.84; Kaip,W-\$51.48; Knight,R-\$21.10; Koehler,M-\$64.80; Larsen,S-\$28.50; Lauer,M-\$10.74; Ligtenberg,E-\$64.06; Mader,D-\$21.10; McMahan,M-\$10.74; Pittman,H-\$28.50; Pressley,C-\$11.48; Price,R-\$61.10; Redinger,N-\$52.22; Riggs,J-\$22.58; Ronfeldt,L-\$24.80; Voss,C-\$18.88; Williams,M-\$21.10; Winsell,D-\$18.14; Wolff,K-\$61.10

ADJOURN: 10:50 a.m. Moved-Seconded (Ewing-Weisenberg) there being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – September 30, 2011

Chairman Daryl Johnson called the special meeting of the Lawrence County Commissioners to order at 7:00 a.m. on September 30, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

TITLE III / SECURE RURAL SCHOOLS PROGRAM:

Moved-Seconded (Weisenberg-Ewing) to approve and authorize all remaining Title III Funds of approximately \$40,798.54 plus any and all future interest received for the following projects: Project #1: Assist in coordinated efforts with the U.S. Forest Service and other entities with planned mountain pine beetle programs, treatments and activities, and to aide local wildfire mitigation projects and firewise efforts. Project #2: Reimburse for search and rescue emergency services performed on federal lands.

AIRPORT: Moved-Seconded (Ewing-Sleep) to approve and authorize the chairman to sign the Grant application from the State SDDOT Aeronautics/Lawrence County Agreement project No. AP0065: New Beacon purchase in the amount of \$4,294.52. Motion Carried.

2009 / 2010 AUDIT: Bruce Hintz, State Auditor was present to report on the findings of the 2009/2010 Audit for Lawrence County. Moved-Seconded (Ewing-Flanagan) to authorize the Chairman to sign a letter addressed to the Department of Legislative Audit. Motion Carried.

ADJOURN: 8:11 a.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 11, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 11, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Sleep-Weisenberg) to approve the minutes of September 20th & 30th, 2011 County Commission Meetings. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve the step raise for Meagan Merwin and Marc Crandell as Corrections II G3 at the base rate of \$16.73 an hour, effective 9/25/2011. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Ewing-Sleep) to approve Tyson Hazledine at the base rate of \$11.85 an hour, effective September 15 & 16, 2011 to cover training hours. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Ewing-Sleep) to approve Gary Heberling as a temporary seasonal Firewise Employee at the base rate of \$12.36 an hour effective 10-3-2011. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Flanagan) to authorize the posting for the Director of Equalization position with a closing date of November 8, 2011, Salary DOE. Motion Carried.

PUBLIC DEFENDER BOARD: Moved-Seconded (Sleep-Ewing) To accept the letter of resignation from Kendall Aldinger as a member of the Public Defender Board, effective immediately. Motion Carried. The Board will fill this position during their annual appointments in January.

EXTENSION: Moved-Seconded (Sleep-Weisenberg) To extend the County's share of the health insurance for Alyce Bertch through 2011, in recognition of her 40 plus years with the County. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2011 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)-\$126,752.34; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$7,738.28; petty Cash-\$1,860.00; Total amount of deposits in

bank include: CD's-\$4,750,000; Savings \$3,907,112.26, Money Market \$529,794.65; Bank Balance-\$2,242,121.66; Total \$11,566,629.19.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of September 30, 2011 is \$391,773.07 or 3.05%.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Flanagan-Weisenberg) to approve the automatic supplement of \$755.00 for the Register of Deeds Supplies for grant funds received. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement of \$10,000.00 for the Emergency Management Grants for grant funds received. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Weisenberg-Flanagan) to approve the transfer of Title III Funds of \$11,562.98 to the Fire Protection Fund to reimburse for expenses to carry out activities under the Firewise Communities Program. Motion Carried.

EXTENSION OFFICE / SURPLUS PROPERTY: Moved-Seconded (Flanagan-Ewing) to declare the following property surplus and donate to Butte County for 4-H purposes: 6-panel display board-SN/Tag #11554, Typewriter #11-R0040/02863, 10 GPS Units #12861-12870, 4 HP Netbook Computers #013031-013034-013033-013032, 4 Lego NXT Robotics Kits #12513-12514-12515-12516, Response Card/Receiver/30 clickers #11568. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the 2012 State and Local Agreement. Motion Carried.

SHERIFF BUSINESS:

COMMISSARY: Moved-Seconded (Ewing-Johnson) to approve the contract with TurnKey Corrections Jail Vending Service Agreement. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of September 20, 2011: Deadwood Diesel 3400 Gallons: (prices per gallon) CBH Cooperative - \$3.469, Southside -\$3.43*; Deadwood Unleaded 5500 Gallons: (prices per gallon) CBH Cooperative - \$3.216*, Southside-\$3.25; Spearfish Diesel 4600 Gallons: (prices per gallon) CBH Cooperative - \$3.469*, Southside – no bid; Spearfish Unleaded 850 Gallons: (prices per gallon) CBH Cooperative - \$3.216*, Southside-no bid. No bid was received from Harms Oil or MG Oil.

UTILITY PERMIT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Utility Permit for SDN Communications on Terry Peak Summit Rd approximately 3.5 Miles from Hwy 14A for construction of communications cable. Motion Carried.

EXECUTIVE SESSION: 8:31 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session with Dick Birk and Bruce Outka to discuss personnel issues. Motion Carried. 8:51 a.m. The Board opened for regular business with no action taken.

USFS / MOUNTAIN PINE BEETLE: Rhonda O'Byrne, NH District Ranger was present to discuss the Mountain Pine Beetle tree removal on Spearfish Mountain and planning and activities in Lawrence County. O'Byrne stated they hope to get the contract sold summer of 2012 for Spearfish Mountain. The Board expressed concerns that action needs to be taken now and can't wait until another flight takes place. Ewing and Flanagan asked if other agencies and individuals were able to help out financially and physically could action be taken this year. Ewing asked O'Byrne to give them the "blessing to help (the USFS)". O'Byrne stated she will need to check into this option. Bill Coburn, Timber Committee also stated action needs to be taken now. Dave Heck, Invasive Species Management stated that if all landowner's would ask the Forest Service if they could cut the bug infested trees within 100-500 feet of their property line a lot of bug trees could be taken care of.

SPEARFISH CANYON COALITION: Bill Coburn was present to speak on behalf of the Spearfish Canyon Coalition. Coburn stated this is a fight for the Community and they want to convince the Forest Service that it is worth the fight.

Moved-Seconded (Ewing-Flanagan) to approve and adopt the following **RESOLUTION #2011-26** A RESOLUTION SUPPORTING THE SAVE SPEARFISH CANYON COALITION and join the group: WHEREAS, the Lawrence County Commission understands and appreciates the importance and beauty of the existing forest in Spearfish Canyon to the county and Northern Black Hills, WHEREAS, the County Commission recognizes the destructive impact that the current infestation of the Mountain Pine Beetle is having on the region, WHEREAS, the County Commission understands the importance of working together with other groups and agencies for the common good, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Commission requests that the US Forest Service and the State of South Dakota work closely with the willing partners to save Spearfish Canyon's pine forest from the devastating infestation of Mountain Pine Beetles. Be it further resolved that the Lawrence County Commission agrees with and supports the Strategy Plan for mitigating mountain pine beetle in Spearfish Canyon developed by the Save Spearfish Canyon Coalition. The goal and the 9 objectives of that plan are: Goal: Minimize the Impact of the Current Mountain Pine Beetle Epidemic in Spearfish Canyon Objective 1: Develop Coalition of Interested Parties who desire to Protect Spearfish Canyon. Objective 2: Convince the USFS that Spearfish Canyon is worth trying to save from deforestation by Mountain Pine Beetle. Objective 3: Identify other surrounding landowner(s) to work with to remove infested trees. Objective 4: Develop a Strategy Map for Treating the Mountain Pine Beetle Infestation for Spearfish Canyon. Objective 5: Keep the existing Mountain Pine Beetle population from enlarging their numbers. Objective 6: Inspect and identify all new infested trees. Objective 7: Be proactive in stopping the large infestations from moving into the canyon. Objective 8: Establish a plan to protect identified special

areas and trees. Objective 9: Establish a plan to protect the Spearfish watershed. Dated this 11th day of October, 2011. Lawrence County Commission: Daryl Johnson, Chairman; Bob Ewing, Terry Weisenberg, Brandon Flanagan, Richard Sleep. ATTEST: Connie Atkinson, Auditor. Motion Carried.

AIRPORT: Rod Senn, KLJ Engineer updated the Board on the Hangar Construction Project at the Black Hills Airport/Clyde Ice Field. Senn stated GBA has an issue with the concrete flaking and shrink cracking in the hangar. Discussion followed and Chairman Johnson stated it was up to GBA to do the work and fix the problem and the Commission will decide at the end of the project if the work is satisfactory and or warrant additional work or an extended warranty period.

LIGHTING: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign Change Order #3 for the additional cost of approximately \$2,962 for additional lighting at the Airport upon review and receipt. Motion Carried.

PLANNING & ZONING:

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

JACKASS GULCH PRIVATE ROAD EASEMENT: Moved-Seconded (Sleep-Flanagan) to remove from the table the Jackass Gulch Private Road Easement. Motion Carried. Tom Brady, Attorney for Jim & Kathy Benson was present to discuss the Jackass Gulch Private Road Easement. Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the Jackass Gulch Private Road Easement. Motion Carried.

SPEARFISH / LAWRENCE COUNTY JOINT POWERS AGREEMENT: Jayna Watson, City of Spearfish and Amber Vogt, Planning and Zoning Director were present to discuss the Spearfish / Lawrence County Joint Powers Agreement. Vogt reviewed the difference between the Joint Powers Boundary and the 3-Mile Extra Territorial District. Sleep expressed concerns on the impact on the citizens in the county having to go through the City of Spearfish. Ewing also expressed concerns on the impact on the citizens.

Moved-Seconded (Flanagan-Weisenberg) to approve, adopt, and authorize the Chairman to sign the 3-Mile Extra Territorial Map as presented. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve, adopt, and authorize the Chairman to sign the Joint Powers Agreement and the following Lawrence County **Resolution #2011-25**. 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 11th day of October, 2011. LAWRENCE COUNTY BY: Daryl Johnson, Chair of Lawrence County Commissioners. ATTEST: Connie Atkinson, Auditor. Motion Carried. Aye-Ewing, Weisenberg, Flanagan and Johnson. Nay-Sleep

SECOND READING-ORDINANCE 11-02 EXTRACTIVE INDUSTRY: 2ND Reading was held on Chapter 20 Extractive Industry Conditional Use Permit, Buffer Zone (s) and Waivers Ordinance #11-02. Moved-Seconded (Weisenberg-Ewing) to approve Chapter 20 Extractive Industry Conditional Use Permit, Buffer Zone (s) and Waivers Ordinance #11-02. Motion Carried.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #328 SADDLE MOUNTAIN MINISTRIES: An annual review was held for CUP #328 Saddle Mountain Church. No complaints were received.

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 #394 KEITH SCHETTLER –(OUTLAW RANCH) CAMPGROUND: Moved-Seconded (Ewing-Johnson) to cancel CUP #394 Keith & Terri Schettler-Campground because the property was sold. 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-\$5,433.29; Aud-\$7,789.08; Treas-\$9,878.22; Comp-\$7,651.85; States Atty-\$12,262.98; Pub Def-\$9,681.34; Gen Govt Bldg-\$7,196.90; Equal-\$12,57.43; Deeds-\$8,308.62; Vso-\$1,183.90; Disp-\$11,667.49; Sher-\$34,161.52; Jail-\$20,225.40; Coroner-\$869.24; Fire Prot-\$1,321.29; Emerg Mgnt-\$3,560.21; E911-\$1,657.40; Highway-\$38,259.88; Air-\$991.80; Exten-\$1,246.76; Weed-\$3,481.55; Pz-\$4,356.97; **Bills:** Buske, Heather-\$95.00; Green, Sheree-\$111.00; Locken, William-\$452.22; Mowell, Richard-\$6,174.00; Outka, Bruce-\$51.22; Schroeder, Jeff-\$29.00; Schuchmann, Bernie-\$409.20; Vandenberg, Marie-\$43.00; Vogt, Amber-\$240.69; Wright, Bonnie-\$43.00; Dept Of Treasury-\$44,779.75; Wellmark Blue Cross-\$78,153.14; Hartford-Priority-\$1,329.15; Deadwood Recreation Center-\$669.00; NH Family Ymca-\$268.41; Sdrs Supplement Retire-\$1,314.01; BH Fedal Cu-\$9,300.00; Office Of Child Support-\$439.85; Delta Dental-\$6,207.78; Credit Collections-\$100.00; Surety Finance-\$110.80; American Family-\$3,454.59; SD Retirement System-\$76,948.72; A&B Business Equip-\$794.47; A&B Welding Supply-\$19.22; A&I Distributors-\$2,811.45; A&J Supply-\$10.50; A-Z Shredding-\$13.50; Abc Business Supply-\$202.29; Adrenaline Junkies-\$177.95; Alco Store-\$15.98; Apex Software-\$825.00; At&T Mobility-\$858.75; BH Chemical Company-\$1,132.72; BH Pest Control-\$95.00; BH Pioneer-\$509.99; BH Power-\$775.01; BH Security & Systems-\$325.26; Best Western Kelly Inn-\$418.50; Best Western Ramkota Hotel-\$1,137.96; Best Western Ramkota/Rapid-\$282.00; Binder, Tracy-\$163.40; Bob Barker Company-\$201.18; Butler Machinery Co-\$1,334.66; Butte Electric Coop-\$1,101.15;

Campbell Co Sheriffs Off-\$50.00; Cbh Cooperative-\$37,427.72; Central Business Supply-\$64.72; Central Parts-\$1,616.56; Century Business Products-\$465.41; Centurylink-\$100.42; Chemical Sanitizing Sys-\$33.94; Chris Supply Co-\$54.48; City/County Alcohol & Drug-\$140.00; Clinical Lab Of BH-\$3,747.00; Cody,Denise-\$15.00; Crouse-Hinds-\$99.08; Dakota Equipment Rental-\$8.99; Dakotacare-\$533.46; Deadwood, City Of-\$1,110.94; Dept Of Hlth Lab Services-\$35.00; Dietrich,Donna-\$149.89; Eke-\$679,260.31; Esri-\$4,770.00; Fink,Teresa-\$92.95; First Stop Guns-\$125.00; Fish,Veronica-\$6.80; Frederickson,John R-\$98.40; Fredrickson,Robert-\$319.00; Glenn C Barber & Assoc-\$219,767.14; Great Western Tire-\$29.68; Harmelink,Fox & Ravensborg-\$131.00; Havemeier,Leslie-\$60.80; Heisler Hardware-\$23.94; High Plains Business Forms-\$1,553.92; Hillside Disposal Service-\$87.00; Hughes County Sheriffs-\$14.30; Kadrmas, Lee And Jackson-\$33,426.89; Kimball-Midwest Co-\$304.50; Knecht True Value-\$207.96; Knology-\$1,835.53; Koala Electric-\$868.04; LC Conservation Dist-\$5,000.00; LC Sheriff-\$460.30; Lcm Pathologists-\$30.00; Lead,City Of-\$41.35; Lead-Deadwood Regional Hospital-\$488.74; Lead-Deadwood Sanitary-\$464.04; Legacy Jewelers-\$75.00; Lexisnexis Matthew Bender-\$249.76; Lexisnexis Risk Data Mgmt-\$75.00; Lizard Tech-\$325.00; Lueders-\$25.98; Lyle Signs-\$507.89; Marco-\$23.09; Minnehaha County Sheriff-\$13.44; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$1,991.62; National Assoc Of Counties-\$485.00; Nebraska Salt & Grain-\$24,600.96; Neve's Uniforms-\$281.68; New View Optical-\$54.50; Nooney Solay & Van Norman-\$1,633.22; Novus-\$225.00; Occupational Health Network-\$167.50; Pennington Co Auditor-\$192.00; Pennington Co Jail-\$36.00; Pennington County Sts Attny-\$200.00; Performance One-\$146.10; Pesce,Ulises Md-\$164.30; Pitney Bowes-\$129.67; Pruss,Tina Rae-\$44.20; Quik Signs-\$76.80; Quill Corporation-\$66.57; RC Finance Office-\$2,730.00; RC Regional Hospital-\$11,660.33; Radio Shack/Kazco-\$153.97; Radiology Associates-\$129.42; Regional Behavioral Health Ctr-\$406.62; Regional Health Physicians-\$36.93; Reitsma,Chris-\$276.80; Reuer,Allen-\$60.00; Rocket Lube-\$190.75; Ryken,Ron-\$59.20; SD Dept Of Labor Unemployment-\$413.03; SD Planners Association-\$280.00; SD State Treasurer-\$16,526.35; Safety Benefits-\$130.00; Salzsieder ,Milan-\$1,245.00; Sdaco-\$30.00; Servall Towel & Linen-\$755.24; Skinner & Winter Prof-\$24.60; Southside Oil Co-\$14,749.00; Spearfish Auto Supply-\$504.37; Spearfish Police Dept-\$1,740.51; Strawn Law-\$3,445.13; Subway-\$33.04; Swanda,Karen-\$15.00; Thompson Publishing Group-\$428.50; Tigerdirect-\$517.29; Top Quality Glove-\$65.00; Triple K Tire & Repair-\$27.99; Turbiville Industrial Electric-\$183.52; Twin City Hardware & Lumber-\$522.38; US Geological Survey Doi-\$15,640.00; Victims Of Violence-\$1,885.00; Waste Connections-\$574.42; Watertree-\$60.25; Western Communication-\$60.50; White's Queen City Motors-\$1,455.14; Woodward,Brad-\$319.00; Xerox Corporation-\$272.08; Yankton Co Sheriff-\$50.00; Yankton County-\$331.75; **Witness & Jurors:** Wagner,J-\$319.00; Veld,H-\$319.00; Richards,C-\$60.70; Kaufmann,C-\$31.10; Dore,W-\$61.10; Haar,C-\$58.14; Ditmanson,K-\$319.00; Riis,R-\$136.90; Harington,L-\$61.10; Holden,D-\$61.10; Kunkel,D-\$51.48; Kvilhaug,P-\$52.22; Skvicalo,T-\$55.92; Wipf,W-\$61.84; Ackerson,H-\$28.50; Albright,S-\$22.58; Burke,M-\$20.36; Colvin,R-\$122.20; Conger,D-\$122.20; Dahl,M-\$114.80; Dejonghe,H-\$21.10; Dower,M-\$24.80; Edwards,J-\$126.64; Ewing,T-\$113.32; Follette,A-\$21.84; Gaspers,M-\$10.74; Gillespie,R-\$123.68; Hagen,J-\$11.48; Harris,J-\$21.10; Hauck,J-\$16.66; Horst,M-\$12.96; Hoven,J-\$21.10; Iverson,C-\$105.92; Javersak,M-\$12.96; Larson,J-\$23.32; Marta,S-\$137.00; Mechaley,J-\$21.84; Messmer,S-\$19.62; Meyers,K-\$21.10; Miller,K-\$122.20; Miller,P-\$24.80; Pederson,D-\$111.84; Percy,K-\$13.70; Pierson,C-\$10.74; Reinke,K-\$125.16; Ring,D-\$21.10; Schmuck,C-\$129.60; Scott,E-\$13.70; Sneesby,D-\$17.40; Soderstrom,M-\$17.40; Stadler,R-\$21.10; Stampe,S-\$24.80; Valdez,M-\$21.10; Vigroen,R-\$17.40; Zopp,C-\$27.02; Duex,J-\$60.70; Fanger,C-\$77.00; Humphrey,P-\$40.00; Paris,N-\$117.00; Poage,D-\$200.00; Kirya,S-\$404.88; Shull,M-\$20.00; Whartman,N-\$20.00; Dean,D-\$20.00; Dean,S-\$20.00; Grove,G-\$249.40; Hunbracht,M-\$29.62; Vetter,N-\$53.30; Auer,D-\$15.18; Barthel,R-\$12.96; Boyd,R-\$24.80;

Brooks,R-\$12.96; Brown,B-\$18.88; Chrisman,J-\$23.32; Comer,S-\$24.80; Covey,E-\$21.10; Dropulich,B-\$12.96; Dunbar,K-\$18.88; Elletson,K-\$21.10; Essink,J-\$21.10; Feist,G-\$18.14; Fraiser,C-\$21.10; Goetz,R-\$24.80; Grisham,B-\$28.50; Gunderson,J-\$24.80; Gurich,M-\$23.32; Hannah,T-\$22.58; Hedge,B-\$201.06; Hodson,J-\$23.32; Hoffman,A-\$183.30; Johnson,T-\$178.86; Kimball,T-\$18.88; Laforest,L-\$11.48; Langer,K-\$183.30; Laporte,L-\$183.30; Little Bear,R-\$21.10; Lloyd-Smith,L-\$181.08; Maloney,C-\$181.08; Morgan,M-\$17.40; Namminga,L-\$152.22; Nelson,B-\$10.74; Ogrady,C-\$12.22; Payne,M-\$12.96; Pett,R-\$21.10; Potter,P-\$18.88; Quenzer,C-\$12.22; Quenzer-Coolley,L-\$17.40; Quinionez,M-\$24.80; Raga,R-\$24.80; Rath,B-\$16.66; Reinke,N-\$22.58; Richards,E-\$16.66; Ruff,A-\$183.30; Rummel,F-\$21.10; Schaffer,D-\$198.84; Schmaltz,G-\$156.66; Silvernail,N-\$185.52; Steinley,G-\$13.70; Thompson,K-\$28.50; Tracy,J-\$24.80; Whittington,R-\$12.22; Bingham,B-\$31.84; Fisher,S-\$21.11; Fisher,A-\$22.22; Gustafson,C-\$31.84; Hammer,S-\$31.84; Janssen,L-\$20.00; Peterson,C-\$20.00; Robertson,W-\$316.74; Sigdestad,T-\$37.02; Boke,D-\$20.00; Clyde,T-\$279.00; Coyle,J-\$368.54; Mund,D-\$27.40; Roseland,R-\$25.18; Ryken,R-\$415.55; Stone,L-\$20.00; Williams,R-\$293.80

ITEMS FROM COMMISSIONERS:

WHARF RESOURCES / DENR: Moved-Seconded (Sleep-Ewing) to approve and authorize the Chairman to sign a letter of support for Wharf Resources for the DENR hearing on November 16, 2011. Motion Carried.

ADJOURN: 11:21 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 25, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 25, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

AGENDA: Moved-Seconded (Sleep-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of October 11, 2011 County Commission Meetings. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve Wendy Berndt as full-time Correctional Officer II G3 at the base rate of \$16.73 an hour, effective 10/17/2011. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve (John) Nadim Antar III as a full-time Correctional Officer I G3 at the base rate of \$14.54, effective 10-15-2011 to replace Hexon Maldanada.

Moved-Seconded (Flanagan-Ewing) to approve Alexendra Johnson as a part time dispatcher I G3, at the base rate of \$14.54 an hour, upon the completion of forty hrs of training at \$9.31 an hour, effective 10-25-2011. Motion Carried.

HIGHWAY: Moved-Seconded (Ewing-Flanagan) to follow the recommendation of Dick Birk and hire the most qualified applicants Gerald Holen as Heavy Equipment Operator at the base rate of \$19.56 an hour, effective upon availability and Daniel Sheeler as a Heavy Equipment Operator at the base rate of \$19.56 an hour, effective November 7, 2011. Motion Carried.

HOLIDAYS: Moved-Seconded (Ewing-Flanagan) to close the County Office on November 24th & 25th, December 26th and January 2nd, in observance of the Holidays. Motion Carried.

CHRISTMAS LIGHTS CONTRACT: Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the Contract with the Deadwood Chamber of Commerce for installation of Christmas Lights on the Courthouse Building. Motion Carried.

EXTENSION OFFICE / SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Flanagan) to declare the following property surplus and donate to Butte County for 4-H purposes: (7) 8-ft banquet tables #11555,11556,11557,11558,11562,11563,11564; (2) 4-drawer file cabinets #10438&10439; and 23 folding chairs, and to donate the LCD Toshiba TV and wall mount #12510

and the DVD/VCR Combo #12511 to the Creekside Elementary School. Motion Carried. The Board decided the Xerox Work Center 24 #11560 will be moved to the Invasive Species Management Department.

ORDINANCE REVIEW COMMITTEE: Moved-Seconded (Flanagan-Ewing) to appoint Bruce Outka and Connie Atkinson to the Ordinance Review Committee. Motion Carried. Bob Ewing will assist in the review.

USGS AGREEMENT: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Joint Funding Agreement with the USGS for Crow Creek, Annie Creek and False Bottom record gauging stations. Motion Carried.

CANCELED CHECK RESOLUTION #2011-27: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the following Resolution #2011-27. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2011-27 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 17 checks totaling \$381.89 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. DATED this 25th day of October, 2011. FOR THE BOARD: Daryl Johnson, Chairman. ATTEST: Connie Atkinson, Auditor

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Flanagan) to approve the automatic supplement of \$755.00 for the Register of Deeds Supplies for grant funds received. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Sleep) to approve the automatic supplement of \$59,319.00 for the Emergency Management Grants for grant funds received. Motion Carried.

SUPPLEMENTAL BUDGET:

A public hearing was held on a request for supplemental budget for Invasive Species Management: Pine Beetle Expenses – \$20,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the following Resolution #2011-28. Motion Carried.

RESOLUTION #11-28 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Invasive Species Management / Pine Beetle Expenses - \$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 25th day of October, 2011 at the hour of 8:20 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 25th day of October, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS: Daryl Johnson, Chairman. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

HUD CERTIFICATION FORM: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the HUD Certification Form. Motion Carried.

AIRPORT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the 3-46-0065-19-2011 State Financial Agreement for the Black Hills/Clyde Ice Field Airport – Taxiway Project Phase #4. Motion Carried.

HIGHWAY BUSINESS:

EXECUTIVE SESSION: 8:43 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session with Dick Birk and Bruce Outka to discuss personnel issues. Motion Carried. 8:57 a.m. The Board opened for regular business.

AFLAC: Susan Soehren and Butch Linster, AFLAC Representative were present to discuss a supplemental insurance policy for County Employees. No action taken.

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Sleep) to approve the the Great Plains Fire Safe Council Display in the Courthouse Annex. Motion Carried.

ABATEMENTS: Moved-Seconded (Flanagan-Sleep) to approve the abatement for Sharon Peale on a 1989 Champion Mobile Home# 479172N0506 because the property was taxed twice in error. Motion Carried.

TAX DEED PROPERTY: Bruce Outka and Deb Tridle discussed property that the County currently owns. Outka stated this property is a liability to the County and needs to transfer ownership to the neighboring landowner, City of Deadwood, and any other interested parties. Outka stated the property value is probably under \$500. Moved-Seconded (Flanagan-Ewing) to declare

the following parcels surplus as recommended by the Treasurer: parcel #30050-00298-000-10 Lots SE 4&5 Probate Lot 298; Parcel #30050-00298-000-00 51' x 118' x 94' x 102' Probate Lot 298; Parcel #30475-00000-170-00 Lots 13-14-15 & PT 17; Parcel #30475-00000-120-00 Lots 11 & 12. Motion Carried.

Moved-Seconded (Ewing-Johnson) to appoint Brandon Flanagan, Terry Weisenberg and Bruce Outka to honestly and impartially appraise the real estate (property) listed above and report back to the Board. Motion Carried.

MOUNTAIN PINE BEETLE: Dave Heck and Bill Coburn were present to discuss the grant application to the SD West and Pest Commission for federal cost share and landowner assistance to cut trees on Forest Service property and a grant to purchase insecticide to spray trees on private land for Mountain Pine Beetles.

Bill Coburn was present to update the Board on the Mountain Pine Beetle Committee. Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign and send a Letter to the CEQ in Washington in regards to the Mountain Pine Beetles, urging the CEQ to allow for alternative arrangements for compliance with the National Environmental Policy Act (NEPA) owing to the emergency conditions posed by the MPB epidemic. Motion Carried.

NPDES (Clean Water Act Regulations): Dave Heck discussed the NPDES regulations to apply for applying any pesticide, insecticide and herbicide.

PLANNING & ZONING:

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

CONDITIONAL USE PERMIT #402 / NICOLE COOK / SECOND RESIDENCE: A public hearing was held for CUP #402 Nicole DeCook for a Temporary Second Residence, Description (Location): SE1/4SW1/4 Section 33, T7N, R1E (South of Exit #2 on Homestake Road), Zoning & Acreage: A-1 / 40 acres. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Sleep) to approve CUP#402 for Nicole DeCook for a Temporary Second Residence. Motion Carried.

APPLE SPRINGS DEVELOPMENT: Dave Simpson was present to provide an update on Apple Springs Development. Simpson requested a refund of unused building permits, so he could apply the refund to the installation of a drain field. Simpson stated they have applied and received approval from DENR for a drain field that will provide for 35 full time equivalent homes. Simpson discussed the infrastructure bond that is held by the County. Amber Vogt stated she has received the approval from the State on the drain field but questioned the process of amending the Planned Unit Development. Discussion followed on the original system planned for the development and how that system is not feasible and will not work until more homes are built. Simpson stated this would be an interim step. Ewing stated he would be reluctant to put in a drain field and felt they needed to stick with system that was in the plan. Discussion continued on the frequency and costs

to pump the holding tanks. Flanagan stated at this time it may be in the best interest of the landowners to have a drain field. Patti Weber, Fred Erving, and Mike Kliewer of the Apple Springs Sanitary District were present to express their concerns if the Sanitary District can legally do work on a sewer system located on private property. Landowners John Lovald, Mary Baumeister, Charles Lewton, Weber, Erving, and Kliewer expressed concerns on property values, additional costs to landowners, liens placed on property, and not receiving the system they thought was in place and was approved. Daryl Johnson stated the bank needs to be a party of these discussions.

EXECUTIVE SESSION: 10:13 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session with Bruce Outka to discuss legal issues. Motion Carried. 10:22 a.m. The Board opened with no action taken.

Discussion continued on the refunding of building permits, drain field proposal, amending the Planned Unit Development, and the responsibilities of the Sanitary District. Johnson stated the Apple Springs Sanitary District needs to spend long hours to try and solve their situation as it is the group that needs to push for the solution as one voice and one group. Amber stated she will look into the process of amending the planned unit development. The Board stated they would need written request from the landowners for a refund of the building permits and have the money sent to the Apple Springs Sanitary District.

BILLS: Moved-Seconded (Ewing-Flanagan) 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: 11:42 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 8, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 8, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, 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 as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of October 25th, 2011 County Commission Meetings. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Sleep-Ewing) to approve Marc Crandell as Full-Time Corrections II G3 at the base rate of \$16.73 an hour, effective 9/16/2011. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve Nicholas Anliker as a part-time, under 20 hours, Special Deputy II at the base rate of \$16.45 an hour, effective 11-7-2011 and to approve John Wainman as a part-time, under 20 hours, Transport Officer at the base rate of \$12.33 an hour, effective 11-5-2011. Motion Carried.

FIRE PROTECTION: Moved-Seconded (Ewing-Weisenberg) to approve Brian Lewis at the base rate of \$11.85 an hour, as a temporary seasonal Firewise Employee, effective October 21, 2011; to approve Jody Kulhavy as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 10-25, 2011; to approve Stuart Ensz as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 11-03, 2011; to approve Stephen K Peep as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 11-08, 2011; to approve Benjamin Nackers as a temporary seasonal Firewise Employee at the base rate of \$11.85 an hour effective 11-08, 2011. Motion Carried.

TRAVEL & TRAINING: Moved-Seconded (Weisenberg-Ewing) to approve Amber Vogt to take an undergraduate class from SDSU, (Plan 471 Principles of State, Community and Regional Planning) through an online course January 11 through May 4, 2012. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Flanagan-Ewing) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of October 31, 2011 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)-\$1,160,710.41; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$17,238.86; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000;

Savings \$10,907,635.95, Money Market \$529,849.08; Bank Balance-\$3,575,211.38; Total \$20,943,755.68.

CHRISTMAS LUNCHEON: Moved-Seconded (Ewing-Sleep) to allow the County Offices to close from 12:00-1:30 p.m. on December 13, 2011 for the Christmas Luncheon at the Silverado in Deadwood, SD. Motion Carried.

SPEARFISH CANYON FIRE DEPT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign a letter of support for the Spearfish Canyon Fire Department for replacement of the department's outdated pumper, and forward to USDA Rural Development. Motion Carried.

DIRECTOR OF EQUALIZATION INTERVIEWS: The Board will begin interviews on November 22, 2011 at 1:30 p.m.

HIGHWAY BUSINESS: Rick Schlechter, engineer city of Belle Fourche updated the Board on the Helmer Road which turns into Lookout Mountain Road. Schlechter explained they had a land slide on the Road. They have closed the Road because it is considered an unsafe travel zone. Discussion followed for snow removal on the bridge. The Bridge will not support the weight limit of a plow truck.

RIGHT OF WAY PERMIT:

CENTURY LINK: Moved-Seconded (Weisenberg-Flanagan) to approve the Permit to Occupy County Right of Way for Century Link located on the west side of Hanna Rd to the pole on the east side of Hanna Road near the intersection of Hanna Rd and Mossy Pine Rd. Motion Carried.

CENTURY LINK: Moved-Seconded (Ewing-Flanagan) to approve the Permit to Occupy County Right of Way for Century Link located along Burno Gulch from Maitland Rd to 3075 Burno Gulch. Motion Carried.

EXECUTIVE SESSION: 8:48 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session with Dick Birk and Bruce Outka to discuss contractual issues. Motion Carried. 9:05 a.m. the Board opened for regular business

EVANS LANE: Moved-Seconded (Flanagan-Ewing) That Lawrence County will contribute up to a maximum of \$750,000 for the County's portion of Evans Lane, with the contingency that the City of Spearfish apply to take over the maintenance and ownership of the road. Motion Carried.

COUNTY LIEN: LS asked the Board to forgive a lien of \$187.25 as she started proceedings to have someone committed and later in the day the police stepped in and did a mental health hold.

Moved-Seconded (Flanagan-Johnson) to forgive the lien of \$187.25 for LS because the bills incurred were for another individual. Motion Carried.

STATES ATTORNEY: John Fitzgerald, States Attorney and Shelly Baumann, Legal Assistant were present to request permission to hire a ¾ time secretary to assist in the office. Fitzgerald stated he omitted the full-time position in the 2012 budget; however they have now determined that it is necessary to maintain a ¾ time position to keep up with the transcripts and daily responsibilities. The Board stated they will consider the request and discuss at a future meeting.

EQUALIZATION: Darlene Piekkola, Director of Equalization was present to discuss the proposed agreement with Pictometry International Corp. The total cost of the agreement would be \$118,474.00. Piekkola stated they looked into Horizons but their proposal was more than Pictometry. The County will contract with other entities to share in the cost. Spearfish stated the City voted in support of this shared venture and committed to 1/3 of the cost. Piekkola stated the City of Deadwood would pay 1/3 of the cost and the County would be responsible for remaining 1/3 of the cost. The City of Lead and Whitewood have showed interest and if they contribute the shared cost would be reduced equally. Moved-Seconded (Weisenberg-Sleep) not to commit to the program because it is cost prohibitive at this time. Aye-Weisenberg & Sleep. Nay-Flanagan, Ewing and Johnson. Motion Failed. Johnson felt the cost was reasonable and would be utilized by multiple entities, departments and the public. Flanagan stated he would like further information and clarification of the contract with Pictometry. Discussion followed on the multi year contact.

MOUNTAIN PINE BEETLE: Dave Heck, Invasive Species Management, updated the Board on the Mountain Pine Beetle and proposed contracts with the Forest Service.

PLANNING & ZONING:

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

APPLE SPRINGS DEVELOPMENT: Vogt updated the Board on the Apple Springs Development. Vogt stated one of the landowners, affected by the request for a building permit refund, is not in the country and will not be back until possibly the end of November. She explained the amendment procedure for a P.U.D., as the developer or landowner would need to apply for this to install a drain field. Outka stated they will be contacting the Bank as they need to be involved with the issues in regards to Apple Springs. Vogt discussed the letter they received in regards to the Apple Springs holding tank wastewater system and stated her office will not be issuing any more building permits in the district until the issues in this development are resolved.

BILLS: Moved-Seconded (Weisenberg-Flanagan) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried. Aye-4, Nay-Ewing. Ewing stated he could not support because of the Attorney bills for Briley Piper.

Payroll: Comm-\$5,433.29; Aud-\$7,717.44; Treas-\$9,884.63; Comp-\$7,651.84; States Atty-\$12,438.96; Pub Def-\$9,681.34; Gen Govt Bldg-\$7,208.17; Equal-\$12,558.92; Rod-\$8,308.63; Vso-\$1,183.90; Disp-\$13,627.77; Sher-\$34,352.49; Jail-\$22,957.41; Coroner-\$246.16; Fire Pro-\$2,543.57; Emerg Mgnt-\$3,469.29; E911-\$1,654.40; Highway-\$37,204.70; Air-\$1,288.52; Mh Serv-\$82.00; Ext-\$10,379.89; Weed-\$3,313.78; Pz-\$4357.77; **Bills:** Birk, Richard-\$421.90; Mowell, Richard-\$7,542.00; Podoll, Keri-7.50; Schuchmann, Bernard-\$57.72; Steffen, Peggy-\$30.48; A&B Business Equip-\$321.23; A&B Welding Supply-\$83.90; A-Z Shredding-\$16.50; Abc Business Supply-\$680.51; Alco Store-\$17.98; Amcon Distributing-\$173.41; American Family Life-\$3,454.59; At&T Mobility-\$764.46; BH Chemical Company-\$407.78; BH Federal Credit Union-\$9,300.00; BH Legal Professionals Assoc-\$70.00; BH Pioneer-\$729.72; BH Power-\$594.27; Bob Barker Company-\$232.32; Butte Electric Coop-\$230.81; Central Parts-\$84.15; Century Business Products-\$59.83; Centurylink-\$1,274.17; Chambers & Blohm Psych Service-\$320.00; Chemical Sanitizing Sys-\$60.78; Chris Supply Co-\$106.55; City/County Alcohol & Drug-\$280.00; Clark Printing-\$385.50; Clinical Lab Of BH-\$175.00; Credit Collections-\$100.00; Dakota Ammo-\$40.00; Dale's Tire & Retread-\$4,048.00; Deadwood, City Of-\$832.07; Deadwood Recreation Center-\$661.01; Delta Dental-\$6,085.86; Dept Of Treasury-\$50,199.31; Ed Roehr Safety Products-\$493.96; Eke-\$519,370.10; Ertz, Dewey J,-\$3,190.00; Express Collections-\$75.00; Fastenal-\$33.76; Federal Express Corp-\$55.48; Gene's Lock Shop-\$16.84; Great Western Tire-\$60.00; Hartford Priority-\$1,320.95; Havemeier, Leslie-\$139.00; Heartland Paper Co-\$499.53; Heisler Hardware-\$124.88; Holiday Inn City Centre-\$93.00; Intoximeters-\$690.00; Kennedy, Pier & Knoff-\$184.20; Kimball-Midwest Co-\$403.55; Knecht True Value-\$25.98; Knology-\$333.55; LC Sheriff-\$875.84; Lead, City Of-\$37.15; Lead-Deadwood Regional Hospital-\$1,062.45; Lead-Deadwood Sanitary-\$383.40; Lee, James-\$15.00; Marco-\$23.09; Marshall & Swift/Boeckh-\$6,584.95; McClure, Susan-\$350.00; Mcpherson Propane-\$119.00; Microfilm Imaging Systems-\$755.00; Miller, Steve-\$4,440.74; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$2,495.81; Moore Medical-\$97.51; National Business Furniture-\$2,280.16; NH Family Ymca-\$253.00; Nebraska Salt & Grain-\$2,306.20; Neve's Uniforms-\$227.75; Northern Hills Dental-\$130.00; Office Of Child Support-\$439.85; Officefurniture.Com-\$663.00; Pennington County Sts Attny-\$400.00; Performance One-\$208.63; Primero Insurance-\$40.00; Quill Corporation-\$279.31; Rabe Elevator-\$799.88; Radiology Associates-\$13.97; Regional Behavioral Health-\$537.07; Regional Health Physicians-\$285.79; Reliance Telephone-\$7,014.61; Rocket Lube-\$133.39; Rsinet/Thomas W Nichols-\$180.00; SD Dept Of Legislative Audit-\$15,708.00; SD Sheriff's Association-\$1,072.91; SD State Treasurer-\$1,343.26; Sdrs Supplement Retire-\$1,314.00; SD Retirement System-\$51,367.39; Sander, Duane-\$400.00; Sd Ltap/Sdsu-\$70.00; Secretary Of State-\$30.00; Securus Technologies T-Netix-\$535.00; Servall Towel & Linen-\$377.62; Spearfish Auto Supply-\$430.48; Spearfish Motors-\$111.42; Spearfish Police Dept-\$22,138.40; Sturdevant's Auto Parts-\$29.30; Surety Finance-\$110.80; Tigerdirect-\$260.32; Top Quality Glove-\$130.00; Triple K Tire & Repair-\$17.50; Twilight First Aid & Safety-\$353.90; Twin City Hardware & Lumber-\$1,030.04; Versatile Carpets & Inter-\$4,238.61; Wellmark Blue Cross-\$76,432.46; Waste Connections-\$344.21; Westcoast Sales & Marketing-\$286.54; Western Communication-\$128.85; Wheeler Lumber-\$175.00; White's Queen City Motors-\$425.46; Williams Standard Serv-\$70.35; **Witness & Jurors:** Noland, M-\$22.22; Brockhoft, K-\$31.84; Fisher, A-\$22.22; Abbott, G-\$21.10; Baker, M-\$22.58; Balsley, S-\$28.50; Barthel, M-\$22.58; Corean, J-\$117.76; Davidson, P-\$126.64; Eid, C-\$21.10; Finkbeiner, B-\$22.58; Gomez, M-\$18.88; Goracke, T-\$20.36; Hamak, C-\$110.36; Hamann, A-\$12.22; Harper, M-\$14.44; Hemeyer, C-\$28.50; Holmes, A-\$15.18; Iverson, F-\$101.48; Kimball, P-\$18.88; Krebs, N-\$104.44; Kuhlman, B-\$114.80; Larive, D-\$12.22; Lueders, J-\$24.80; Mamola, J-\$101.48; Manning, L-\$21.10; Mau, K-\$10.74; Mckie, M-\$21.10; Metz, B-\$126.64; Munger, L-\$20.36; Peterson, V-\$107.40; Pierce, C-\$10.74; Pruden, J-\$22.58; Redd, R-\$17.40; Regan, S-\$17.40;

Rehberg,K-\$110.36; Rochelle,A-\$21.10; Schaff,D-\$18.14; Stelter,A-\$20.36; Swisher,M-\$28.50; Vannorman,R-\$122.20; Wagner,M-\$32.20; Zoller,J-\$123.68; Brown,R-\$28.14; Ferrell,K-\$32.95; Harwood,T-\$39.24; Heller,S-\$22.22; Hermann,D-\$30.36; Ingersoll,N-\$31.84; Newman,L-\$21.85; Shafer,K-\$31.84; Sorensen,E-\$34.80

ADJOURN: 10:41 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 22, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 22, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

AGENDA: Moved-Seconded (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of November 8, 2011 County Commission Meetings. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Katie Tkach and Tom Derby as Deputy II G3 at the base rate of \$21.54 an hour, effective 11-6-2011. Motion Carried.

HIGHWAY: Moved-Seconded (Sleep-Flanagan) to approve Diane Vandenberg as Secretary G3 at the base rate of \$15.60 an hour, effective 1-1-2012. Motion Carried.

BOARD APPOINTMENTS: Moved-Seconded (Ewing-Flanagan) to advertise for letters of interest, for board openings, to be appointed the first meeting in January. Motion Carried.

COUNTY PROPERTY: Bruce Outka updated the Board on a piece of property the County owns behind the hospital in Deadwood. The Board was in agreement that the Property was valued at under \$500 and should be deeded to the adjoining property owner and the City of Deadwood.

HEALTH INSURANCE 2012: Greg Dias spoke on behalf of the Insurance Committee. Dias discussed the health insurance quotes received for 2012 and stated the Insurance Committee recommended the County remain with Wellmark, which offered no increase for insurance premiums in 2012. Moved-Seconded (Flanagan-Ewing) To approve and authorize the Chairman to sign the contract with Wellmark for 2012. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on a request for supplemental budget for Court Appointed Attorneys - \$50,000 and Mentally Handicapped Services - \$10,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2011-29. Motion Carried.

RESOLUTION #11-29 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Court Appointed Attorneys - \$50,000 and Mentally Handicapped Services - \$10,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 22nd day of November, 2011 at the hour of 8:40 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 22nd day of November, 2011. FOR THE BOARD OF COUNTY COMMISSIONERS: Daryl Johnson, Chairman. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

NURSE QUARTERLY REPORT: Wade Huntington, Regional Manager was present to review the quarterly community health report.

FUEL QUOTES: The following fuel quotes were submitted as of September 20, 2011: Deadwood Diesel 2300: (prices per gallon) CBH Cooperative - \$3.799; Southside \$3.74*; Deadwood Unleaded 4900 Gallons: (prices per gallon) CBH Cooperative - \$3.245, Southside-\$3.07*; Spearfish Diesel 2300 Gallons: (prices per gallon) CBH Cooperative - \$3.799*, Southside – \$3.84; Spearfish Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.245, Southside-\$3.216*. Whitewood Diesel 400 Gallons: (prices per gallon) CBH Cooperative - \$3.799*, Southside – \$3.84. *Represents lowest quote awarded. No bid was received from Harms Oil or MG Oil.

EQUALIZATION: Darlene Piekola, Director of Equalization was present to discuss the proposed agreement with Pictometry International Corp. A presentation was given on the benefits and uses of the images and software. The Board reviewed the cost breakdown and cooperation with other entities in Lawrence County. Weisenberg stated he did not think the County needed this product at this time and what we currently have is sufficient. Sleep stated sometimes it is a matter of what you want rather than need.

Moved-Seconded (Flanagan-Ewing) The Cooperative status with other entities in this project shows support and therefore approves and authorizes the Chairman to sign the contract for a 2 flight program, contingent upon final review of legal documents and receiving signed agreements from other cooperating entities. The County recognizes the option to opt out of the 2nd flight if they so desire. Motion Carried. Aye - Ewing, Flanagan and Johnson. Nay - Weisenberg and Sleep.

MOUNTAIN PINE BEETLE: Rhonda O'Byrne, District Ranger was present for an update on the Mountain Pine Beetle Efforts. O'Byrne stated a Participating Agreement between the Forest Service and Lawrence County would allow sanitizing green hit trees by cutting and chunking. No motorized vehicles can be used. Discussion followed on the details of the Participating Agreement with the Forest Service, and the agreements and liability waivers that would need to be signed by contractors and individuals wishing to be involved in the process. The Board stated they were excited about this option and feel it is a big step forward in taking care of the Mountain Pine Beetle epidemic. Discussion continued on the possible donation of funds and re-obligating the funds previously obligated to the state shared program for private lands.

Bill Coburn reviewed the recent BHNH Mountain Pine Beetle aerial survey map of Lawrence County.

SPEARFISH CANYON FOUNDATION: Bill Coburn was present to discuss the Mountain Pine Beetle planning efforts in Spearfish Canyon. Rob Mattox was also present to discuss the situation.

NIEMAN TIMBER CO. / MOUNTAIN PINE BEETLE STRATEGY: Dan Beuhler, Resource Manager for Nieman Timber Co. was present to update the Board on their Mountain Pine Beetle Strategy.

PLANNING & ZONING:

RECESS: 8:48 a.m. Moved-Seconded (Ewing-Flanagan) to recess the County Commission Meeting. Motion Carried. 9:00 a.m. The Chairman called the meeting back to order.

ANNUAL REVIEWS

CONDITIONAL USE PERMIT #255: An annual review was held for CUP #255 Spirit of the Hills Wildlife Sanctuary located on Tinton Road. Jeff Schroeder stated they did an on-site of the facility and all of the conditions are being complied with. Schroeder updated the Board on the findings of the on-site.

CONDITIONAL USE PERMIT #374: An annual review was held for CUP #374 Virginia Corcoran for a Greenhouse located on Evans Lane. No complaints were received. Moved-Seconded (Ewing-Sleep) CUP #374 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.

ITEMS FROM COMMISSIONERS:

WHITEWOOD VALLEY ROAD BRIDGE: The Board discussed the Whitewood Valley Road Bridge Weight Limit and the fact that the County does not set the weight limit.

RECESS: 10:50 a.m. Moved-Seconded (Ewing-Johnson) to recess the County Commission Meeting. Motion Carried. 1:30p.m. The Chairman called the meeting back to order.

DIRECTOR OF EQUALIZATION INTERVIEWS:

EXECUTIVE SESSION: 1:30 p.m. Moved-Seconded (Flanagan-Ewing) to go into executive session to conduct interviews on the Director of Equalization Position. Motion Carried. 4:13 p.m. the Board came back into session.

Moved-Seconded (Ewing-Flanagan) To hire Tim Hodson as the new Director of Equalization at the base Salary of \$50,000, effective 1-1-2012. Motion Carried. The Board noted they had exceptionally qualified applicants.

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

Payroll: Comm-\$5,434.09; Aud-\$7,717.43; Treas-\$9,884.62; Comp-\$7,651.83; States Atty-\$12,517.62; Pub Def-\$9,681.34; Gen Govt Bldg-\$7,208.17; Equal-\$12,491.15; Rod-\$8,308.62; Vso-\$1,183.90; Disp-\$12,304.43; Sher-\$33,122.28; Jail-\$20,771.60; Coroner-\$323.08; Fire Prot-\$5,032.89; Emerg Mgnt-\$3,497.21; E911-\$1,654.40; Highway-\$33,859.32; Air-\$1,072.40; Mh Serv-\$82.00; Weed-\$2,996.38; Pz-\$4,597.77; **Bills:** Baumann,Michelle-\$11.10; Eide,Curtis-\$5.00; Mcgruder,Brenda-\$43.00; Mattox,Robin-\$43.00; Outka,Bruce-\$63.54; A&B Business Equip-\$772.06; A-Z Shredding-\$28.50; Abc Business Supply Corp-\$408.50; Alco Store-\$59.94; Amcon Distributing-\$273.52; At&T-\$11.96; At&T Mobility-\$107.03; BH Chemical Company-\$952.06; BH Federal Credit Union-\$8,600.00; BH Pest Control-\$95.00; BH Pioneer-\$273.83; BH Power-\$8,900.62; Butte Electric Coop-\$160.58; Carol Butzman Consulting-\$1,144.05; Central Parts-\$1,075.06; Century Business Products-\$649.20; Centurylink-\$110.46; Cody,Denise-\$30.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$56.80; Dakota Graphics-\$72.00; Dakotacare-\$533.46; Dale's Tire & Retread-\$4,768.34; Dept Of The Treasury-\$44,900.73; Dietrich,Donna-\$387.28; Ecolab-\$127.50; Ellingson,Joseph-\$441.91; Express Collections-\$75.00; Fastenal-\$61.01; Fidler-Isburg Funeral Chapel-\$1,170.00; Fleet Services-\$1,486.98; Fsh Communications-\$60.00; Great Western Tire-\$62.50; Hamann,Chris-\$100.00; Heisler Hardware-\$2.95; Janke,Wendy-\$1,302.00; Kadrmas, Lee And Jackson-\$24,804.60; Kimbell's Auto Repair-\$68.40; Koala Electric-\$6,089.36; LC Sheriff-\$9.74; Labcorp Of America Holdings-\$25.00; Language Line Services-\$101.85; Lawson Products-\$155.12; Lead-Deadwood Regional Hospital-\$252.00; Lexisnexis Risk Data Mgnt-\$75.00; Megas Propane-\$340.47; Mcleod's Office Supply-\$909.69; Midwest Alarm-\$84.00; Minnehaha County Regional Juv-\$230.00; Montana Dakota Utilities-\$102.76; NH Training Center-\$1,250.00; Nelson,Christy-\$250.00; Nelson,Tonya-\$750.00; Neve's Uniforms-\$375.35; Office Of Child Support-\$439.85; Pack Horse-\$64.17; Pennington Co Jail-\$352.50; Performance One-\$1,119.61; Preston,Robert Md-\$120.00; Program Works-\$80.00; Queen City Tire-\$906.64; RC Regional Hospital-\$3,707.22; Regional Behavioral Health-\$505.17; Regional Health-\$1,527.55; Regional Health Physicians-\$118.76; Reindl,Staci-\$1,725.58; Reliable-\$134.20; Rocket Lube-\$101.60; SD Assoc Code Inforcement-\$40.00; Scott J Odenbach-\$410.00; Sdrs Supplemental Retirement-\$1,314.00; Securus Technologies T-Netix-\$278.98; Servall Towel & Linen-\$514.38; Southside Oil Co-\$26,875.29; Southside Service-\$33.00; Spearfish Auto Supply-\$513.33; Spearfish Police Dept-\$88.12; Sterna,Laura-\$200.00; Strawn Law-\$1,780.77; Stretch's Glass & Mirror-\$1,177.83; Subway-\$101.97; Surety Finance-\$110.80; Swanda,Karen-\$30.00; Terracon Consultants-\$8,305.50; Tigerdirect-\$2,077.85; Tmu Logistics-\$38.87; Triple K Tire & Repair-\$392.12; Twin City Hardware & Lumber-\$260.30; United Parcel Service-\$16.91; Verizon Wireless-\$96.39; Victims Of Violence-\$645.00; Waste Connections-\$230.21; Watertree-\$44.60; Wellmark Blue Cross-\$700.06; Wells Fargo Business Card-\$2,481.56; West Group-\$155.50;

Western Communication-\$1,943.00; Western Sd Juvenile Serv-\$3,225.00; White's Queen City Motors-\$445.99; Wilde & Hunt, Prof-\$483.50; Wolff Law Office-\$595.40; **Witness & Jurors:** Dore,W-\$61.10; Edstrom,R-\$61.84; Folger,M-\$58.88; Hall,N-\$62.58; Harrington,L-\$61.10; Haugland,P-\$57.40; Holden,D-\$61.10; Kunkel,D-\$51.48; Kvilhaug,P-\$52.22; Lee,J-\$62.58; Ludens,T-\$63.32; Phinney,P-\$61.10; Timm,P-\$50.74; Wilson,A-\$63.32; Wipf,W-\$61.84; Wright,J-\$61.10; Zvorak,A-\$62.58; Ferguson,P-\$29.62; Hanson,A-\$22.96; Blackcrow,R-\$32.58; Greenwood,M-\$22.22; Hughes,R-\$31.10; Nagy,A-\$67.36; Patek,J-\$28.88; Brink,C-\$31.84; Johnson,M-\$21.11; Logan,L-\$22.22; Bukovac,W-\$20.00; Case,R-\$31.84; Lehto,L-\$31.84; Stufin,D-\$22.22

ADJOURN: 4:14 p.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 22, 2011

Chairperson Daryl Johnson called the Lawrence County Board of Adjustment meeting to order at 8:48 a.m. on November 22, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon Flanagan, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #130 / LARRY & NANCY CHRISTOPHERSON: A public hearing was held on an application for Variance #130 for Larry and Nancy Christopherson located at 304 Upper Valley Road in Spearfish, SD to build a new 24 x 28 attached garage on the Northwest corner of the lot. This request will require a 4'6" variance to the 25' front setback on the west side of lot. Planning and Zoning recommended denial because there are no special circumstances (exceptional narrowness, topography, silting, etc.) on the property. Christopherson presented letters of support from neighboring property owners. Discussion followed on the request. Vogt stated she talked to the City of Spearfish because this is within the 3-mile area and they would not have a problem with the variance. Ewing stated there are many examples of non-conforming buildings with respect to lot lines in that neighborhood, and that allowing this variance would not create inconsistency within the neighborhood.

Moved-Seconded (Ewing-Sleep) to approve Variance #130 for Larry & Nancy Christopherson at 304 Upper Valley Road in Spearfish. Motion Carried. Aye-Ewing, Weisenberg, Sleep and Johnson. Nay-Flanagan. Flanagan stated he voted against the variance because the County Ordinance does not allow for this situation.

ADJOURN: 8:58 a.m. There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

Date Approved

DARYL JOHNSON, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 13, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 13, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Flanagan-Ewing) to approve the minutes of November 22, 2011 County Commission Meeting and Board of Adjustment Meeting. Motion Carried.

PERSONNEL:

FIREWISE: Moved-Seconded (Ewing-Sleep) to hire Scott Trimble, Steve Soderstrom, Trent Turbiville, and Chase Tyson as Temporary Seasonal Firewise at a base rate of \$11.85 and Ryan Palmer as Temporary Seasonal Firewise at a base rate of \$12.36 all effective 12-12-2011. Motion Carried.

STATE'S ATTORNEY: Moved-Seconded (Weisenberg-Ewing) to move Kristen Alfson from Part time to Full Time $\frac{3}{4}$ time Legal Secretary II G1 at a base rate of \$14.17 effective 1-1-2012. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve a step raise for Patrick Johnson as a Deputy II G3 at a base rate of \$21.54 effective 12-4-2011. Motion Carried. Moved-Seconded (Weisenberg-Sleep) to approve a step raise for Joe Kotak as a Part Time Correctional Officer II G1 at a base rate of \$16.07 effective 12-4-2011. Motion Carried. Moved-Seconded (Ewing-Flanagan) to approve a step raise for Frank Cortez as a Correctional Sergeant II G 3 at a base rate of \$17.39 effective 12-4-2011. Motion Carried. Moved-Seconded (Flanagan-Sleep) to approve a step raise for Heather Buske as a Secretary G3 at a base rate of \$15.60 effective 12-4-2011. Motion Carried. Moved-Seconded (Ewing-Johnson) to approve Helen England as a Part time Dispatcher I G3 at a base rate of \$14.54, upon the completion of forty hrs of training at \$9.31 an hour, effective 1-3-2012. Motion Carried.

EQUALIZATION: Moved-Seconded (Flanagan-Ewing) to accept Darlene Piekkola's resignation as the Director of Equalization effective January 31, 2012. Motion Carried. The board thanked her for her years of service to the county.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of November 30, 2011 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)-

\$123,927.94; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,209.13; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$6,658,020.98, Money Market \$529,931.82; Bank Balance-\$3,178,382.29; Total \$15,246,582.16.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Ewing-Johnson) to approve the automatic supplement of \$755.00 for the Register of Deeds Supplies for grant funds received. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement of \$12,489.79 for the Invasive Species Management Chemicals for State funds received. Motion Carried.

RESOLUTION TO DEFINE PRECINCT BOUNDARIES: Moved-Seconded (Weisenberg-Sleep) to approve Lawrence county Resolution #11-30 to Change and Define Precinct Boundaries. Motion Carried. ***LAWRENCE COUNTY RESOLUTION #11-30 TO CHANGE AND DEFINE***

PRECINCT BOUNDARIES A resolution by the Lawrence County Board of County Commissioners to change and define the precinct boundaries of Spearfish #1, Spearfish #2, Spearfish #3, Lead, Deadwood, Nemo, Rural #1, St. Onge, Whitewood, Rural #2 all located in Lawrence County South Dakota.

WHEREAS, the Lawrence County Board of County Commissioners recognize the immediate need to change and define the boundaries of the Precincts in Lawrence County, South Dakota, and may by resolution change the boundaries of election precincts as stated in SDCL 12-14-1, and **WHEREAS**, the Lawrence County Board of County Commissioners hereby desire to change and define the boundaries of the following precincts: **1) SPEARFISH 1st:** All land lying inside the municipality borders and designated by the City of Spearfish. **2) SPEARFISH 2nd:** All land lying inside the municipality borders and designated by the City of Spearfish. **3) SPEARFISH 3rd:** All land lying inside the municipality borders and designated by the City of Spearfish. **4) LEAD:** All land lying inside the municipality borders of the City of Lead. **5) DEADWOOD:** All land lying inside the municipality borders of the City of Deadwood. **6) NEMO:** Sections 25 thru 28, inclusive, and Sections 33 thru 36, inclusive, T4N, R3E; Sections 25 thru 36, T4N, R4E; Sections 1, 2, 11 thru 14, inclusive, 23 thru 26 inclusive, and Section 36, T3N, R3E; all of T3N, R4E and T3N, R5E; Sections 1 and 12, T2N, R3E; Sections 1 thru 12, inclusive, T2N, R4E; Sections 1 thru 12, inclusive T2N, R5E, B.H.M.. **7) RURAL #1:** All land lying outside of the Deadwood City Limits and Lead City Limits in the following Sections, Townships and Ranges: Sections 1, 2, and 11 thru 14, inclusive and 19 thru 36, inclusive, T5N, R2E; Sections 1, 2, 3, 10 thru 36, inclusive, T4N, R2E; Sections 13 thru 36, inclusive, T4N, R1E; Sections 1 thru 24, inclusive, Sections 29 thru 32, inclusive T4N, R3E; all of T3N, R1E and T3N, R2E; Sections 3 thru 10, inclusive, Sections 15 thru 22, inclusive, and Sections 27 thru 35, inclusive, T3N, R3E; Sections 1 thru 12, inclusive, T2N, R1E; Sections 1 thru 12, inclusive, T2N, R2E and Sections 2 thru 11, inclusive, T2N, R3E, B.H.M; Sections 7 thru 36, inclusive, T5N, R4E, B.H.M.; Sections 1 thru 24, inclusive, T4N, R4E, B.H.M; Sections 4 thru 36 inclusive, T5N, R3E, B.H.M. **8) ST. ONGE:** Sections 1 thru 3, inclusive, T5N, R3E; all of T6N, R3E and T7N, R3E, B.H.M., lying outside of Spearfish City limits. **9) WHITEWOOD:** Sections 1 thru 6, inclusive, T5N, R4E; all of T6N, R4E and T7N, R4E B.H.M. **10) RURAL #2:** Sections 1 thru 12, inclusive, T4N, R1E; Sections 4 thru 9, inclusive, T4N, R2E; all of T5N, R1E, and T6N, R1E; and all of T7N, R1E and T7N, R2E lying south of the Redwater River, B.H.M.; Sections 3 thru 10, inclusive, and Sections 15 thru 18, inclusive, T5N, R2E; and all of T6N, R2E lying outside of the Spearfish City limits. **NOW THEREFORE, BE IT RESOLVED** that the Lawrence County Board of Commissioners hereby approve the boundaries of the following precincts of Spearfish #1, Spearfish #2, Spearfish #3, Lead, Deadwood, Nemo, Rural #1, St. Onge, Whitewood, Rural #2 all located in Lawrence County South Dakota. **NOW THEREFORE, BE IT RESOLVED** that if any property in the above described precincts are annexed into City Limits the property will then be put into their respective City wards

and or precincts. Dated at Deadwood, South Dakota, this 13th day of December, 2011. ATTEST: DARYL JOHNSON, Chairman CONNIE ATKINSON, Auditor

ABATEMENT:

ROBERT PAUL HARPER: Moved-Seconded (Ewing-Flanagan) to approve the abatement on parcel #32570-01500-090-00 for Robert Paul Harper because Owner Occupied was mistakenly taken off for 2011 payable 2012. Motion Carried.

2012 COUNTY/STATE HEALTH SERVICE AGREEMENT: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chair to sign the 2012 County/State Health Service Agreement. Motion Carried.

COMBINED ELECTION AGREEMENT WITH MEADE COUNTY SCHOOL DISTRICT

46-1: Moved-Seconded (Flanagan-Sleep) to approve the combined election agreement with Meade County School District 46-1. Motion Carried. This agreement will become effective after both parties have signed. COMBINED ELECTION AGREEMENT This agreement is entered into between Lawrence County and Meade School District 46-1, political subdivision of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 9-13-37, 9-13-40, 13-7-10.3 and 12-2-5. EFFECTIVE DATE: This agreement shall become effective on the date that all parties have signed the agreement. PURPOSE: It is the purpose of this agreement for the parties to conduct their individually required elections in one combined election. The combined election will be held on the first Tuesday after the first Monday in June each year, which is the date of the regular primary election. Elections are being combined to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout for all entities. COST SHARING: The parties to this agreement shall share the costs of the combined election as set forth herein, based on which of the entities participate in the election. Each Governmental entity shall publish its own required notices, except where they may by law be jointly published. The cost of jointly published notices shall be shared proportionately by ballot issue and/or candidate. Salaries and expenses of the election board shall be shared equally by the parties. Polling place rent shall be shared equally between the School and County in only those precincts located in the Meade 46-1 School District. The cost of all jointly used materials (ballots, poll books etc) will be shared equally. Each entity will pay the cost of its individually used materials and supplies. Data processing costs (setup, test run, ballot count) incurred shall be shared proportionately by ballot issue and/or candidate. If any of the parties of this agreement are not required to have an election, then that entity or entities will not be required to share in the election costs. The election cost will be borne by the entity (ies) conducting the election. Lawrence County will pay all costs associated with the election and the School District agrees to reimburse the County for their share of the costs as determined in this agreement. ABSENTEE BALLOTS: Absentee ballots shall be available at the office of the Lawrence County Auditor for all precincts who wish to vote absentee. CANVASSING OF THE VOTE: Each entity shall canvass the votes of their election as stated in 12-20-36. The Lawrence County Auditor and the School Business Manager are hereby empowered and directed to cooperate in any manner that will accomplish the purpose and intent of this agreement in order to facilitate this election in the most efficient and economical manner. ATTEST: Lawrence County Auditor Chair, Date: Business Manager, Meade Sch. Dist President, Meade School District Date:

2012 LIQUOR LICENSE RENEWALS: A public hearing was held on the 2012 Liquor License Renewals. No public input was voiced and the hearing was closed.

Moved-Seconded (Flanagan-Weisenberg) to renew the following liquor licenses for 2012. 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 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. DST PROPERTIES INC., The Valley Corner Store: : Lot 1 & W 20' Lot 2 of Lot A of Lot 1, NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. 20050-00602-037-00 THAT any persons and/or their attorney interested in the approval or rejection of such application may appear before the Board and be heard. DATED at Deadwood, Lawrence County, South Dakota this 28nd day of November, 2011. Connie Atkinson, Lawrence County Auditor Published once at the total approximate cost of Please Publish: B.H. Pioneer December 3, 2011

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Ewing-Flanagan) to approve the Utility Permit for Montana Dakota Utilities for a natural gas distribution line beginning in section 26 T7N, R3E, approximately ½ mile from St Onge SD. Motion Carried.

PLANNING & ZONING:

HOMESTAKE MINING CO. PRELIMINARY & FINAL PLAT:

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Preliminary Plat of Tracts E, F, G, H, I J, K & L Located in a Portion of Placer 252 All in Section 28, T5N, R3E, B.H. M., Lawrence County, South Dakota. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Final Plat of Tracts E, F, G, H, I J, K & L Located in a Portion of Placer 252 All in Section 28, T5N, R3E, B.H. M., Lawrence County, South Dakota. Motion Carried. Motion Carried.

ANNUAL REVIEW/CUP #395 / BLACK HILLS OFF-ROAD RENTALS: An annual review was held on Conditional Use Permit #395 –Black Hills Off-Road Rentals/Curtis and Danette Bauer located on Custer Peak Road.

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.

LAWRENCE COUNTY INVASIVE SPECIES MANAGEMENT: Dave Heck, LCISM Supervisor, was present to give a status report on the Cooperative Agreement with the US Forest Service. Moved-Seconded (Weisenberg-Johnson) to submit the 2012 Annual Operating Plan map to the U.S. Forest Service as part of the Cooperative Agreement with the understanding that there will be additions to the map later as the project proceeds. Motion Carried.

INVASIVE SPECIES BOARD RE-DISTRICTING: Moved-Seconded (Ewing-Flanagan) to approve the Lawrence County Invasive Species Management map to include 7 districts. Motion Carried. Current map can be viewed at the Lawrence County Auditor's Office or the LCISM Office.

SD DEPARTMENT OF AGRICULTURE JOINT POWER CONTRACT(MPB Cost-Share):

Moved-Seconded (Ewing-Flanagan) Regarding the State/County MPB Cost-Share Agreement according to which the county agreed to provide up to \$300,000.00 in matching funds, to send the required 30 day notice informing the SD Department of Agriculture that Lawrence County will be withdrawing and reallocating the \$300,000.00 pledged. (Ewing-Flanagan) withdrew their motion. Moved-Seconded (Flanagan-Ewing) to send a 30 day notice to the SD Department of Agriculture notifying the state that Lawrence County will be reducing its original pledged amount by 2/3, from \$300,000.00 to \$100,000.00, with the intention of the county to re-allocate the withdrawn amount to the cooperative MPB project between the USFS and County. Motion Carried.

PICTOMETRY ADDENDUM AGREEMENT: Bruce Outka gave an update on the Pictometry Addendum Agreement.

SHERIFF/EMERGENCY MANAGEMENT VEHICLE BID: Moved-Seconded (Ewing-Weisenberg) to set a bid opening for four vehicles consisting of all or a combination of the following; one-half ton four-door sport-box pickup and/or full size SUV and/or minimum 7 passenger van all of which meet specifications set forth by the Sheriff's Office and Emergency Management Office and declare the 2006 Dodge Durango VIN#1D4HB48206F145865, the 2007 Dodge Durango VIN#1D8HB48237F549162, the 1990 Chevy G20 Van VIN#1GBEG25K1L7144812 and the 2005 Chevy Tahoe VIN#1GNEK13Z95R206220 surplus and allow to be traded in, for January 3RD, 2012 at 9:00 a.m. Bids will be accepted with and without trade in. Motion Carried.

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

Payroll: Comm-\$11,329.93; Aud-\$15,434.86; Treas-\$19,770.60; Comp-\$15,307.83; States Atty-\$24,689.50; Pub Def-\$19,362.68; Gen Govt Bldg-\$14,565.84; Equal-\$25,559.96; Deeds-\$16,617.26; Vso-\$2,367.80; Disp-\$29,259.69; Sher-\$69,700.92; Jail-\$48,189.36; Coroner-\$769.24; Fire Prot-\$10,360.21; Emerg Mgnt-\$7,082.14; E911-\$3,296.80; Highway-\$82,052.97; Air-\$2,240.02; Weed-\$6,577.78; Pz-\$9,348.63; **Bills:** Atkinson, Connie-\$205.00; Baumann, Michelle-\$11.10; Dias, Gregory-\$3.99; Heberlig, Gary-\$59.57; Mowell, Richard-\$7,884.00; Pike, Matthew-\$18.30; Wright, Bonnie-\$5.50; American Family Life-\$3,363.59; BH Federal Credit Union-\$8,600.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$675.00; Delta Dental Of South Dakota-\$5,917.80; Dept Of The Treasury-\$98,121.04; Express Collections-\$75.00; Hartford-Priority Accounts-\$1,320.95; NH Family Ymca-\$242.00; Office Of Child Support-\$439.85; SD Retirement System-\$51,456.50; Sdrs Supplemental Retirement-\$2,628.01; Surety Finance-\$221.60; Wellmark Blue Cross-\$71,590.67; A&B Business Equip-\$9,165.89; A&B Welding Supply-\$53.98; A&J Supply-\$96.47; A-Z Shredding-\$30.60; Abc Business Supply-\$678.62; Alco Store-\$20.00; Alpine Impressions-\$40.00; American Planning Assoc-\$90.00; Apco Institute-\$621.00; At&T Mobility-\$764.67; BH Chemical Company-\$1,287.48; BH Connections-\$193.88; BH Federal Credit Union-\$8,600.00; BH Land Analysis-\$1,147.50; BH Pest Control-\$95.00; BH Pioneer-\$534.57; BH Power-\$851.60; BH Travel Agency-\$765.80; BH Window Cleaning-\$2,901.00; Biegler, Greg-\$60.00; Binder, Tracy-\$459.20; Black Hills Pure-\$69.00; Bob Barker Company-\$606.95; Bomgaars Supply-\$802.61; Butler Machinery Co-\$48.71; Butte Electric Coop-\$604.17; Carol Butzman Consulting-\$530.52; Cbh Cooperative-\$9,960.98; Central Parts-\$27.11; Central Restaurant Products-\$303.92; Century Business Products-\$51.26; Centurylink-\$1,321.68; Christensen Law Office-\$604.75; Cna Surety-\$50.00; Community Health Services-\$1,330.00; Cooks Correctional-\$391.34; Crawford Supply Company-\$84.60; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$91.33; Dakota Graphics-\$365.00; Dakotacare-\$533.46; Dataspec-\$399.00; Deadwood, City Of-\$823.18; Eke-\$568,151.93; Et Sports-\$699.99; Fastenal-\$59.55; First Stop Guns-\$275.00; Fish, Veronica-\$64.60; Frederickson, John-\$123.00; Galls, An Aramark-\$692.73; Global Chemicals-\$709.80; Great Western Tire-\$17.95; Hamann, Chris-\$200.00; Hillside Disposal Service-\$87.00; Holiday Inn City Centre-\$779.94; Integrity Ford-\$78.92; Inventory Trading Company-\$80.00; Kadrmas, Lee And Jackson-

\$44,197.75; Keefe Supply Company-\$216.56; Knecht True Value-\$876.11; Knology-\$1,745.72; Koala Electric-\$318.02; Kosel,Joseph-\$10,084.41; LC Plan & Zone-\$21.75; LC Sheriff-\$14.45; La Pier And Associates Llc-\$545.50; Lar-Jo's-\$622.96; Lattice Incorporated-\$3.80; Lead, City Of-\$41.35; Lead-Deadwood Regional Hospital-\$97.48; Lead-Deadwood Sanitary-\$371.88; Lee,James-\$15.00; Legacy Jewelers-\$350.00; Lewis & Clark Bhs-\$447.00; Lexisnexis Risk Data Mgmt-\$75.00; Lueders-\$22.18; Marco-\$56.85; McClure,Susan-\$200.00; Metric Motors-\$200.93; Microfilm Imaging Systems-\$1,335.00; Miss Kitty Enterprises-\$103.79; Mobile Electronic Service-\$3,708.08; Montana Dakota Utilities-\$4,653.96; Muth Electric-\$180.40; National Assoc Legal Assistant-\$125.00; National Products-\$44.13; Neve's Uniforms-\$1,124.77; Newman Traffic Signs-\$3,058.44; Nooney Solay & Van Norman-\$337.56; Oasis Inn-\$134.00; Officefurniture.Com-\$519.00; Office Of Child Support-\$439.85; Office Technology/Supply-\$288.21; Pennington Co Auditor-\$82.00; Pennington Co Jail-\$182.00; Pictometry International Corp-\$18,218.84; Pitney Bowes-\$414.93; Pummel,Kevin-\$5,491.20; Queen City Tire-\$12.00; Quik Signs-\$112.60; Quill Corporation-\$32.43; RC Finance Office-\$1,120.00; RC Regional Hospital-\$774.01; Regional Health Physicians-\$67.54; Reindl,Staci-\$1,959.51; Reserve Account-\$6,500.00; River Lodge-\$288.00; Rocket Lube-\$292.68; SD Aao-\$220.00; SD Assn Of Co Comm-\$3,627.79; SD State Treasurer-\$1,844.61; Sand Creek Printing-\$203.00; Scott J Odenbach-\$82.00; Scott,Trudy-\$500.00; Sd States Attorney Assoc-\$1,223.00; Securus Technologies T-Netix-\$535.00; Servall Towel & Linen-\$392.72; Sharkey Plumbing & Heating-\$175.14; Spearfish Alt/Starter Rebuild-\$135.00; Spearfish Auto Supply-\$2,168.59; Spearfish Extinguisher Service-\$25.00; Spearfish Police Dept-\$1,648.81; Stadler Ind Service-\$182.58; Stan Houston Equip Co-\$750.00; State Bar Of South Dakota-\$2,780.00; Strawn Law-\$3,916.75; Stretch's Glass & Mirror-\$591.07; Subway-\$23.94; Thurman Law Office-\$359.72; Tigerdirect-\$1,159.24; Triple K Tire & Repair-\$98.96; Truenorth Steel-\$315.13; Twilight First Aid & Safety-\$246.86; Twin City Hardware & Lumber-\$104.94; Warne Chemical-\$587.10; Waste Connections-\$574.42; Watertree-\$37.95; Wells Fargo Business Card-\$7,780.46; Wells Plumbing & Farm Supp-\$234.65; West Group-\$405.50; West River International-\$231.38; West Tire And Alignment-\$333.16; Western Communication-\$30,092.50; White Drug-\$1,033.03; White's Queen City Motors-\$71.49; Wilde & Hunt, Prof-\$548.00; Yankton Co Sheriff-\$75.00; Yankton County-\$207.50; **Witness & Jurors:** Edstrom,R-\$61.84; Hall,N-\$62.58; Lee,J-\$62.58; Phinney,P-\$61.10; Timm,P-\$50.74; Wilson,A-\$63.32; Wright,J-\$61.10; Zvorak,A-\$62.58; Avery,G-\$17.40; Besso,M-\$10.74; Brown,A-\$21.10; Buettner,T-\$131.08; Caneva,C-\$10.74; Collins,K-\$18.14; Coneley,D-\$23.32; Cooper,W-\$20.36; Crosswait,B-\$21.10; Delahoyde,D-\$21.10; Delzer,B-\$28.50; Dexter,D-\$12.22; Dyer,J-\$12.22; Ekeren,T-\$12.22; Elsom,D-\$21.10; Fandrick,D-\$18.14; Farrier,J-\$21.10; Fox,L-\$21.10; Gellett,P-\$19.62; Hanson,D-\$11.48; Hawki,K-\$11.48; Hefner,D-\$129.60; Hill,T-\$21.10; Homsey-Pray,T-\$13.70; Inghram,C-\$122.20; Jennings,E-\$27.76; Johnson,K-\$104.44; Johnson,S-\$24.80; Johnson,S-\$22.58; Klarenbeek,S-\$129.60; Kohler,T-\$104.44; Kunkel,S-\$23.32; Langer,L-\$117.76; Larson,B-\$119.24; Lecates,B-\$107.40; Loup,N-\$21.10; Morgan,S-\$26.28; Otterness,A-\$24.80; Patino,D-\$105.92; Pies,L-\$17.40; Pratt,G-\$21.10; Rang,M-\$10.74; Rosenberger,D-\$105.92; Schurrer,J-\$24.80; Schwaner,M-\$18.14; Shoup,L-\$122.20; Smedstad,M-\$116.28; Smith,M-\$21.10; Stading,J-\$17.40; Stalder,L-\$32.20; Wilczynski,R-\$21.10; Witte,T-\$21.84; Bigney,J-\$20.74; Buckwalter,P-\$25.18; Drentlaw,C-\$51.82; Ellendorf,T-\$31.84; Fredericksen,B-\$22.22; Fredericksen,K-\$22.22; Laney,D-\$29.25; Sabers,B-\$34.80; Shell,R-\$20.00; Updike,B-\$27.40

ADJOURN: 10:53 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 27, 2011

Chairman Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 13, 2011 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Richard Sleep, Brandon Flanagan, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of December 13, 2011 County Commission Meeting. Motion Carried.

PERSONNEL:

FIREWISE: Moved-Seconded (Ewing-Weisenberg) to hire Graham Heberlig as Temporary Seasonal Firewise at a base rate of \$11.85 effective 12-21-2011. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Thomas M Adams as a Part Time Correctional Officer I G3 at a base rate of \$14.54, upon the completion of forty hrs of training at \$9.31 an hour, effective 12-17-2011. Motion Carried.

TRAVEL AND TRAINING:

PLANNING & ZONING: Moved-Seconded (Weisenberg-Ewing) to approve the Travel Request for Amber Vogt to attend the Floodplain Management Training in Oacoma, SD on February 19-23, 2012. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Sleep-Flanagan) 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 9-12, 2012. Motion Carried.

SPEARFISH AMBULANCE CONTRACT: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the Spearfish Ambulance Contract for 2012. Motion Carried.

ACCOUNTING POLICY: Moved-Seconded (Flanagan-Sleep) to establish that the method of accounting spending priority, be to spend restricted monies first, then assigned and followed by unassigned money, in that order, for all Lawrence County funds, to comply with GASB Statement 54. Motion carried.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Flanagan-Weisenberg) to approve the automatic supplement of \$755.00 for the Register of Deeds Supplies for grant funds received. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Ewing-Weisenberg) to approve the transfer of Title III Funds of \$20,403.12 to the Fire Protection Fund to reimburse for expenses to carry out activities under the Firewise Communities Program and to do an automatic supplement of \$50,000 to Title III Funds for Federal Funds. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on a request for supplemental budget for Airport-Capital Improvements-\$500,000. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2011-31. Motion Carried.

RESOLUTION #11-31 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2011, 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 2011, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Airport-Capital Improvements-\$500,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 27th day of December, 2011 at the hour of 8:10 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 27th day of December, 2011. Daryl Johnson, Chairman. Attest: Connie Atkinson, Auditor.

MEDICAL ASSISTANCE DENIAL-APPEAL: The Board reviewed the circumstances of a denial of medical assistance for TT on behalf of ST. Moved-Seconded (Ewing-Sleep) to deny the Medical Assistance Application for ST as these expenses have historically not been covered by the County in the past. Motion Carried. The Board stated community fund raising could cover these expenses.

HIGHWAY BUSINESS:

Moved-Seconded (Weisenberg-Sleep) to accept the low bid from Jensen Rock & Sand Inc. of Mobridge, SD with a proposal of \$626,831.10 for Asphalt Concrete Crack Sealing and Asphalt Concrete Surface Treatment (chip seal) P6404(09), P6585(01), PCN 02J9, 02J8, Lawrence County. Motion Carried.

PICTOMETRY ADDENDUM AGREEMENT: Bruce Outka and Brett Runge gave an update on the Pictometry Addendum Agreement. The City of Whitewood and Spearfish have signed the agreement and Deadwood is discussing this evening. Runge is meeting with the City of Lead next week.

EMERGENCY MANAGEMENT: Paul Thomson, Emergency Management Director updated the Board on the Safety Training Compliance for 2011.

INVASIVE SPECIES MANAGEMENT / MOUNTAIN PINE BEETLE:

PARTICIPATING AGREEMENT: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the Participating Agreement between the Lawrence County Invasive Species Management and the USDA Forest Service. Motion Carried.

INDEPENDENT CONTRACTOR AGREEMENT: the Board reviewed the Lawrence County Mountain Pine Beetle Contractor Agreement and Fee Schedule.

SEASONAL EMPLOYEES: Moved-Seconded (Ewing-Flanagan) to advertise for Seasonal Employees for Mountain Pine Beetle work. Motion Carried.

SPEARFISH CANYON FOUNDATION DONATION: Mr. Miles Kennedy and Karl Burke from the Spearfish Canyon Foundation presented a check to Lawrence County from the Spearfish Canyon Foundation for \$25,000 for the fight against Mountain Pine Beetles in Spearfish Canyon. Kennedy stated they have committed \$125,000 for this project.

PERSONNEL:

EXECUTIVE SESSION: 9:33 a.m. Moved-Seconded (Ewing-Sleep) to go into executive session with Dave Heck for personnel issues. Motion Carried. 9:42 a.m. the Board opened for regular business with no action taken.

BILLS:

Moved-Seconded (Ewing-Weisenberg) to remove the Jack Ken Howell, Jr. claim for payment in the amount of \$16,435.00 for court reporting services on the Briley W. Piper trial. Motion Carried. The Board discussed the billing procedures for transcriptions. The Board stated this is not personal against the Judicial System but against the laws pertaining to this trial.

Moved-Seconded (Flanagan-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 with the exception of the Jack Ken Howell, Jr. claim for payment in the amount of \$16,435.00 for court reporting services on the Briley W. Piper trial. Motion Carried.

Payroll: Comm-\$5,452.56; Aud-\$7,717.43; Treas-\$7,655.03; States Atty-\$12,363.60; Pub Def-\$9,681.34; Gen Govt Bldg-\$7,226.88; Equal-\$12,579.30; Deeds-\$8,311.82; Vso-\$1,183.90; Disp-

\$11,724.25; Sher-\$33,763.00; Jail-\$19,647.18; Coroner-\$223.08; Fire Prot-\$7,782.21; Emerg Mgnt-\$3,434.61; E911-\$1,645.40; Highway-\$37,171.35; Air-\$1,353.00; Mh Serv-\$246.00; Weed-\$3,560.49; Pz-\$4,357.77; **Bills:** Boyer,Jerry-\$13.32; Hansen,David-\$16.50; Larson,Rene'-\$69.00; Pavel,Douglas-\$138.38; Rahja,Robert-\$204.24; Ridley,Clint-\$170.94; Thomson,Paul-\$81.75; Watson,Donna-\$118.40; A&B Business Equip-\$781.92; A&I Distributors-\$7,499.25; A&J Supply-\$82.12; A-Z Shredding-\$9.20; Abc Business Supply-\$2,153.56; Aberdeen Llc-\$3,496.00; Acoustical Solutions-\$1,182.11; Alco Store-\$45.51; Amcon Distributing-\$217.83; American Family Life-\$3,424.09; Armstrong Extinguish-\$798.00; At&T-\$13.66; At&T Mobility-\$107.38; BH Chemical Company-\$2,031.05; BH Federal Credit Union-\$8,600.00; BH Pioneer-\$555.56; BH Power-\$8,934.14; BH Security & Systems-\$5,121.00; Big Sky Communications-\$87.00; Black Hills Pure-\$23.00; Butler Machinery Co-\$181.89; Central Parts-\$809.97; Century Business Products-\$645.90; Centurylink-\$57.64; Chemical Sanitizing Sys-\$60.78; Christensen Law Office-\$463.75; City/County Alcohol &Drug-\$1,860.00; Cooperative Extension Service-\$140.20; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$1,241.75; Datec-\$10,724.70; Deadwood Recreation Center-\$680.00; Delta Dental Of South Dakota-\$6,279.18; Dept Of The Treasury-\$45,769.14; Dodson,Timothy-\$2,040.00; Ellingson,Joseph-\$542.78; Esri-\$1,098.36; Evident Crime Scene Products-\$397.00; Fastenal-\$438.58; Federkiewicz,Janina-\$800.00; Fidler-Isburg Funeral Chapel-\$1,170.00; First Stop Guns-\$3,148.00; Fish,Veronica-\$515.20; Fleet Services-\$1,808.38; Frederickson,John-\$123.00; Fsh Communications-\$60.00; Galls,An Aramark Company-\$251.99; Harmelink, Fox & Ravensborg-\$315.50; Hartford-Priority Accounts-\$1,682.70; Heartland Paper Co-\$1,899.02; Hefner,Dan-\$150.96; Heisler Hardware-\$123.88; Hewlett-Packard Company-\$11,371.83; International Code Council-\$125.00; Ken's Camper Sales-\$20.00; Kimball-Midwest Co-\$167.09; Knology-\$1,667.16; Koala Electric-\$139.20; Kosel,Joseph-\$3,163.47; LC Auditor-\$3.45; LC Sheriff-\$278.19; Language Line Services-\$148.94; Lead-Deadwood Reg Med Clinic-\$71.25; Lead-Deadwood Regional Hospital-\$315.00; Lewis Drug-\$8.59; Mack's Auto Body Llc-\$220.20; Mad Manz Pizza-\$109.50; Manlove Psychiatric Group-\$1,200.00; Montana Dakota Utilities-\$237.25; Motorola Solutions-\$5,534.15; Mulvey,Joanie-\$400.00; NH Family Ymca-\$209.00; Nasppg Insurance Services-\$2,652.70; Nelson,Christy-\$300.00; Nelson,Tonya-\$400.00; Neve's Uniforms-\$131.33; Newman Traffic Signs-\$118.53; Office Of Child Support-\$439.85; Outdoor Motor Sports-\$649.89; Pennington Co Jail-\$1,021.40; Pennington County Sts Attny-\$400.00; Pheasantland Industries-\$342.00; Pitney Bowes-\$826.14; Pizza Hut-\$145.00; Pizza Lab-\$219.85; Program Works-\$80.00; Quik Signs-\$52.20; Quill Corporation-\$648.44; RC Finance Office-\$875.00; RC Journal-\$192.00; Redwood Toxicology Lab-\$139.98; Regional Behavioral Health-\$56.89; Regional Health Physicians-\$36.93; Reindl,S-\$1,649.90; SD Human Services Center-\$600.00; SD Retirement System-\$52,444.40; Sdrs Supplemental Retirement-\$1,314.00; Securus Technologies T-Netix-\$535.00; Servall Towel & Linen-\$514.38; Setina Mfg Co-\$1,491.77; Silverado-\$1,206.31; Slowey,Yavonne-\$55.00; Spearfish Auto Supply-\$1,475.95; Spearfish Husky-\$147.00; Sturdevant's Auto Parts-\$497.34; Superior Sanitation-\$550.00; Surety Finance-\$110.80; Sysaid Technologies Ltd-\$137.00; Thompson,Katie-\$82.00; Tigerdirect-\$518.97; Tollefson,Jamey-\$52.99; Triple K Tire & Repair-\$96.59; Twin City Hardware & Lumber-\$161.46; Verizon Wireless-\$96.39; Versatile Carpets & Inter-\$3,632.87; Victims Of Violence-\$835.00; Wellmark Blue Cross-\$73,229.84; West Group-\$1,254.00; West River International-\$24.44; Western Communication-\$2,022.00; Western SD Juvenile Serv-\$3,655.00; White Drug-\$1,461.68; White's Queen City Motors-\$3,369.08; Wilde & Hunt, Prof-\$157.00; Williams Standard Serv-\$77.22; **Witness & Jurors:** Carlson,L-\$31.10; Dore,W-\$61.10; Haar,C-\$58.14; Holden,D-\$61.10; Kunkel,D-\$51.48; Kvilhaug,P-\$52.22; Ludens,T-\$63.32; Skvicalo,T-\$55.92; Wipf,W-\$61.84; Ammon,C-\$38.50; Schulz,J-\$42.20; Edwards,L-\$31.10; Trentz,M-\$22.22

ITEMS FROM COMMISSIONERS:

WHITEWOOD: Richard Sleep asked if the Sheriff could come in and report to the County Commissioners on the County providing services to the City of Whitewood.

LIBRARY: Richard Sleep reported on population numbers and options for funding the Library services.

BLACK HILLS PIONEER / MARK VANGERPEN: The Board recognized and thanked Mark VanGerpen, reporter for the Black Hills Pioneer for his great reporting on issues for Lawrence County and all Citizens of the County.

ADJOURN: 9:55 a.m. There being no further business the Chairman adjourned the meeting.

Date Approved

Daryl Johnson, Chairman

ATTEST:

Connie Atkinson, Auditor