

LAWRENCE COUNTY COMMISSIONERS MEETING – January 3, 2012

Daryl Johnson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 3, 2012 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 (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

2012 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Weisenberg-Flanagan) to appoint Commissioner Ewing as the Chairperson of the Lawrence County Commissioners for 2012. Motion Carried.

VICE-CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Sleep-Weisenberg) to appoint Commissioner Flanagan as the Vice-Chairperson of the Lawrence County Commissioners for 2012. Motion Carried.

BOARD OF ADJUSTMENTS: Moved-Seconded (Flanagan-Johnson) to appoint Daryl Johnson, Bob Ewing, Brandon Flanagan, Richard Sleep, and Terry W. Weisenberg as the Board of Adjustment for 2012. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Sleep-Johnson) to designate the B.H. Pioneer as the legal newspapers for 2012. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Weisenberg-Flanagan) 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 (Johnson-Ewing) to set the 2012 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.

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of December 27, 2011 County Commission meeting. Motion Carried.

2012 MEETINGS: Moved-Seconded (Johnson-Sleep) to set the 2012 Meeting Dates for January 3 & 24, February 14 & 28, March 13 & 27, April 10 & 24, May 8 & 22, June 7, 12 & 26, July 10 & 24, August 21, September 4 & 25, October 9 & 23, November 8, 13 & 27, December 11 & 27. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Weisenberg) due to the war against the pine beetles and the amount of time required by Dave Heck, Invasive Species Management Director to oversee this project, to approve a \$6,000 bonus per month for the next three months (January 1 thru March 31, 2012). The bonus is to be paid out of RAC funds and is based on the anticipated hours it will take to manage this ground breaking program. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

AIRPORT BOARD: Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Johnson as representative for 2012. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to appoint Commissioner Sleep as alternate for 2012. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to appoint Randy Diebert for a five-year term to end 1-2017. Motion Carried. Aye-Sleep, Flanagan, Johnson and Ewing. Nay-Weisenberg. Motion Carried. Weisenberg stated he supported Neil Clark because of his past experience. Sleep stated it was important for a non-user to be represented on the Board.

ENVIRONMENTAL REVIEW / AG COMMITTEE: Moved-Seconded (Weisenberg-Johnson) to appoint Chris Miller and Tommy Thompson to the AG Committee for a three year term to expire 1-2015. Motion Carried.

ENVIRONMENTAL REVIEW / TIMBER COMMITTEE: Moved-Seconded (Johnson-Sleep) To appoint Rob Mattox to the Timber Committee for a three year term to expire 1-2015. Motion Carried

ENVIRONMENTAL REVIEW / WILDLIFE, RECREATION & TOURISM COMMITTEE: Moved-Seconded (Johnson-Flanagan) To appoint Brad Ellis and Scott Odenbach to the Wildlife, Recreation & Tourism Committee for a three year term to expire 1-2015. Motion Carried

ENVIRONMENTAL REVIEW / CUSTOM, CULTURE & ECONOMIC PLAN COMMITTEE: Moved-Seconded (Flanagan-Weisenberg) To appoint Dave Heck, Bill Coburn, Bob Ewing, John Fredrickson, Amber Vogt, Bruce Outka, Jim Nelson, Rob Mattox and Mike Whalen to the Custom, Culture & Economic Plan Committee for a one year term to expire 1-2013. Motion Carried

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Ewing for 2012. Motion Carried.

EXTENSION BOARD: The Board decided not to make any appointments to the Extension Board in Lawrence County at this time.

FAIR BOARD: Moved-Seconded (Flanagan-Weisenberg) To appoint Commissioner Sleep to the Fair Board for 2012. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to appoint John Pochup for a (3) year term to expire 1-2015. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Johnson-Sleep) to appoint Coreen Lerwick to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2016. Motion Carried.

HIPAA: Moved-Seconded (Sleep-Flanagan) to not fill the open position on the HIPAA committee that was vacated by Marlene Barrett. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Johnson-Sleep) to appoint Commissioner Flanagan for 2012. Motion Carried.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Weisenberg-Johnson) To appoint Commissioner Ewing for 2012. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) To appoint Commissioner Sleep as Alternate for 2012. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) To appoint Kyle Vavruska to the Invasive Species Management Board District #1. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) To appoint Clint Ridley to the Invasive Species Management Board District #2. Motion Carried.

Moved-Seconded (Flanagan-Johnson) To appoint Gerry Bennett to the Invasive Species Management Board District #3. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) To appoint Mike Whalen to the Invasive Species Management Board District #4. Motion Carried.

Moved-Seconded (Sleep-Johnson) To appoint Shad Schneider to the Invasive Species Management Board Spearfish District. Motion Carried.

MENTAL ILLNESS BOARD: Moved-Seconded (Sleep-Weisenberg) to appoint Bonnie Wright to the Board of Mental Illness for a three year term to end 1-2015

MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE: Moved-Seconded (Weisenberg-Ewing) To appoint Dave Heck, Bruce Outka, Bill Coburn, Rob Mattox and Bob Ewing to the Mountain Pine Beetle Plan Advisory Committee for 1 year to expire 12-31-2012. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Weisenberg-Flanagan) to appoint Commissioner Ewing and to appoint Commissioner Sleep as the alternate for 2012. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) To appoint Tom Brady and Bill Coburn to the Planning and Zoning Board for a five year term to expire 1-2017. Motion Carried.

Moved-Seconded (Sleep-Flanagan) To appoint Travis Schenk to the Planning and Zoning Board to fill the term of Barbara Mattson for a term to expire 1-2013. Motion Carried. Aye-Sleep, Flanagan and Ewing. Nay-Johnson and Weisenberg. The Board stated they had excellent candidates for the appointments.

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Sleep) To appoint Commissioner Ewing, and Commissioner Weisenberg for 2012. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) To appoint Teri Royer to the Public Defender Board for 2012. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Weisenberg-Johnson) to appoint Commissioner Flanagan as Representative and Commissioner Sleep as Alternate for 2012. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Johnson-Sleep) to appoint Commissioner Flanagan, Commissioner Weisenberg, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2012. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Weisenberg-Johnson) to appoint Commissioner Sleep for 2012. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Flanagan-Johnson) to appoint Commissioner Weisenberg to the Spearfish Economic Development Board for 2012 and Commissioner Sleep as the alternate for 2012. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES: Moved-Seconded (Weisenberg-Flanagan) to appoint Chairperson Ewing, and Emergency Management Director, Paul Thomson for 2012. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Sleep-Flanagan) to appoint Commissioner Weisenberg to the Multiple Use Committee for 2012. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Weisenberg-Sleep) to appoint Ida Marie Snorteland for 2012. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Johnson-Flanagan) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2012. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2012. Motion Carried.

BLACK HILLS VISION: Moved-Seconded (Flanagan-Sleep) to appoint Commissioner Weisenberg to the BH VISION Board for 2012 and Johnson as an alternate. Motion Carried.

SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER: Moved-Seconded (Sleep-Johnson) to adopt the special rule of order requiring three members approval to pass a motion for 2012, and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

2012 WAGES & SCALES: Moved-Seconded (Weisenberg-Flanagan) to accept the following 2012 longevity pay policy, Per Diem, Cell Phone Per Diem, Wage Scales, and Wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective January 1, 2012. 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-75.00; 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; Connie Atkinson-50.00; Deb Tridle-50.00; Sheree Green-50.00; Amber Vogt-60.00; Jeff Schroeder-50.00; Paul Thomson-136.00; Rene' Larson-68.00; 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; Katie Tkach-104.00; Larry Gabriel-126.00; Rick Hagerty-126.00; Seth Brennen-104.00; Tom Derby-104.00; Pat Johnson-104.00; Dave Heck-50.00; Joshua Redden-50.00; Gary Gould-50.00.

2012 WAGES (per SDCL 6-1-10): Commissioners: Brandon Flanagan-11,282.73; Ewing,Bob-11,282.73; Richard Sleep-11,282.73; Johnson,Daryl-11,282.73; Weisenberg,Terry-11,282.73; Outka,Bruce-87,856.75. Auditor: Atkinson,Connie-63,665.27; McGruder,Brenda-20.05; Mattox, Robin-15.93; Nelson,Melody-16.73; Sargent,Debbie-16.15. Treasurer: Tridle,Debra-58,680.05; Adams, Julia-15.93; Atkinson,Sally-17.95; Brownlow,Carleen-15.93; Haupt,Janice-16.85; Marshall, Laurie-15.93; Peck,Ina-16.33. Information System & Technology: Dias,Gregory-73,537.40; Leatherman, Debra-16.77; McGruder,Randall-24.09; Wisser, Ricky-20.51. States Attorney: Fitzgerald, John-77,992.19; Alfson, Kristan-14.47; Baumann,Michelle-20.35; Lopez,Amber-60,239.02; Silvernail,Janice-17.10; Stoflet,Margie-17.74; Harvey,Brenda-53,342.77. Public Defender: Whitcher, Eric-66,428.22; Pike,Matthew-\$54,601.81; Schuchmann, Bernard-51,271.40; Smith,Molly-20.80; Turnbow,Jamie-\$19.44. Maintenance: Frerichs,Richard-25.03; Carr,Zoe-14.22; Caserio,Clifford-19.08; Lee,Laura-11.91; Mattson,Robert-12.56; Varland,Robyn-11.72. Director of Equalization: Piekkola,Darlene-66,946.47; Bridenstine,Nancy-17.01; Carrico,Linda-17.09; Hodson,Timothy-50,104.00; Runge,Brett-20.17; Sandvig,Scott-21.30;

Symonds, Carmen-18.60; Woodle, Sharon-17.37. Register of Deeds: Green Sheree-55,722.85; Blaha, Marie-13.26; Ehnes, Tamera-16.02; Feterl, Florence-16.34; Hansen, Davida-17.71; Podoll, Keri-15.98. Veterans Service Officer: Locken, William-31,453.38. Sheriff: Mowell, Richard-69,128.12; Harmon, Joe-60,798.81; Black, Sue-18.21; Dragoo, Shelley-17.13; England, Helen-14.85; Greeley, Laurie-17.15; Hamilton, Marian-17.65; Johnsen, Alexandra-14.85; Schumacher, Kristy-17.17; Steffen, Peggy-17.13; White, Richard-\$17.30; Anliker, Nicholas-16.80; Buske, Heather-15.93; Dean, Brian-24.87; Derby, Tommie II-21.99; Fitzgerald, Sara-18.26; Gabriel, Larry-19.29; Goetsch, Martin-23.45; Hagerty, Richard-18.63; Hansen, Paul-22.88; Jansevics, Jake-14.53; Johnson, Patrick-21.99; Leveque, Victor-22.70; Little, Tavis-22.93; Mellaragno, Anthony-16.80; Nelson, Keshia-17.80; Rakow, Julie-16.25; Ruffatto, Robert-22.04; Schleep, Neil-16.80; Symonds, Matthew-16.80; Thompson, Colin-16.80; Tkach, Katherine-21.99; Utecht, Jerome-14.53; Wainman, John Jr-16.80; Walker, John-16.80; Adams, Thomas-14.85; Allen, Dawn-17.84; Antar, Nadim III-14.85; Berndt, Wendy-17.15; Brennan, Seth-22.21; Cortez, Frank-17.76; Crandall, Marc-17.08; Culver, Kim-17.30; Hagerty, Sharon-12.59; Harter, Ralph-16.41; Hyronimus, Shane-17.08; Kampa, Kerry-17.08; Kellogg, Susan-17.85; Kotak, Joe-16.41; Mehia, Felix-17.08; Melaragno, Ellen-12.59; Merwin, Megan-17.08; Nash, Christina-17.08; Pearce, Raymond-14.85; Riley, David-17.08; Rosenau, Randall-24.09; Thompson, Renee-12.59; Wainman, John-12.59; Walker, Misti-16.80; Coroner: Gould, Gary-100.00 call; Isburg, Damon-100.00 call; Pedneau, Darin-100.00 call. Fire Protection: Ensz, Stuart-12.10; Hazledine, Tyson-12.10; Heberlig, Gary-12.62; Heberlig, Graham-12.10; Kulhavy, Jody-12.10; Lewis, Brian-12.10; Nackers, Benjamin-12.10; Peep, Stephen-12.10; Salazar, Donald-12.10. Emergency Management: Thomson, Paul-57,479.64; Larson, Renee-\$16.45. E911: Sandvick, Thomas-20.83; Highway: Birk, Richard-\$68,986.20; Agena, Timothy-20.54; Barrett, Tim-20.19; Bey, John-25.15; Burleson, Norman-20.45; Eide, Curtis-21.05; Engel, Paul-20.06; Fystro, Terry-21.05; Grenstiner, Edwin-21.41; Harper, Jeffrey-20.04; Heying, Bradley-20.51; Holen, Gerald-19.97; Keller, Robert-20.06; Larimore, Mark-20.02; McCormick, Robert-25.51; Patino, Mark-20.21; Ryan, Steve-25.35; Sheeler, Daniel-19.97; Silvernail, Dennis-21.01; Skavang, Robert-19.97; Vandenberg, Maria-16.17; Wright, Bonnie-19.77. Airport: Harmon, James-16.89; Randy Diebert-40.00 meeting, Golay-Robert-40.00 meeting; Hanna, Brooks-40.00 meeting; Lantis, Travis-40.00 meeting; Rath, Michael-40.00 meeting. Mental Health Board: Johns, Timothy-\$82.00; Strawn, Eric-82.00. Invasive Species Management: Heck, David-49,357.03; Palmer, Ryan-12.62; Peters, Dustin-11.28; Redden, Joshua-14.23; Soderstrom, Steven-12.10; Turbiville, Trent-12.10; Tyson, Chase-12.10; Kyle Vavruska-40.00 meeting; Clint Ridley-40.00 meeting; Gerry Bennet-40.00 meeting; Mike Whalen-40.00 meeting; Shad Schneider-40.00 meeting; Planning & Zoning: Vogt, Amber-46,332.69; Schulz, Sherryl-16.31; Schroeder, Jeffery-17.38; Brady, Thomas-40.00 meeting; Coburn, William-40.00 meeting; Mickelson, Criag-40.00 meeting; O'Dea, Marty-40.00 meeting; Tysdal, Richard-40.00 meeting; Travis Schenk-40.00 meeting.

<i>NEWLY ELECTED BASE</i>	<i>2012 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 #12-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Johnson-Flanagan) to approve the following Resolution #2012-01 Election Officials

Compensation. Motion Carried. **RESOLUTION #2012-01 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 \$15.00 per hour. DATED this 3rd day of January 2012. For the Board, Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #12-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Weisenberg-Johnson) to approve the following resolution setting the polling places and precincts in 2012. 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; **Rural #2**-Spearfish Park Pavilion. DATED this 3rd day of January 2012. For the Board, Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #12-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Weisenberg-Flanagan) to approve the following Resolution #12-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 12-03 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 197 Glendale Dr., 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 2012. Dated this 3rd day of January 2012. For the Board of County Commissioners: Bob Ewing, Chairperson Attest: Connie Atkinson, Auditor

RESOLUTION #12-05 A RESOLUTION PROVIDING FOR A FULL-TIME STATE'S ATTORNEY FOR LAWRENCE COUNTY:

Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #12-05 A Resolution Providing For A Full-Time State's Attorney For Lawrence County. Motion Carried. **WHEREAS**, the Lawrence County Commission adopted a full-time State's Attorney for Lawrence County in December of 1982 as provided in SDCL 7-7-12 and; **WHEREAS**, the Lawrence County Commission deems it necessary and appropriate for the need of Lawrence County that the position of State's Attorney be a full-time position as provided by SDCL 7-7-12; **NOW, THEREFORE, BE IT RESOLVED** that the Lawrence County Commission does hereby designate the position of Lawrence County State's Attorney as a full-time position for the term of office to be elected in 2012 and commencing on or about January 1, 2013. DATED THIS 3rd DAY OF JANUARY, 2012. Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:

Moved-Seconded (Weisenberg-Flanagan) 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, Loren Dobyns, Dennis Hoover, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Frank Stamp, Donley Townsend, Loren Vrem. **Search & Rescue:** Robert Leonard, Ricky Allen, Richard Carlson, Steven Hanson, 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:** Kathy Stygles, 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, **St Onge:** Kelly Moe, Scott Merrow, Sonja Merrow 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..

COUNTY OWNED PROPERTY: Moved-Seconded (Flanagan-Sleep) to set a public hearing for the Notice of Intent to Lease County Owned Property for January 24, 2012 at 8:45 a.m. Motion Carried.

FAIR AGREEMENT: Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign the 2012 Fair Board Agreement with Butte County. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of December 29, 2011: Deadwood Diesel 4050: (prices per gallon) CBH Cooperative - \$3.0321; Southside \$2.985; MG Oil - \$2.979*; Deadwood Unleaded 3700 Gallons: (prices per gallon) CBH Cooperative - \$2.798, Southside- \$2.965. MG Oil - \$2.739*; Spearfish Diesel 2600 Gallons: (prices per gallon) CBH Cooperative -

\$3.061, Southside – \$3.08, MG Oil - \$2.999*; Spearfish Unleaded 1050 Gallons: (prices per gallon) CBH Cooperative - \$2.828, Southside-\$3.04, MG Oil - \$2.759*. *Represents lowest quote awarded. No bid was received from Harms Oil.

AIRPORT:

AIP PROJECT BIDS: Moved-Seconded (Flanagan-Weisenberg) to advertise for bids for AIP Project Bids to complete taxiway (North) and hangar relocation, the bid opening will be February 14, 2012. Motion Carried.

VEHICLE BID OPENING: Moved-Seconded (Weisenberg-Johnson) to accept the only bid received from Whites Queen City for a 2012 Express AWD Van - \$27,300 and (3) 2012 Chevy Tahoe's - \$29,682 and 2 of the Tahoe's will not have spot lights with a \$600 credit each; and to declare surplus and trade in the 2006 Dodge Durango VIN#1D4HB48206F145865 (\$5,500), the 2007 Dodge Durango VIN#1D8HB48237F549162 (\$5,500), the 1990 Chevy G20 Van VIN#1GBEG25K1L7144812 (\$1,000) and the 2005 Chevy Tahoe VIN#1GNEK13Z95R206220 (\$6,000). Motion Carried.

INVASIVE SPECIES MANAGEMENT: The Board reviewed the LCISM Mt. Pine Beetle Program Summary. The Board thanked Dave Heck for the extra time and work he has committed to the Mountain Pine Beetle Project.

Moved-Seconded (Weisenberg-Flanagan) to advertise for a temporary seasonal clerical position to assist in the Mountain Pine Beetle Program. Motion Carried.

PERSONNEL:

EXECUTIVE SESSION: 10:01 a.m. Moved-Seconded (Johnson-Sleep) to go into executive session with Dave Heck for personnel issues. Motion Carried. 10:28 a.m. the Board opened for regular business with no action taken.

PLANNING & ZONING:

DP 12-01 JENNA LAMB/TMS PARTNERS LLC: A public hearing was held on DP 12-01 for Jenna Lamb/TMS Partners LLC located on Highway 14 near Spearfish, parcel A of the NW1/4NW1/4 of Section 3, T6N, R2E, 1.15+/- acres, Zoned – Highway Service Commercial District to operate existing rental property with remodel to 9 apartments. The requested development plan is to operate an existing rental property with 2 mobile homes, 1 duplex and 9 apartments. The duplex and the 2 mobile homes will remain the same. The existing 18 efficiency apartments will be remodeled to combine them into 9 2-3 bedroom apartments with separate kitchens and bathrooms. There will be very little exterior changes, mostly interior work. 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 with conditions as on file in the Planning and Zoning Office DP 12-01 for Jenna Lamb/TMS Partners LLC located on Highway 14 near Spearfish. Motion Carried.

BUILDING PERMIT: Moved-Seconded (Weisenberg-Sleep) to waive the building permit fee for Stan Derby because a fire destroyed his Mobile Home and he will be rebuilding a home on the same parcel. 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. Aye-Johnson, Weisenberg, Flanagan and Sleep. Nay-Ewing. Ewing stated he could not vote for paying the bills because of the court reporting services on the Briley W. Piper trial of \$16,435.00. Discussion followed on the Boards frustration in the Appeal Process for Briley Piper and the Board stated they should not be penalizing the Court Report for doing his job at the rate set by statue.

Bills: At&T Mobility-\$764.88; BH Chemical Company-\$149.47; BH Power-\$734.13; Deadwood, City-\$754.44; Howell, Jack Ken Jr-\$16,435.00; Kinney,Matthew-\$200.00; Knology-\$59.15; LC Conservation Dist-\$5,000.00; Lead-Deadwood Sanitary-\$292.32; Mack's Auto Body-\$4,999.32; Montana Dakota Utilities-\$5,342.25; RC Regional Hospital-\$617.87; Rabe Elevator-\$1,852.16; Rasmussen Mechanical Serv-\$345.98; Regional Behavioral Health Ctr-\$126.07; SD Municipal League-\$90,677.00; Sdaco-\$2,051.14; Servall Towel & Linen-\$392.72; Sikich-\$1,368.00; Spearfish Police Dept-\$1,665.90

ADJOURN: 11:25 a.m. Moved-Seconded (Weisenberg-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

BOB EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 24, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 24, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Johnson-Weisenberg) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of January 3, 2012 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve Neil Schlepp as a Temporary Full-Time Deputy 1 G3 at the base rate of \$20.23 through September 15, 2012, effective 1-24-2012. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Laurie Vrem as a part-time Correctional Officer Trainee at the base rate of 9.51 an hour, effective January 13, 2012. Motion Carried.

HIGHWAY: Moved-Seconded (Weisenberg-Johnson) to regretfully accept the Letter of Resignation from Dick Birk, Highway Superintendent, effective Feb 24, 2012. Motion Carried.

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Weisenberg-Sleep) To approve and authorize the hiring of the following individuals as Tree Markers/Administrators: Juan Van Der Westhuizen Base Rate \$12.10 effective 1-04-2012; Daniel G Ames Base Rate \$12.10 effective 1-01-12; Carl R. Faber Base Rate \$12.10 effective 1-06-12; Richard J. Fairhead Base Rate \$12.10 effective 1-09-2012; Craig M. Barta Base Rate \$12.10 effective 1-10-12; Eric J. Lehman Base Rate \$12.10 effective 1-12-12; Brian C. Taylor Base Rate \$12.10 effective 1-12-12; Patricia I. Turbiville Base Rate \$12.10 effective 1-17-2012; Scott Hamilton Base Rate \$12.10 effective 1-24-2012; Mark Noland, Seth Martens Base Rate \$12.10 Effective 01-23-2012; Alyce Bertch, Adm Sec G3 Base \$16.25, Effective 1-17-2012; and the following Tree Feller's Effective 1/17/2012: Michael D Donahue, Luke P. Donovan, Matthew D. Kirk, Randall L. McGruder, Roy B. Pilcher, Thomas K. Smith, , Mark W. Olson, Adam Albrecht, Brock Axthelm, Paul Barnard, James Bruce Ferrell, Colin Greenfield, Scott Hamilton, Jami Morrison, Marty Pederson, David Snelling, Timothy Troxel, Josh Warne, Jake Wolff. Effective 1-25-2012 Norman Bergstrom, Don Harvey, Nathan Ochs, LeRoy Lanphear, Brandon Hess, Joshua Ball, Samuel Terveen, David Zortman, Cameron Novotny, David Webb, Andy Coulter. Motion Carried.

BOARD APPOINTMENTS:

EPIC COMMITTEE: The Board will be appointing six members to the EPIC Committee for the 4-H Program prior to March.

LAWRENCE COUNTY HOUSING: The Board stated they have an opening on the Lawrence County Housing Board and discussed having someone from the Real Estate Profession fill the position.

INVASIVE SPECIES MANAGEMENT REDISTRICTING MAP: Moved-Seconded (Johnson-Sleep) to approve and adopt the Amended Invasive Species Management Redistricting Map. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Sleep) To appoint John Hauge to the Invasive Species Management Board District #5. Motion Carried

Moved-Seconded (Weisenberg-Sleep) To stagger the appointed terms on the Invasive Species Management Board alphabetically by last name. Motion Carried

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Weisenberg) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of December 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)-\$107,161.39; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,880.96; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,658,696.79, Money Market \$529,972.47; Bank Balance-\$3,547,923.25; Total \$12,598,744.86.

MOUNTAIN PINE BEETLE FUNDING: The Board discussed pulling the remaining County's committed \$100,000 from the State Reimbursement Program. Dave Heck discussed the confusion with the State on the reimbursement from the State level to individual property owners. The Board asked that a representative from the State be available at the next meeting in regards to the reimbursement program.

MOUNTAIN PINE BEETLE PAY SCALE: The Board discussed amending the pay scale for the cutting of the Mountain Pine Beetle trees. The Board will take under consideration.

LEAD/DEADWOOD REGIONAL HOSPITAL AMBULANCE AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Lead/Deadwood Regional Hospital Ambulance Agreement for 2012. Motion Carried.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2010 taxes levied for in 2011 was \$32,694,722.24 and the total unpaid as of 12-31-11 was \$398,275.26 which represents a 1.22% delinquency. Moved-Seconded (Johnson-Sleep) to accept the Delinquent Taxes Report of 2011 levied and unpaid taxes as reported by the Auditor. Motion carried.

PICTOMETRY AGREEMENTS: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Pictometry Agreements with the City of Spearfish, City of Whitewood and the City of Deadwood. Motion Carried.

EXECUTIVE SESSION: 8:12 a.m. Moved-Seconded (Weisenberg-Johnson) to go into executive session with Sheriff Rick Mowell, Joe Harmon and Brian Dean for personnel issues. Motion Carried. 8:25 a.m. the Board opened for regular business with no action taken.

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

SUPPLEMENTAL BUDGET: A public hearing was held on a request to establish a budget and for a supplemental budget for GENERAL FUND / County MPB - \$100,000; Neiman MPB - \$50,000; Spearfish Canyon MPB - \$100,000; Spearfish Peak MPB - \$30,000; No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Resolution #2012-06 and to establish the budgets. Motion Carried.

RESOLUTION #12-06 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / County MPB - \$100,000; Neiman MPB - \$50,000; Spearfish Canyon MPB - \$100,000; Spearfish Peak MPB - \$30,000. 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 24th day of January, 2012 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 24th day of January, 2012. Robert Ewing, Chairman. Attest: Connie Atkinson, Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of January 23, 2012: Deadwood Diesel 2750: (prices per gallon) CBH Cooperative - \$3.18; MG Oil - \$3.16904*; Deadwood Unleaded 1900 Gallons: (prices per gallon) CBH Cooperative - \$2.959, MG Oil - \$2.94649*; Spearfish Diesel 1100 Gallons: (prices per gallon) CBH Cooperative - \$3.20, MG Oil - \$3.17152*; Spearfish Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$2.979, MG Oil - \$2.95158*. Whitewood Diesel 400 Gallons: (prices per gallon) CBH Cooperative - \$3.20, MG Oil - \$3.17904*. *Represents lowest quote awarded. No bid was received from Southside and Harms Oil.

DEPARTMENT OF TRANSPORTATION SITE USE AGREEMENT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the State of South Dakota Department of Transportation Site Use Agreement. Motion Carried.

DEPARTMENT OF TRANSPORTATION FUNDING AGREEMENT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the State of South Dakota Department of Transportation Funding Exchange Agreement for 2012 when the Agreement is available. Motion Carried.

RESOLUTION 2012-4 - NOTICE OF INTENT TO ENTER INTO LEASE OF COUNTY

OWNED PROPERTY: A public hearing was held on the County's Intent to Enter Into Lease Of County Owned Property. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Resolution 2012-4 - Notice Of Intent To Enter Into Leases For County Owned Airport Hangers, Bare Land Sites For Private Hangar Construction And Haying. Motion Carried.

RESOLUTION #2012-04 A RESOLUTION DECLARING NOTICE OF INTENT TO ENTER INTO LEASES FOR COUNTY OWNED AIRPORT HANGERS, BARE LAND SITES FOR PRIVATE HANGAR CONSTRUCTION AND HAYING: WHEREAS, Lawrence County ("County") owns the premises known as Black Hills Airport/Clyde Ice Field ("Airport"); WHEREAS, situated on the Airport are 53 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 development of 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, certain parts of the Airport are suitable for haying; WHEREAS, annually, the County typically enters into a lease permitting haying at the Airport; WHEREAS, the County intends to enter into a similar lease for haying in 2012; WHEREAS, the income received from the haying lease contributes to off-setting the costs of the operation of the Airport, and therefore reduces expenses to the County; 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(s) and fix a time for public hearing

the adoption of the resolution; WHEREAS, the “T-Hangar” leases and bare lot leases and haying lease to be offered by the County shall be for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value; and NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners has given its notice of intent to lease certain County owned property at the Airport, from time-to-time, and that a public hearing on adoption of this Resolution was held on the 24th day of January, 2012, 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 leases of County owned “T-Hangars”, bare lot sites and haying lease at the Airport according to the terms and conditions of the standard lease agreement, the Airport Rules and Regulations and Minimum Standards. Dated this 24th day of January, 2012. FOR THE BOARD: Bob Ewing, Chairman. ATTEST: Connie Atkinson, AUDITOR

TREASURER’S TRUST AGREEMENTS:

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Agreement for Delay in Taking Action to Take Treasurer’s Deed and Accept Partial Payment of Taxes with Laverne Geffre. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Agreement for Delay in Taking Action to Take Treasurer’s Deed and Accept Partial Payment of Taxes with Lois Elaine Nelson. Motion Carried.

ABATEMENTS:

DERBY TRUST: Moved-Seconded (Weisenberg-Ewing) to approve the abatement on parcel #26580-01370-000-10 for Stanley R. & Carolyn M. Derby Trust because the house was destroyed due to fire on 11-24-2011. Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #32250-00200-020-25 City of Spearfish because they received the property from Premier Bank Card on 8-12-2011 and on parcel #32090-04500-030-00 City of Spearfish because they received the property from Linda P. Eversole on 9-26-2011. Motion Carried.

CITY OF LEAD: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #31510-01900-060-10 and 31510-01900-060-30 City of Lead because they received the property from Herbert L. Richmond on 2-17-2011. Motion Carried.

CITY OF LEAD: Moved-Seconded (Weisenberg-Sleep) to approve the abatement on parcel #26460-01164-000-10 City of Lead because they received the property from Homestake Mining Company on 2-7-2011. Motion Carried.

LAWRENCE COUNTY: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #30050-00327-000-10 for Lawrence County because the County took tax deed on 7-7-2011. Motion Carried.

PUBLIC HEARING ON-OFF SALE WINE LICENSE: A public hearing was held on an application for a Retail On-Off Sale Wine License for **JOHNSON FAMILY RESTAURANT:** The Pub'n Grub., 21403 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve the Retail On-Off Sale Wine license for Johnson Family Restaurant. Motion Carried.

NURSE REPORT: Wade Huntington, Regional Manager was present to review the quarterly community health report.

AIRPORT:

STATE & MAINTENANCE & FINANCIAL ASSISTANCE AGREEMENT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the State Maintenance & Financial Agreement for Project # AP7000(10)-2011(GCO). Motion Carried.

CHANGE ORDER #1: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign Change Order #1 Project (AIP 3-46-0065-017-2010 & 018-2010). Motion Carried.

FINAL REVIEW & ACCEPTANCE Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Final Review and Acceptance - Parallel Taxiway Apron Expansion, Pavement Rehabilitation and Drainage Improvements Project (AIP 3-46-0065-017-2010 & 018-2010). Motion Carried.

AIRPORT HANGAR:

EXECUTIVE SESSION: 10:15 a.m. Moved-Seconded (Johnson-Weisenberg) to go into executive session with Rod Senn, Kadramas Lee & Jackson, for potential litigation on the new airport hangar construction issues. Motion Carried. 10:38 a.m. the Board opened for regular business.

Moved-Seconded (Johnson-Weisenberg) Concerning the new hangar under construction at the Airport the Board directs Rod Senn, Kadramas Lee & Jackson, to formulate a letter to send to GBA requesting the County get an extended warranty, will be requiring \$30,000 in liquidated damages because of the time required to finish the Hangar, and the County to receive copies of all lien releases. The Letter will then receive approval from Bruce Outka before being sent. Motion Carried.

BUTTE-LAWRENCE COUNTY 4-H: Betsy Burtzlaff, Butte/Lawrence County 4-H Advisor was present to update the Board on the progress of the 4-H program. Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the MOU between SDSU and Butte-Lawrence County 4-H program. Motion Carried.

MOUNTAIN PINE BEETLE DONATIONS: Jim Neiman, Neiman Forest Products and Everett Hogt, Black Hills Fly-Fisher's Association presented donations to the Lawrence County Mountain

Pine Beetle Project. They thanked the Board for their strong leadership in the fight against the Mountain Pine Beetle. The Board also noted they received a donation from the City of Spearfish in the amount of \$30,000 to aid in the fight against the beetles on Spearfish Peak.

PLANNING & ZONING: Jeff Schroeder, Deputy Code Enforcement Officer updated the Board on Planning and Zoning issues in regards to the application for Variance #131, Gilded Mountain Subdivision.

ANNUAL REIVEWS:

CONDITIONAL USE PERMIT #356 / DIAMOND M RANCH B&B (Myron Compton): An annual review was held for CUP #356 for Diamond M Ranch B&B. No complaints were received and will be reviewed in one year.

CONDITIONAL USE PERMIT #371-10 ALLTEL TOWER: An annual review was held for CUP #371-10 for Alltel Wireless. Moved-Seconded (Johnson-Weisenberg) CUP #371-10 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.

ORDINANCE #12-01 FLOOD PLAIN: A public hearing and first reading was held on Ordinance #12-01 Flood Plain. No public input was voiced and the public hearing was closed. Second reading will be on February 14, 2012.

ITEMS FROM COMMISSIONERS:

SENATE BILL 42: The Board discussed SB42. The Board will send a letter in support of SB42 and will send a Commissioner to testify if necessary. The Board acknowledged a letter in support of refusing to pay the bills on the Piper case.

SENATE BILL 111: The Board discussed SB111 and the possible affects on Lawrence County, the Board did not think this would impact the County.

MOUNTAIN PINE BEETLE: The Board acknowledged a hand written note from Governor Daugaard congratulating the Board on the Agreement with the Forest Service and progress being made on the Pine Beetles.

BILLS:

Moved-Seconded (Weisenberg-Sleep) 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.

Payroll: Comm-\$10,634.11; Aud-\$15,694.78; Treas-\$20,075.83; Comp-\$15,496.86; States Atty-\$25,080.03; Pub Def-\$19,565.20; Gen Govt Bldg-\$14,734.52; Equal-\$25,799.56; Rod-\$16,820.50; Vso-\$2,392.21; Disp-\$27,460.35; Sher-\$71,036.94; Jail-\$46,941.49; Coroner-\$246.16; Emerg Mgnt-\$7,116.43; E911-\$3,329.80; Title III-\$17,001.00; Highway-\$75,423.93; Air-\$2,303.60; Mh Serv-\$164.00; Weed-\$13,238.07; Pz-\$9,107.96; **Bills:** Brady,Thomas-\$47.36; Coburn,William-\$35.52; Deweese,Rodney-\$133.20; Golay,Robert-\$55.50; Hanna,Brooks-\$122.10; Johnson,Daryl-

\$88.80; Lantis, Travis-\$99.90; Mickelson, Craig-\$59.20; Mowell, Richard-\$8,610.00; O'dea, Marty-\$59.20; Outka, Bruce-\$26.63; Rath, Michael-\$122.10; Symonds, Carmen-\$110.80; Tysdal, Richard-\$71.04; A&B Business, Inc Solutions-\$3,060.71; A&B Welding Supply-\$18.60; A&J Supply-\$206.55; A-Z Shredding-\$13.00; Abc Business Supply Corp-\$651.15; Alco Store-\$29.46; Amcon Distributing-\$175.90; American Family Life-\$3,494.36; At&T-\$6.99; At&T Mobility-\$87.59; BH Chemical Company-\$1,577.78; BH Counseling Service-\$200.00; BH Federal Credit Union-\$17,200.00; BH Land Analysis-\$540.00; BH Pioneer-\$605.23; BH Power-\$9,407.60; BH Regional Multiple-\$100.00; BH Security & Systems-\$209.95; Banks, Johnson, Kappelman & Beck-\$249.25; Behavior Mngt Systems-\$21,802.00; Bennett, Main & Gubbrud-\$79.70; Benson Technical Works-\$1,668.75; Binder, Tracy-\$357.20; Black Hills Auto Parts-\$19.98; Black Hills Pure-\$23.00; Black Hills Vision-\$10,000.00; Bob Barker Company-\$687.56; Butler Machinery Co-\$211.69; Butte Electric Coop-\$760.26; Carbon County Sheriff Dept-\$50.00; Carol Butzman Consulting-\$525.71; Central Parts-\$76.11; Century Business Products-\$697.36; Centurylink-\$1,386.58; City/County Alcohol & Drug-\$1,440.00; City Of Rapid City-\$180.00; Credit Collections Bureau-\$200.00; DWare-\$1,400.00; Dakota Equipment Rental-\$889.73; Dakota Graphics-\$250.00; Dakotacare-\$533.46; Deadwood Recreation Center-\$695.01; Delta Dental Of South Dakota-\$6,314.88; Dept Of The Treasury-\$98,526.69; Edm Publishers-\$98.78; Election Sys & Software-\$6,060.00; Et Sports-\$75.00; Extension Service-\$5,437.00; Fastenal-\$293.04; Federal Express Corp-\$17.13; First Interstate Bank-\$32.75; Fish, Veronica-\$20.40; Fleet Services-\$1,607.03; Fsh Communications-\$60.00; Gene's Lock Shop-\$22.50; Genpro Power Systems-\$1,603.48; Great Western Tire-\$12.50; Hartford-Priority Accounts-\$1,682.70; Havemeier, Leslie-\$57.60; Heisler Hardware-\$57.94; Hobart Sales & Service-\$1,653.28; Ibm Corporation-\$1,573.88; Knecht True Value-\$886.40; Knology-\$1,683.49; Koala Electric-\$705.42; LC Sheriff-\$337.92; LC Treasurer-\$9.00; Landmark Gsi-\$5,000.00; Lattice Incorporated-\$3.50; Lawson Products-\$385.84; Lead, City Of-\$44.15; Lead-Deadwood Regional Hospital-\$380.21; Lead-Deadwood Sanitary-\$45.00; Lee, James-\$15.00; Lewis & Clark-\$149.00; Lexisnexis Matthew Bender-\$83.89; Lexisnexis Risk Data Mngt-\$75.00; Lueders-\$68.24; Lyle Signs-\$121.19; Mad Manz Pizza-\$79.58; Marco-\$25.86; Mattson, Barbara-\$22.20; McClure, Susan-\$350.00; Mcleod's Office Supply-\$157.30; Metric Motors-\$1,575.14; Meyer, Mary Anne Csr, Crr-\$25.00; Mg Oil Company-\$32,606.70; Microfilm Imaging Systems-\$755.00; Mid States Organized-\$150.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$1,190.44; Moore Medical-\$156.85; Motorola Solutions-\$35,790.85; NH Alcohol & Drug Services-\$10,000.00; National Assoc Legal Assistant-\$100.00; National Emergency-\$390.00; National Sheriff's Assoc-\$100.00; Ndwca-\$120.00; Nelson, Tonya-\$450.00; Neve's Uniforms-\$217.61; Northern Hills Casa-\$7,500.00; Northern Hills Rec Center-\$209.00; Office Of Child Support-\$879.70; Office Technology/Supply-\$521.23; Outdoor Motor Sports-\$1,725.00; Pennington Co Auditor-\$109.00; Pennington Co Jail-\$2,011.05; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$180.00; Primero Insurance-\$40.00; Program Works-\$80.00; Quik Signs-\$69.60; Quill Corporation-\$486.20; RC Finance Office-\$1,225.00; RC Regional Hospital-\$984.96; Radio Shack/Kazco-\$2,614.65; Rapid Delivery-\$24.16; Redwood Toxicology Lab-\$280.00; Regional Behavioral Health-\$254.61; Regional Health-\$8.08; Regional Health Physicians-\$165.69; Reindl, Staci-\$1,283.90; Reliable-\$60.91; Rocket Lube-\$163.83; Rsinet/Thomas W Nichols-\$180.00; SD Assoc Of Weed & Pest Boards-\$365.00; SD Association Of County-\$195.00; SD Dept Of Labor Unemployment-\$315.41; SD Dept Of Transportation-\$100.00; SD Emergency Mngt Association-\$90.00; SD Municipal League-\$50.00; SD Public Assur Alliance-\$128,656.60; SD Retirement System-\$53,782.14; SD State Treasurer-\$731.63; Schilplin, Sara Psy-\$950.00; Sdrs Supplemental Retirement-\$2,628.00; Secretary Of State-\$30.00; Securus Technologies T-Netix-\$272.50; Servall Towel & Linen-\$514.38; Skinner & Winter Prof-\$229.60; Spearfish Auto Supply-\$455.05; Spearfish Husky-\$156.00; Spearfish Police Dept-\$17,263.21; Stretch's Glass & Mirror-

\$90.40; T & W Appliance/Knothole-\$815.22; Teen Court-\$7,500.00; The Western Planner-\$210.00; Thompson Publishing Group-\$433.99; Thurman Law Office-\$179.86; Tigerdirect-\$139.01; Top Quality Glove-\$195.00; Trugreen Chemlawn-\$261.05; Twin City Hardware & Lumber-\$1,077.06; Verizon Wireless-\$96.69; Victims Of Violence-\$545.00; Waste Connections-\$614.91; Watertree-\$64.55; Wellmark Blue Cross-\$73,755.72; Wells Fargo Business Card-\$1,518.00; West Group-\$289.00; West River International-\$508.81; Western Communication-\$688.70; Western Sd Juvenile Serv-\$5,590.00; Western State Fire Protection-\$534.10; White Drug-\$3,716.63; White's Queen City Motors-\$871.18; Wilde & Hunt, Prof-\$1,763.60; Williams Standard Serv-\$199.24; Wolff's Plumbing & Heating-\$95.67; Yankton County-\$103.75; **Witness & Juror:** Watts,J-\$20.36; Awbrey,J-\$61.10; 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; Ahola,S-\$61.10; Alan,C-\$21.10; Albright,P-\$22.58; Auer,C-\$63.32; Baker,K-\$28.50; Ballert,P-\$52.96; Barrett,F-\$22.58; Clauser,V-\$62.58; Cudmore,T-\$53.70; Driscoll,D-\$20.36; Erion,J-\$21.10; Foskett,L-\$22.58; Greear,K-\$23.32; Haar,J-\$58.88; Hunter,J-\$12.22; Jones,M-\$21.10; Keehn,T-\$12.22; Koppinger,L-\$21.10; Larson,R-\$11.48; Ludens,S-\$60.36; Maier,D-\$21.10; Miller,T-\$61.10; Pengra,D-\$51.48; Rachtetto,C-\$12.22; Rang,C-\$19.62; Rehorst,J-\$21.10; Sandidge,S-\$21.10; Schmidt,K-\$21.84; Seamands,J-\$21.10; Sherck,A-\$22.58; Simmons,L-\$21.10; Tollefsrud,D-\$64.80; Daum,C-\$22.22; Davidson,C-\$32.58; Derek,C-\$38.50; Ellis,S-\$40.20; Griffin,H-\$22.22; Huff,N-\$31.10; Jensen,T-\$31.10; Kappen,B-\$28.88; Kaufmann,C-\$42.20; Knoepfle,D-\$22.22; Mulvehill,S-\$39.98; Seiber,T-\$31.10; Symonds,S-\$38.50

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

Date Approved

BOB EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 14, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 14, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Johnson-Weisenberg) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of January 24, 2012 County Commission meeting. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Johnson-Ewing) To approve and authorize the hiring of the following individuals as Tree Markers/Administrators: Gregory R. Mead, Quillan J. McNeese, Laura E. Gehner, Janel M. Blotz, Brandon L. Ludens, John A. Grant at a base rate of \$12.10 effective January 30, 2012. Keith A. Iverson at a base rate of \$12.10 effective February 8, 2012, Brian W. Peterson at a base rate of \$12.10 effective February 6, 2012. Adam Rydquist at a base rate of \$12.10 effective February 15, 2012. Zach Gibson, Scott Trimble at a base rate of \$12.10 effective February 16, 2012; and the following Tree Feller's Effective 2/08/2012: Adam Altergott, Justin Baker, Steve Baker, Brandon Clifford, Collins Clifford, Ryan Corman, Mike Cole, Wes Crider, Brandon Fisher, John Lauer, Justin Lickfelt, Nate Minkler, Jared Nelson, Matt Rayes, Patrick Romportl, Gregory Schoon, Nick Schultz, Tyler Tetrault, Casey Davis, Jeremy Ferguson, Matt James, Aaron Alpe. Effective 02/09/2012 Erik Lehman. Effective 02/16/2012 Jazz Beyuka, John Fluekinger, David Frey, Adam Humbach, Russ Linneman, Dave Rentsch, Pat Rentsch, Marcus Swan, Dan Bagley, Roy Boots. Motion Carried.

HIGHWAY: The Board will conduct interviews for the Highway Superintendent on February 23, 2012.

SHERIFF:

Moved-Seconded (Weisenberg-Sleep) to approve Justin Colvin as a part-time Corrections Officer I G3 at the base rate of \$14.85 an hour, upon the completion of 40 hrs of training at the base rate of \$9.51 an hour, effective 02/06/2012. Motion Carried.

VOLUNTEER SEARCH & RESCUE MEMBERS: Moved-Seconded (Weisenberg-Johnson) to approve Todd James, Rob Leonard and Jeff Schroeder as Volunteer Search & Rescue Members for insurance purposes. Motion Carried.

BOARD APPOINTMENTS: Moved-Seconded (Sleep-Ewing) To appoint Debra Stewart to the Lawrence County Housing Board for a term to expire 12-31-2016. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Weisenberg) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of January 31, 2012 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$36,373.73; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,296.43; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$5,250,000; Savings \$3,659,278.41, Money Market \$530,013.13; Bank Balance-\$4,134,239.92; Total \$13,615,311.62.

COUNTY COMMISSION REPRESENTATION: Per SDCL 7-8-10, the Board of County Commissioners, at its regular meeting in February of each year ending in the numeral "2" (following the federal decennial census) has to declare representation by either Districting election system or At-Large election system. The present system of At-Large representation has been in effect since 1973.

Moved-Seconded (Johnson-Weisenberg) to continue the present system of "At-Large Representation" election of the Lawrence County Commissioners. Motion Carried.

SEVERANCE TAX FUND: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to send a letter to the Governor requesting approval to spend all the Mineral Severance Tax Funds for the Mountain Pine Beetle Project. Motion Carried. Aye-Johnson, Weisenberg and Ewing. Nay-Sleep. Sleep stated he would support a letter requesting permission to only spend the interest and would like to keep the base amount in tact. The Board was in agreement that the interest should be spent first and the base as a last source. Moved-Seconded (Sleep-Johnson) to direct Commissioner Weisenberg to personally deliver the letter. Motion Carried.

ARTEMIS HOUSE: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to send a letter of support to the Artemis House. Motion Carried.

TREASURER TRUST AGREEMENT: Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign the Agreement for Delay in Taking Action to Take Treasurer's Deed and Accept Partial Payment of Taxes with Howard Peterson. Motion Carried.

REPORT ON INVESTMENTS: Deb Tridle, Treasurer presented a report on the County Investments.

ABATEMENTS:

SONYA CONACHEN: Moved-Seconded (Johnson-Weisenberg) To approve the abatement for Sonya Conachen on a 1979 Sharol Mobile Home VIN#7328 Parcel #60089 because a moving permit and advance tax was paid for 2012. Motion Carried.

CLINT DUPEL: Moved-Seconded (Johnson-Weisenberg) To approve the abatement for Clint Dupel on a 2000 Patriot Mobile Home VIN#PAT467041N Parcel#60085 because a moving permit and advance tax was paid for 2012. Motion Carried.

PEARL BURDICK: Moved-Seconded (Weisenberg-Sleep) To follow the recommendation of the Director of Equalization and the City of Spearfish and approve the abatement for Pearl Burdick on Parcel #32740-00400-004-00 because the proper exemption was not applied. Motion Carried.

MASONIC CEMETERY ASSOCIATION: Moved-Seconded (Johnson-Ewing) To follow the recommendation of the Director of Equalization and approve the abatement for the Masonic Cemetery Association on Parcel #31180-00100-120-10. Motion Carried.

SEARCH & RESCUE: Mike Stahl was present to report on the Lawrence County Search and Rescue Activities.

HIGHWAY BUSINESS:

APPROACH PERMIT: COLIN THOMPSON: Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the Approach Permit for Colin Thompson to construct an approach to the North side of Whitewood Valley located approximately (.35) three & half tenths to east of Highway 34. Motion Carried.

MOTOR GRADER BIDS: Scott Gullickson from Butler Caterpillar was present to discuss the Mellette County Bid and the Caterpillar motor graders. Wade Iszler and Dana Brentlinger from John Deere were present to discuss John Deere Motor Graders and the Mellette and Aurora County Bids. Dick Birk expressed concerns on the John Deere Motor Grader bids and the fact that they would be used machines. Birk stated he was not comfortable with the Aurora County Bid. Birk stated he was confident with the Caterpillar motor graders and what equipment he would be receiving and recommended purchasing six motor graders off of the Mellette County Bid per SDCL 5-18-18. Johnson asked what equipment would hold its retail value longer. Wade Iszler stated in the past Cat has kept its value better but the trend is changing. Gullickson presented data showing the value of the Cat machines resale value was higher. Maintenance and service time was discussed with the representatives.

Moved-Seconded (Weisenberg-Johnson) Based on pricing, resale value, and service to follow the recommendation of Dick Birk and purchase 6 (six) 2012 or newer 140M2 Butler Caterpillar motor graders off of the Mellette County Bid. Motion Carried.

RECESS: 9:30 a.m. Moved-Seconded (Johnson-Sleep) to recess the County Commission Meeting. Motion Carried. 9:37 a.m. The Chairman called the meeting back to order.

CROOK CITY CEMETARY: Janine Guern and Vernon Davis were present to discuss the adverse possession (pursuant to SDCL Ch 7-26) for the Crook City Cemetery. Davis and Guern presented a handout and pictures of the Crook City Cemetery and the condition of the tombstones. Davis asked the Board if Outka could research the adverse possession of the Crook City Cemetery. Ewing stated he will discuss the issue with the landowner.

AIRPORT:

BID OPENING AIP PROJECT – TAXIWAY PROJECT: The following bids were received to extend the box culvert on False Bottom Creek, construct parallel taxiway from existing apron to runway 13 turnaround: Hills Materials Company - \$3,310,818.32 & Johner & Sons EKE - \$3,329,972.45. Moved-Seconded (Johnson-Weisenberg) to table the bids until February 28th to allow time to review. Motion Carried.

BID OPENING HANGAR RELOCATION: The following bids were received for the hangar relocation: Donovan Construction - \$146,319.00; Complete Concrete Inc. - \$104,945.29; Leska Inc. - \$101,599.20; Ainsworth Benning - \$145,218.20. Moved-Seconded (Johnson-Weisenberg) to table the bids until February 28th to allow time to review. Motion Carried.

HANGAR/CONSTRUCTION ISSUES: Rod Senn, KLJ was present to discuss and update the Board on the hangar and construction issues.

MOUNTAIN PINE BEETLE / STATE COST SHARE PROGRAM: Greg Josten, SD Division of Forestry was present to discuss the State Cost Share Program for Mountain Pine Beetles.

MOUNTAIN PINE BEETLE: Dave Heck was present to update the Board on the Mountain Pine Beetle Project. Heck reviewed the total cost to date showing Spearfish Peak was \$97,073.50 of which the City of Spearfish donated \$30,000 and this stage of the project is completed. Spearfish Canyon donations \$143,750, cost to date \$58,616.60 and the estimated cost remaining after donations is \$745,000. Limestone donations \$50,000 from Neiman with \$50,000 in-kind services, cost to date spent \$0 and the estimated cost remaining after donations is \$298,000. All costs represent only tree felling and does not include any other expenses covered by Lawrence County to recon, survey, administer, and purchase and use of equipment.

MOUNTAIN PINE BEETLE FUNDING: Moved-Seconded (Weisenberg-Johnson) to set a supplemental budget hearing for February 28th for the Fire Protection Fund to spend all reserves in the Fire Protection Fund for the Mountain Pine Beetle Project. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to do a contingency transfer from Commissioners Contingency Fund to the Mountain Pine Beetle Project. Aye-Weisenberg. Nay-Johnson, Sleep and Ewing. Motion Failed. Ewing stated he was uncomfortable spending the contingency fund this early in the year.

DONATIONS: Ron Waterland, Wharf Resources presented a donation to the County for \$20,000 to help fight the Mountain Pine Beetle. The Board thanked Wharf for the donation and support in the Community.

ADDENDUM TO PARTICIPATING AGREEMENT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Modification #1 to the Participating Agreement #12-PA-11020308-007 with the Forest Service. Motion Carried.

BLM AGREEMENT: Moved-Seconded (Johnson-Ewing) to approve and accept the MOU with the Bureau of Land Management for Mountain Pine Beetle for the limit of \$8,000 according to the Statement of Work. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held on a for a supplemental budget for GENERAL FUND / County MPB - \$100,000; Spearfish Canyon MPB - \$32,500; TITLE III FUND / Title III Expenditures - \$34,287.11; No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the following Resolution #2012-07 and to establish the budgets. Motion Carried.

RESOLUTION #12-07 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit GENERAL FUND / County MPB - \$100,000; Spearfish Canyon MPB - \$32,500; TITLE III FUND / Title III Expenditures - \$34,287.11. 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 14th day of February, 2012 at the hour of 10:30 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 14th day of February, 2012. Robert Ewing, Chairman. Attest: Connie Atkinson, Auditor.

PLANNING & ZONING: Jeff Schroeder, Deputy Code Enforcement Officer updated the Board on Planning and Zoning issues.

ORDINANCE #12-01 FLOOD PLAIN: Second Reading was held on Ordinance #12-01 Flood Plain. Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and adopt Lawrence County Ordinance #12-01 Flood Plain. Motion Carried.

BILLS:

Moved-Seconded (Weisenberg-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-\$5,566.58; Aud-\$7,977.35; Treas-\$10,190.43; Comp-\$7,841.83; States Atty-\$12,677.39; PD-\$9,884.66; Gen Govt Bldg-\$7,432.89; EQ-\$13,229.64; ROD-\$8,509.87; VSO-\$1,208.31; Disp-\$13,609.86; Sher-\$35,833.45; Jail-\$22,487.61; Coroner-\$23.08; Emerg Man-\$3,646.32; E911-\$1,687.40; Title III-\$20,626.81; Highway-\$38,967.44; Air-\$1,148.54; Weed-\$5,039.83; PZ-\$4,527.21; Spfsh Peak MPB-\$46,360.44; **Bills:** Gould, Gary L.-\$40.27; Larson, P. Rene'-\$52.00; Mowell, Richard E.-\$8,472.00; Grone, Joe-\$31.10; Thomson, Paul L.-\$71.68; A&B Business,Inc Solutions-\$1,191.12; A&B Welding Supply Inc-\$19.22; A&J Supply-\$369.69; A-Z Shredding Inc-\$16.20; Abc Business Supply Corp-\$1,179.78; Adams, Thomas E.-\$768.75; Alco Store #262 Inc-\$35.96; At&T Mobility-\$877.64; At&T Subpoena Center-\$40.00; B H Chemical Company Inc-\$1,323.91; B H Federal Credit Union-\$8,600.00; B H Land Analysis-\$810.00; B H Pest Control-\$95.00 ;B H Pioneer Inc-\$1,060.06; B H Power (Rapid)-\$9,688.80; Ball, Megan-\$50.00; Biegler, Greg-\$60.00 Binder, Tracy-\$100.20; Bob Barker Company, Inc.-\$963.42; Bomgaars Supply Inc-\$31.98; Butler Machinery Co. Inc-\$717.86; Butte Electric Coop Inc-\$847.02; Butte-Lawrence Co. Fair-\$10,000.00; C&B Aviation, Llc-\$210.00; Campbell Co Sheriffs Off-\$50.00; Carol Butzman Consulting,Llc-\$689.98, Cedar Shore-\$194.00; Central Parts-\$50.64; Century Business Products Inc-\$62.74; Centurylink-\$1,386.43; Chemical Sanitizing Sys Ltdinc-\$96.34; Christensen Law Office-\$1,163.75; City Of Rapid City-\$60.00; Cody, Denise-\$15.00; Collison, Jeanne-\$30.00; Credit Collections Bureau-\$100.00; Crop Production Services-\$12,771.50; Dakota Equipment Rental-\$287.34; Dakota Graphics-\$63.00; Dakotacare-\$533.46; Datapro Solutions Inc-\$4,102.00; Deadwood Carnegie Library-\$91,801.00; Deadwood, City Of-\$959.29; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$65,899.52; Dietrich, Donna K.-\$512.78; Eke Inc-\$35,000.80; Et Sports-\$4,499.60; Fastenal-\$702.85; Federal Express Corp.-\$156.77; First Western Ins Deadwood-\$2,990.00; Fish, Veronica-\$633.20; Fsh Communications-\$60.00; Glaxosmithkline Pharmaceutical-\$377.50; Grace Balloch Mem Library-\$230,421.00; Great Western Tire Inc-\$17.95; Hall County Court, Dist Nine-\$2.00; Hamann, Chris-\$400.00; Havemeier, Leslie-\$106.40; Heartland Paper Co Inc-\$439.80; Heisler Hardware Inc-\$54.97; Holiday Inn City Centre Sf-\$46.50; Horn & Koletzky-\$194.60; K Mart Pharmacy-\$240.01; Kadrmas, Lee And Jackson Inc-\$46,922.94; Kimball-Midwest Co. Inc-\$201.62; Kittelson, Joan-\$15.00, Knecht True Value Inc-\$62.45; Knology Inc-\$59.12; Kosel, Joseph M-\$6,680.43; L C Emerg Mgnt-Petty Cash-\$17.32; L C Treasurer-\$28.00; Labcorp Of America Holdings-\$25.00; Lattice Incorporated-\$12.82; Lead, City Of- \$108,793.95; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Reg Med Clinic-\$69.41; Lead-Deadwood Regional Hospita-\$515.14; Lead-Deadwood Sanitary-\$442.92; Lee, James-\$15.00; Lewis & Clark Bhs-\$149.00; Lexisnexis Risk Data Mgnt Inc-\$75.00; Lueders-\$60.27; Mack's Auto Body Llc Corp-\$598.37; Marco Inc-\$25.86; Mearthur, Janet-\$50.00; McClure, Susan-\$350.00; Megas Propane Llc-\$796.40; Metric Motors-\$297.87; Mg Oil Company-\$22,028.24; Microfilm Imaging Systems Inc-\$755.00; Midwest Alarm Co-\$84.00; Mikelson, Gary E.-\$45.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$8,128.78; Moss, William Psy. D.-\$650.00; N H Training Center Inc-\$1,250.00; National Forest Counties &- \$154.62; Neve's Uniforms Inc-\$182.40; Occupational Health Network In-\$30.00; Office Of Child Support-\$439.85; Outdoor Motor Sports-\$12.95; Pennington Co Auditor-\$198.00; Pennington County Sheriff-\$2,251.25; Pennington County Sts Attny-\$200.00; Pollard, Jerry-\$45.00; Program Works-\$80.00; R C Regional Hospital Inc-\$2,823.65; Rabe Elevator-\$63.10; Rchetto, Jerry C-\$287.00; Radio Shack/Kazco Inc-\$4,388.92; Rasmussen Mechanical Serv Inc-\$9,270.00; Regional Behavioral Health Ctr-\$305.91; Regional Health Physicians-\$407.27; Reindl, Staci-\$2,029.36; Reliable Inc-\$47.99; Rocket Lube-\$140.09; S D Assoc Of County Commission-\$8,014.00; S D Continuing Legal Education-\$950.00; S D Dept Of Transportation-\$6,181.53; S D State Treasurer-\$14,536.47; Sanitation Products Inc-\$2,643.97; Scott J Odenbach, Pc-\$410.00; Sdrs Supplemental Retirement-\$1,314.00; Securus Technologies T-Netix-\$807.50; Servall Towel & Linen,Inc-

\$907.10; Skinner & Winter Prof Llc-\$148.79; Southside Oil Co-\$81.43; Spearfish Ambulance Service In-\$5,225.00; Spearfish Auto Supply Inc-\$1,627.29; Spearfish Husky-\$22.50; Spearfish Police Dept-\$7,243.76; Spearfish Senior Citizens-\$2,000.00; State Radio Communication-\$5,280.00; Sturdevant's Auto Parts-\$275.90; Subway-\$58.45; Sunshine Inc-\$380.00; Swanda, Karen-\$60.00; Tigerdirect Inc-\$842.77; Top Quality Glove-\$130.00; Twin City Hardware & Lumber In-\$1,416.32; Twin City Senior Citizens-\$2,000.00; Usd School Of Law-\$123.02; Verizon Wireless Inc-\$96.69; Waste Connections, Inc.-\$614.91; Watertree Inc-\$37.95; Waytek, Inc.-\$2,695.76; Wells Fargo Business Card-\$2,433.85; West Group-\$155.50; West River International Inc-\$1,110.64; West Tire And Alignment-\$164.00; Western Communication Inc-\$702.50; Western Sd Juvenile Serv-\$3,280.78; Whitewood Senior Citizens-\$1,000.00; Wright Express Fsc-\$1,545.03; Alan, Carstin-\$61.10; Driscoll, Dennis-\$60.36; Foskett, Lacy-\$62.58; Greear, Kerry-\$63.32; Jones, Misty-\$61.10; Koppinger, Lindsey-\$61.10; Rachtetto, Crystal-\$52.22; Rang, Curtis-\$59.62; Sandidge, Shanna-\$61.10; Seamands, Jessica-\$61.10; Abbas, Leon-\$21.85; Baucom, Bradford-\$20.74; Crandall, Jessica-\$21.85; Deweese, Rachel-\$31.84; Kendall, Ashley-\$31.84; Leveque, Ericka-\$31.84; Rice, Tiffany-\$29.99; Sapp, Dustin-\$31.84; Waisanen, Dan-\$20.00; Yellow, Phyllis-\$49.60; Zopp, Cameron-\$28.14; Zopp, Donna-\$36.28; Ashton, Sandra-\$22.22; Bender, Majorie-\$32.21; Blair, Connie-\$22.22; Brammeier, Billie-\$32.21; Brown, Betsy-\$32.58; Hogan, Shay-\$31.10; Jones, Darwin-\$57.00; Merrill, Dean-\$30.73; Tiger, Liz-\$32.21; Bradley, Donna-\$38.50; Burke, Dick-\$21.11; Deis, Kelly-\$32.95.

ADJOURN: 11:22 a.m. Moved-Seconded (Johnson-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – February 14, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on February 14, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Terry Weisenberg and Richard Sleep present. Brandon Flanagan was absent.

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

VARIANCE #131 / STUEN CONSTRUCTION / GILDED MOUNTAIN: A public hearing was held on an application for Variance #131 Owner/Applicant: Gilded Mt, LLC/Stuen Construction. Description (Location): Lot 5, Gilded Mt Subdivision (Off Hwy 14A/85) Request: 2 ½ ft variance from 25 ft front setback for residence (22 ½ ft set back) Zoning & Acreage: SRD - .36 acre. Stuen reported to the Planning and Zoning Office that after completion of residence, it was discovered that the setback on the SW corner of the residence was only 22.5 feet opposed to the 25 foot that is required. No public input was voiced and the hearing was closed.

Moved-Seconded (Johnson-Sleep) Based on the terrain and due to the owner bringing the issue forward to the Board, and approving the variance will not adversely affect any neighboring landowners, to follow the Planning and Zoning recommendation and approve Variance #131 Owner/Applicant: Gilded Mt, LLC/Stuen Construction. Motion Carried.

ADJOURN: 9:37 a.m. There being no further business it was Moved-Seconded (Weisenberg-Johnson) to adjourn. Motion Carried.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – February 23, 2012

Robert Ewing called the special meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 23, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Johnson-Sleep) to approve the agenda. Motion Carried.

HIGHWAY BUSINESS:

EXECUTIVE SESSION: 8:00 a.m. Moved-Seconded (Johnson-Weisenberg) to go into executive session to conduct interviews for the Highway Superintendent Position. Motion Carried. 11:03 a.m. Moved-Seconded (Johnson-Sleep) to adjourn from Executive Session. Motion Carried.

PERSONNEL:

Moved-Seconded (Johnson-Sleep) to offer the position of Highway Superintendent to Allan Bonnema at the base salary rate of \$69,000 per year. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to hire Chuck Williams as the Temporary Highway Superintendent at the base rate of \$2,653.85 per pay period or \$265.39 per regular work day, effective 2-24-2012. Motion Carried.

Dick Birk reviewed present and future projects with the Board.

ADJOURN: 11:32 a.m. Moved-Seconded (Johnson-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 28, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 28, 2012 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 absent. Daryl Johnson was present on conference call for the Supplemental Budget Hearing.

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-Sleep) to approve the minutes of the February 14th and 23rd. County Commission Meeting and Board of Adjustment meeting for February 14th, 2012. Motion Carried.

TRANSFER OF FUNDS / ROAD & BRIDGE & EMERGENCY DISASTER: Moved-Seconded (Flanagan-Sleep) to approve the annual budgeted transfer of \$1,052,647 from General Fund to Road & Bridge Fund and to transfer \$176,898 from General Fund to Emergency & Disaster Fund. Motion Carried.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Flanagan-Weisenberg) to approve the automatic supplement of \$1,510.00 for the Register of Deeds Repairs and \$3,596.76 for Salaries for grant funds received and to approve the automatic supplement of \$5,000 for the Invasive Species Management Chemical for \$5,000 for funds received from the USDA Forest Service. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Weisenberg-Ewing) To approve and authorize the hiring of the following individual as Tree Marker/Administrator effective 02/15/2012 Adam Rydquist. Motion Carried.

HIGHWAY: Moved-Seconded (Sleep-Weisenberg) to approve hiring Allan Bonnema as Highway Superintendent at the base salary rate of \$69,000 per year, effective May 1, 2012. Motion Carried.

SHERIFF: Moved-Seconded (Flanagan-Weisenberg) to accept the letter of resignation from Tom Sandvick as E911 Coordinator effective April 7th, 2012, and to thank him for his years of service. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Sue Black as E911 Coordinator G1 at the base rate of \$19.64 an hour, effective 2-26-2012. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve Alexandra Johnsen as a full-time Dispatcher II G2 at the base rate of \$16.74 an hour, effective 2-26-2012. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Flanagan) to approve the advertisement of a full-time appraiser. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of February 17, 2012: Deadwood Diesel 2400: (prices per gallon) Southside - \$3.39*; MG Oil - \$3.81124; Deadwood Unleaded 2200 Gallons: (prices per gallon) Southside Cooperative - \$3.07*, MG Oil - \$3.26965; Spearfish Diesel 1100 Gallons: (prices per gallon) Southside Cooperative - \$3.39*, MG Oil - \$3.81702; Spearfish Unleaded 1000 Gallons: (prices per gallon) Southside - \$3.07*, MG Oil - \$3.27474. *Represents lowest quote awarded. No bid was received from CBH Cooperative and Harms Oil.

DEPARTMENT OF TRANSPORTATION STRIPING AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) 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 SUPPLIES BID OPENING: Moved-Seconded (Weisenberg-Sleep) to set a bid opening for March 27, 2012 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.

BRIDGE INSPECTIONS: Moved-Seconded (Flanagan-Ewing) to approve and authorize the Chairman to sign the BRIDGE REINSPECTION RESOLUTION #12-09. Motion Carried.

Resolution #2012-09 BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. THEREFORE, Lawrence County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The County requests SDDOT to hire Interstate Engineering (Spearfish) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. Dated this 28th day of February, 2012, at Deadwood, South Dakota. Board of County Commissioners of Lawrence County Robert Ewing, Chairman of the Board. ATTEST: Connie Atkinson, County Auditor.

HIGHWAY – CULVERT BIDS: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from TrueNorth Steel for 2012. Motion Carried. (Bid on file in the Lawrence County Auditor’s Office)

BUREAU OF LAND MANAGEMENT: Marian Atkins, BLM was present to update the Board on the BLM activities and Resource Management Plan.

AIRPORT:

BID OPENING AIP PROJECT – TAXIWAY PROJECT: Moved-Seconded (Weisenberg-Ewing) to remove from the table the bids to extend the box culvert on False Bottom Creek, and construct parallel taxiway from existing apron to runway 13 turnaround. Motion Carried.

The following bids were received to extend the box culvert on False Bottom Creek, construct parallel taxiway from existing apron to runway 13 turnaround: Hills Materials Company - \$3,310,818.32 & Johner & Sons EKE - \$3,329,972.45. Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation from Rod Senn, KLJ and accept the low bid from Hills Materials Company and to approve and authorize the Chairman to sign the contracts and notice to proceed upon review of Senn and Outka. Motion Carried.

BID OPENING HANGAR RELOCATION: Moved-Seconded (Weisenberg-Ewing) to remove from the table the bids for the hangar relocation. Motion Carried. The Board discussed alternative options rather than relocating the hangar. Moved-Seconded (Flanagan-Weisenberg) to table the bids for the hangar relocation until next meeting. Motion Carried.

SUPPLEMENTAL BUDGET: 9:45 a.m. to 9:50 a.m. Daryl Johnson was on conference call for the discussion and vote on the Supplemental Budget. Ewing stated at the last meeting the Board took action to send a letter to the Governor asking for permission to spend Mineral Severance Tax funds on the Mountain Pine Beetle project and now is the time to discuss the amount of funds to allocate to the project at this time. Dave Heck gave an overview of the project and stated the funds needed for this stage of the project would be approximately \$300,000. A public hearing was held for a supplemental budget for GENERAL FUND / Spearfish Canyon MPB - \$8,250; Warf MPB - \$20,000; FIRE PROTECTION FUND - \$110,000; MINERAL SEVERANCE TAX FUND - \$1,771,033.46. Bill Coburn and Jim Nelson spoke in support of Hecks requested funds and stated the extreme importance to continue the project and to look for additional outside funding. The public hearing was closed. Discussion followed on the importance of keeping the Fire Protection Funds in tact. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2012-08. Motion Carried. A roll call vote was conducted and all voted aye.

RESOLUTION #12-08 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit **GENERAL**

FUND / Spearfish Canyon MPB - \$8,250; Wharf MPB - \$20,000; MINERAL SEVERANCE TAX FUNDS - \$300,000. 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 28th day of February, 2012 at the hour of 9:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 28th day of February, 2012. Robert Ewing, Chairman. Attest: Connie Atkinson, Auditor.

FIRE PROTECTION DISTRICTS: Woody Hover, Fire Chief for the St. Onge Volunteer Fire Department was present to request the Board amend the Fire District Boundaries between St. Onge and Spearfish. The Board reviewed a letter signed by Travis Ladson, Fire Chief for the Spearfish Volunteer Fire Department stating he was in agreement with the amendment. Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the following Resolution #12-10. DEFINING THE FIRE RESPONSE BOUNDARIES. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2012-10 DEFINING THE FIRE RESPONSE BOUNDARIES: WHEREAS, The Lawrence County Fire Advisory Board has recommended defining fire department response boundaries for Lawrence County, inclusive; and WHEREAS, the Lawrence County Commission recognizes the need to establish boundaries for the purpose of determining which fire department is the first initial fire responder; and WHEREAS, a Fire Response Boundary Map will also aid fire departments in locating and arriving quickly at the scene of a fire; **NOW THEREFORE BE IT RESOLVED;** that the Lawrence County Commissioners, with the advice and cooperation of the Lawrence County Fire Advisory Board, hereby establishes fire response boundaries for all fire departments located in Lawrence County and adopts the attached Lawrence County Fire Response Boundary Map legally described as follows:

The boundaries of the **Spearfish Canyon Fire** Response Area are described as: (per Fire District previously elected) Lawrence County: Sections 1-24, Township 3 North, Range 1 East; Sections 2-11 and 14-19, Township 3 North, Range 2 East; all of Township 4 North, Range 1 East (or Sections 1-36, T4N, R1E); Sections 4-9, 14-23 and 26-35, Township 4 North, Range 2 East; Sections 13-36, Township 5 North, Range 1 East; Sections 17-20, 30 and 31, Township 5 North, Range 2 East; BHM, Lawrence County South Dakota.

The boundaries of the **Whitewood Fire** Response Area are defined as: (per Fire District previously elected) Lawrence County: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, in Township 7 North, Range 4 East of the B.H.M.; Sections 1 through 36, inclusive, in Township 6 North, Range 4 East of the B.H.M., including the municipality of Whitewood, South Dakota; Sections 1, 12, 13, 24, 25 and 36 in Township 6 North, Range 3 East of the B.H.M.; and Section 2, 3, and 4 in Township 5 North, Range 4 East of the B H M., all in Lawrence County South Dakota.

The boundaries of the **Rochford Fire** Response Area within Lawrence County are defined as: (per Fire District previously elected) Lawrence County: All of Sections 25 through 36, inclusive, T3N, R1 E, All of Sections 20 through 36, inclusive, T3N, R2E; All of Sections 19 through 22 and 27 through 34, inclusive, T3N, R3E, BHM, All of Sections 1 through 6, inclusive, T2N, R1-3E; All of Sections 3 through 6, inclusive, T2N, R4E; Those parts of Sections 7 through 12, inclusive, located in Lawrence County, T2N, R1-3E; Those parts of Sections 7 through 10, inclusive, located in Lawrence County, T2N, R4E, B.H.M. South Dakota and

The boundaries of the **Spearfish Fire** Response Area are defined as: Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M.

The boundaries of the **St. Onge Fire** Response Area are defined as: Lawrence County: Sections 2 through 4 inclusive in Township 6 North, Range 3 East of the B.H.M.; Sections 1 through 36 inclusive in Township 7 North, Range 3 East of the B.H.M.; Sections 4 through 9, Sections 16 through 20, and Sections 29 through 32 inclusive in Township 7 North, Range 4 East of the B.H.M.

The boundaries of the **Sturgis Fire** Response Area within Lawrence County are defined as: Lawrence County: Sections 1, 10, 11, 12, 13, 14, NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, and the North $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, NE $\frac{1}{4}$ of Section 23, and Sections 24, 25, 36 in Township 5 North, Range 4 East of the B.H.M.

The boundaries of the **Deadwood Fire** Response Area are defined as: Lawrence County: The North $\frac{1}{2}$, the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 1, and that portion of Section 2 that is East of Highway 385 in Township 4 North, Range 3 East of the B.H.M.; Sections 1, 12, 13, the North $\frac{1}{2}$ of Section 24, in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 18 inclusive, the North $\frac{1}{2}$, the SE $\frac{1}{4}$, and the east $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19, Sections 20 through 26 inclusive, the SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and that portion of the SW $\frac{1}{4}$ that lies within Deadwood city limits, of Section 27, the North $\frac{1}{2}$ of Section 28, the NE $\frac{1}{4}$, North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, that portion of Section 34 that is inside Deadwood city limits and that portion of section 34 that is East of US Highway 385, and that portion of section 35 that is East of US Highway 385, and Section 36 in Township 5 North, Range 3 East of the B.H.M; Sections 5 through 9 inclusive, the South $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, Sections 16 through 22 inclusive, NW $\frac{1}{4}$, South $\frac{1}{2}$, of Section 23, and Sections 26 through 35 inclusive in Township 5 North, Range 4 East of the B.H.M

The boundaries of the **Lead Fire** Response Area are defined as: Lawrence County: : Sections 1, 12, 13, in Township 3 North, Range 2 East of the B.H.M.; Sections 1 through 3 inclusive and Sections 10 through 13 inclusive, and Sections 24, 25, 36 in Township 4 North, Range 2 East of the B.H.M.; Sections 21 through 23 inclusive, the South $\frac{1}{2}$ of Section 24, Sections 25 through 29 inclusive, and sections 32 through 36 inclusive, in Township 5 North, Range 2 East of the B.H.M.; SW $\frac{1}{4}$, of Section 4, Sections 5 through 9 inclusive, and Sections 16 through 18 inclusive in Township 3 North, Range 3 East of the B.H.M.; That portion of Section 2 that is West of US Highway 385, Sections 3 through 10 inclusive, the North $\frac{1}{2}$, the SW $\frac{1}{4}$, the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 11, the NW $\frac{1}{4}$ and the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 14, the North $\frac{1}{2}$ of Section 15, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, the North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 16, Sections 17 through 20 inclusive, and Sections 29 through 32 inclusive in Township 4 North, Range 3 East of the B.H.M.; the West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19, that portion of the SW $\frac{1}{4}$ of Section 27 that falls outside of Deadwood city limits, South $\frac{1}{2}$ of Section 28, the NW $\frac{1}{4}$, SW $\frac{1}{4}$, South $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, Sections 30 through 33 inclusive, and that portion of Section 34 that is outside of Deadwood city limits and west of US

Highway 385, and that portion of Section 35 that is West of US Highway 385 in Township 5 North, Range 3 East of the B.H.M.

The boundaries of the **Brownsville Fire** Response Area are defined as: Lawrence County: Sections 1 through 3 inclusive, the NW ¼, NE ¼, SE ¼, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive, and Sections 35, 36, in Township 3 North, Range 3 East of the B.H.M.; The South ½ of the SW ¼ and the South ½ of the SE ¼ of Section 1, the East ½ of the SE ¼ of Section 11, Section 12 and Section 13, the East ½ of the NE ¼ and the South ½ of Section 14, the South ½ of Section 15, the South ½ of the SE ¼, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M..

The boundaries of the **Nemo Fire** Response Area are defined as: Lawrence County: The portions of Section 1 and the portions of Section 12 that are East of US Highway 385 in Township 2 North, Range 4 East of the B.H.M.; Sections 1, 12, 13, 24, 25, and 36 in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 6 inclusive, and that part of Section 7 lying east of Highway 385, and Sections 8 through 12 inclusive in Township 2 North, Range 5 East of the B.H.M.; Sections 1 through 36 inclusive in Township 3 North, Range 5 East of the B.H.M.; Section 36 in Township 4 North, Range 4 East of the B.H.M.

Dated this 28th day of February, 2012. FOR THE BOARD: Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor.

COUNTY PROPERTY: John Fillmore was present and asked to acquire a small parcel of land owned by the County in Whitewood (parcel #29300-00300-060-00 remaining lots 5&6 Blk 3. The Board discussed the request. Moved-Seconded (Sleep-Flanagan) to appoint Flanagan, Sleep and Ewing to appraise the Property and to do an on-site on the property. Motion Carried.

MOUNTAIN PINE BEETLE

TWO-BIT LANDOWNERS: Paul Schipke, Two-Bit Landowner was present to express concerns on the Mountain Pine Beetle. Schipke expressed concerns on the landowners that are not treating their properties and stated the Two-Bit Landowners are requesting donations to raise money in hopes of the County assisting with marking and cutting of trees on the Forest Service Property and private lands in the area. Schipke asked if the County would consider a county wide tax assessment for a healthy and attractive forest. Discussion followed on taxing districts, tax opt outs, and enforcements.

HOMESTAKE MINE DONATION: Todd Deux, Homestake Mining Company presented a donation of \$25,000 to Lawrence County for the fight against the Mountain Pine Beetle and to be used where the County determines.

SPEARFISH CANYON DONATIONS: The Board acknowledged \$3,375.00 in additional donations from the Spearfish Canyon Foundation.

PLANNING & ZONING: Jeff Schroeder, Deputy Code Enforcement Officer updated the Board on Planning and Zoning issues.

ORDINANCE 12-03 TEXT AMENDMENT TO DEFINITIONS AND PF ZONING

DISTRICT: A public hearing and 1st Reading was held on proposed Ordinance 12-03 Text Amendment to Definitions and PF Zoning District. No public input was voiced and the hearing was closed. The Board discussed concerns on what would be allowed uses in Park Forest Zoning. Second reading will be held on March 13, 2012.

CONDITIONAL USE PERMIT #403 PRESBYTERY OF SD / CHURCH CAMP: A public hearing was held on Conditional Use Permit #403 Owner/Applicant: Presbytery of SD – the United Presbyterian Church, Description (Location): Etna Lode #1, M.S. 1697 (Rochford Road), Purpose: Non-profit, Multi-use Facility – Campground, Zoning & Acreage: PF / 193.82 acres +/- No public input was voiced and the hearing was closed. Neil Stodolski spoke on behalf of the Applicant. Stodolski stated they have concerns with Condition #8 and would like to change the word “security” to “oversight” and eliminate condition #11 related to parking as this is a camp and parking in designated areas is confusing as they do have almost 200 acres.

Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve, with the change to Condition #8 changing the word “security” to “oversight” and eliminate Condition #11 in reference to parking, and accept all remaining conditions as presented, (Full conditions are on file in the Planning and Zoning Office) Conditional Use Permit #403 Owner/Applicant: Presbytery of SD – the United Presbyterian Church. Motion Carried.

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-\$5,566.58; Aud-\$8,064.62; Treas-\$10,190.43; Comp-\$7,841.83; States Atty-\$12,706.32; Pub Def-\$9,884.66; Gen Govt Bldg-\$7,432.89; Equal-\$13,144.97; Rod-\$8,511.87; Vso-\$1,208.31; Disp-\$12,203.69; Sher-\$33,782.68; Jail-\$20,198.76; Coroner-\$23.08; Emerg Mgnt-\$3,608.20; E911-\$1,696.40; Title III-\$37,918.33 Air-\$1,199.20; Mh Serv-\$492.00; Weed-\$4,919.83; Pz-\$4,767.21; Spf Canyon Mpb-\$51,567.00; Spf Peak Mpb-\$58,823.31; **Bills:** Barta,Craig-\$103.97; Drago,Shelley-\$16.00; Keller,Robert-\$40.33; Lehman, Erik-\$68.08; Turbiville,Patricia-\$127.28; A&B Business,Inc Solutions-\$445.89; A&J Supply-\$24.59; A-Z Shredding-\$85.60; Abc Business Supply Corp-\$317.14; American Family Life-\$3,494.36; BH Chemical Company-\$2,332.21; BH Federal Credit Union-\$8,600.00; BH Pest Control-\$95.00; BH Pioneer-\$145.50; BH Power-\$1,208.15; Best Western Seven Seas-\$138.60; Black Hills Pure-\$129.30; Bomgaars Supply-\$145.91; Butler Machinery Co-\$1,113.07; Butte County Sheriff-\$359.20; Campbell Supply-\$434.98; Central Parts-\$644.36; Century Business Products-\$746.66; Charlotte Cracco Estate-\$1,050.00; Chemical Sanitizing Sys-\$165.34; Chris Supply Co-\$56.34; City/County AlcoholDrug-\$2,765.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$685.00; Delta Dental Of South Dakota-\$6,218.22; Dept Of The Treasury-\$88,427.99; Ecolab-\$127.50; Et Sports-\$45.99; Fidler-Isburg Funeral Chapel-\$2,560.00; Fish,Veronica-

\$105.40; Great Plains Chemical-\$180.00; Great Western Tire-\$758.68; Hartford-Priority Accounts-\$1,649.86; Heartland Paper Co-\$512.33; Heisler Hardware-\$297.63; Hewlett-Packard Company-\$29.00; JP Towing-\$75.00; KMart Pharmacy-\$234.02; Kimball-Midwest Co-\$401.64; Kimbell's Auto Repair-\$793.84; Knology-\$1,705.21; Koala Electric-\$134.41; L&S Restoration-\$2,064.00; LC Sheriff-\$16.00; Laplata Combined Court-\$10.00; Lead-Deadwood Regional Hospital-\$216.59; Lexisnexis Matthew Bender-\$95.89; Lueders-\$35.28; Marco-\$25.86; Mcgas Propane-\$519.19; Montana Dakota Utilities-\$5,230.35; Motive Parts & Supply-\$92.02; Namminga,Sam-\$6,000.00; National Academy Of Emd-\$45.00; Northern Hills Rec Center-\$209.00; Office Of Child Support-\$439.85; Pennington County Sts Attny-\$200.00; Powerplan-\$12.90; Quill Corporation-\$191.86; RC Finance Office-\$945.00; RC Regional Hospital-\$774.56; Rabe Elevator-\$799.88; Radio Shack/Kazco-\$2,169.19; Rapid Delivery-\$10.93; Reindl,Staci-\$335.00; Reliance Telephone-\$3,109.00; Reserve Account-\$10,000.00; Rocket Lube-\$113.59; SD Dept Of Transportation-\$50.00; SD Human Services Center-\$250.20; SD Retirement System-\$53,695.52; Siedschlaw,Robert-\$50.35; Schilplin,Sara Psy-\$1,400.00; Sdrs Supplemental Retirement-\$1,314.00; Servall Towel & Linen-\$392.72; Silverado-\$491.46; Spearfish Auto Supply-\$258.42; Spearfish Husky-\$636.00; Spearfish Police Dept-\$1,599.81; Subway-\$11.97; Tigerdirect-\$1,246.93; Triple K Tire & Repair-\$38.83; Twin City Hardware & Lumber-\$101.99; Vandine,Rebecca-\$700.00; Victims Of Violence-\$345.00; Wellmark Blue Cross-\$73,387.28; West River International-\$115.16; Western Communication-\$1,710.50; White Drug-\$5,286.33; Wilde & Hunt, Prof-\$265.00; Williams Standard Serv-\$287.91; Wolf,Ione-\$10.00; Wolff's Plumbing & Heating-\$6,474.98; Yankton Co Sheriff-\$50.00; Yankton County-\$103.75; **Witness & Jurors:** Ahola,S-\$61.10; Auer,C-\$63.32; Ballert,P-\$52.96; Clauser,V-\$62.58; Cudmore,T-\$53.70; Driscoll,D-\$60.36; Greear,K-\$63.32; Haar,J-\$58.88; Jones,M-\$61.10; Koppinger,L-\$61.10; Ludens,S-\$60.36; Miller,T-\$61.10; Pengra,D-\$51.48; Rachetto,C-\$52.22; Rang,C-\$59.62; Sandidge,S-\$61.10; Seamands,J-\$61.10; Tollefsrud,D-\$64.80; Barney,T-\$32.58; Brown,R-\$28.88; Coyle,P-\$32.58; Foss,J-\$32.95; Martens,S-\$38.50; Mccallum,S-\$22.96; Proefrock,L-\$31.10; Raab,G-\$31.10; Salmon,R-\$20.00; Updike,M-\$30.36

ADJOURN: 11:03 a.m. Moved-Seconded (Weisenberg-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 13, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 13, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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-Johnson) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of the February 28th, County Commission Meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Weisenberg) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of February 29, 2012 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)-\$48,428.22; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,389.98; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,659,565.61, Money Market \$530,063.95; Bank Balance-\$4,920,191.33; Total \$13,913,749.09.

AUTOMATIC SUPPLEMENTS:

Moved-Seconded (Flanagan-Johnson) to approve the automatic supplement of \$5,000 for the Mountain Pine Beetle - Spearfish Canyon for funds received from the Spearfish Canyon Fire Protection District. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Weisenberg-Johnson) To approve and authorize the hiring of the following individuals as Tree Cutters effective 03/02/2012: Luke Crea, Kelsey Conner; effective 03/07/2012: Tracey Sandidge; effective 03/10-2012: Michael Howell; effective 03/12/2012: David Kirk, Eric Roesler, Dan Essink, Dylan Baker. Motion Carried.

SECURE RURAL COUNTY SCHOOLS: Moved-Seconded (Sleep-Flanagan) to authorize Weisenberg to send a letter to congressional delegation in support of the Payment in Lieu of Taxes Program and reauthorization of the Secure Rural Schools and Community Self Determination Act. Motion Carried.

GOVERNMENT DAY: Moved-Seconded (Flanagan-Johnson) to participate in Government Day for 2012 and donate \$75.00 for the luncheon. Motion Carried.

US FOREST SERVICE CAMPGROUND AGREEMENT: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement 09-LE-11020300-006 M2 for 2012. Motion Carried

TREASURER TRUST AGREEMENTS:

DUSTY LAIDLAW: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Treasurer Trust Agreement with Dusty Laidlaw. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of March 8, 2012: Deadwood Diesel 3200: (prices per gallon) CBH - \$3.462 MG Oil - \$3.43564*; Deadwood Unleaded 1600 Gallons: (prices per gallon) CBH - \$3.274 MG Oil - \$3.24245*; Spearfish Diesel 1700 Gallons: (prices per gallon) CBH - \$3.462 MG Oil - \$3.43812*; Spearfish Unleaded 1100 Gallons: (prices per gallon) CBH - \$3.274 MG Oil - \$3.24424*. *Represents lowest quote awarded. No bid was received from Southside and Harms Oil.

COOPERATIVE FOREST ROAD AGREEMENT & ROAD PROJECT AGREEMENT:

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Cooperative Forest Road Agreement and Road Project Agreement #12-RO-11020300-022 with the USDA Forest Service. Motion Carried.

MOTOR GRADERS:

Moved-Seconded (Flanagan-Weisenberg) To declare the six motor graders SN# APM02610, CCA01660, APM02470, CCA01661, CCA02203, CCA02308 surplus and begin the process to offer them for sale by sealed bids. Motion Carried.

MOUNTAIN PINE BEETLE: Dave Heck updated the Board on the Mountain Pine Beetle project and progress being made.

AIRPORT:

AWARDING BID HANGAR RELOCATION: Moved-Seconded (Flanagan-Weisenberg) to remove from the table the bids for the hangar relocation. Motion Carried. Moved-Seconded (Johnson-Flanagan) to award the bid for the hangar to the lowest bidder Leska Inc. - \$101,599.20 and allow the Chairman to sign the contracts. Motion Carried.

HANGAR CONTENTS MOVING: Moved-Seconded (Johnson-Flanagan) to reimburse Duane Berke up to \$4,100 for moving the hangar contents while the hangar is relocated. Motion Carried.

CONTRACT FOR ENGINEERING SERVICES: The Board discussed past projects at the Airport and the issue with faulty construction. The Board felt KLJ should be responsible to collect damages from the contractor. The Board discussed holding funds from payments due to KLJ and or not signing the new contract with KLJ until the issue is resolved.

Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the contract for engineering services with Kadrmas Lee and Jackson. Motion Carried. Aye-Johnson, Weisenberg, Flanagan and Ewing. Nay-Sleep. Sleep stated he felt the motion should have been contingent upon the satisfaction of the faulty construction on the prior project.

AMERICAN TECHNICAL SERVICES: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the contract with American Technical Services for \$31,413. Motion Carried.

COUNTY PROPERTY: John Fillmore was present and asked the Board to consider selling a small parcel of land owned by the County in Whitewood (parcel #29300-00300-060-00 remaining lots 5&6 Blk 3). The Board discussed the request and stated they did an on-site of the property and determined the value of the property to be in excess of \$500. Moved-Seconded (Johnson-Flanagan) to declare parcel #29300-00300-060-00 surplus and begin the process of offering the property for sale by sealed bids. Motion Carried.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Director updated the Board on Planning and Zoning issues.

TAX INCREMENT FINANCING DISTRICT: Vogt stated she has received information of a proposed tax increment finance district for Powder House Pass. The Board discussed a TIFD Review Committee to review and make recommendations on proposed tax increment finance districts. Ewing stated a public hearing should not be scheduled with the County Commissioners until all information is received and reviewed by the TIFD Committee. Vogt stated the developer has offered to pay \$1,000 for an administration fee. Moved-Seconded (Flanagan-Weisenberg) to appoint Daryl Johnson, Terry Weisenberg, Connie Atkinson, Deb Tridle, Amber Vogt, Tim Hodson, Scott Sandvig, Bruce Outka, and one Planning and Zoning member to the Tax Increment Finance District Review Committee to review and make recommendations on proposed tax increment finance districts in Lawrence County. Motion Carried.

APPLE SPRINGS: The Board discussed commencing bidding and request for proposals for utility work. Apple Springs Bond money would pay for the expense. Moved-Seconded (Flanagan-Sleep) to table the issue until next meeting. Motion Carried.

John Lovald, Homeowner in Apple Springs expressed concerns that water and sewer facilities are not adequate and yet putting in the utilities would put more pressure on the system. Lovald stated building permits are not even being allowed in Apple Springs. The Board stated this bond money is only allowed for utility work in a certain area of the project and the money can not be used for a sanitary system.

ORDINANCE #12-03 TEXT AMENDMENT TO DEFINITIONS AND PF ZONING

DISTRICT: 2nd Reading was held on proposed Ordinance 12-03 Text Amendment to Definitions and PF Zoning District. The Board discussed concerns on what would be allowed uses in Park

Forest Zoning and if a Change of Zoning would be more appropriate. The Board discussed what would be allowed within a Business Park and if individual Conditional Use Permits would be more appropriate. Sleep commented that you are drawing business out of the City and scattering within the County. Johnson commented that the area has traditionally been used as office space. Moved-Seconded (Sleep-Weisenberg) to deny the proposed Ordinance #12-03 Text Amendment to Definitions and PF Zoning District. Aye-Johnson, Weisenberg, Sleep and Ewing. Nay-Flanagan.

CONDITIONAL USE PERMIT #404 / EXECUTIVE LODGING: A public hearing was not held and was cancelled on proposed Conditional Use Permit #404 for Executive Lodging, Applicant: Ernie Rupp for Business Park, because it would not be an allowed use in Park Forest. Owner/Applicant: Beltek Inc/Executive Lodging of the Black Hills, Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Beltek/Roo Ranch building in Boulder Canyon), Purpose: Enable the use of the property for several businesses without the use of multiple CUP's Zoning & Acreage: PF to HSC / 4.72 acres +/-.

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-Johnson, Weisenberg, Flanagan and Sleep. Nay-Ewing. Ewing stated he could not vote in approval of the bills because of an additional \$9,000 toward the Piper Case.

Payroll: Comm-\$5,566.58; Aud-\$7,977.35; Treas-\$10,190.41; Comp-\$7,841.83; States Atty-\$12,590.57; Pub Def-\$9,884.66; Gen Govt Bldg-\$7,595.08; Equal-\$10,553.21; Rod-\$9,659.87; Vso-\$1,208.31; Disp-\$15,302.36; Sher-\$36,655.25; Jail-\$23,584.71; Coroner-\$623.08; Emerg Mgmt-\$3,564.07; E911-\$1,687.40; County Mpb-\$24,363.13; Highway-\$41,789.45, Air-\$1,247.69; Weed-\$5,199.83; Pz-\$4,527.21; Spf Canyon Mpb-\$110,641.35; Spf Peak Mbp-\$1,381.60; **Bills:** Fairhead, Richard-\$50.32; Heberlig, Gary-\$94.04; Isburg, Damon-\$122.20; Johnsen, Alexandra-\$72.00; Mowell, Richard-\$7,476.00; Schroeder, Jeffery-\$20.00; Vandenberg, Maria-\$12.22; A&B Business, Inc Solutions-\$1,254.77; A&B Welding Supply-\$53.98; A&J Supply-\$57.32; A-Z Shredding-\$6.80; Abc Business Supply Corp-\$186.49; Alpine Impressions-\$265.00; Applied Concepts-\$2,812.50; At&T Mobility-\$882.93; BH Chemical Company-\$850.16; BH Federal Credit Union-\$8,600.00; BH Land Analysis-\$427.50; BH Pest Control-\$95.00; BH Pioneer-\$965.00; BH Power-\$254.24; BH Security & Systems-\$363.52; Best Western Ramkota/Rapid-\$140.00; Biegler, Greg-\$60.00; Big Sky Communications-\$555.00; Bob Barker Company-\$298.27; Bound Tree Medical-\$212.78; Butler Machinery Co-\$171.61; Butte Electric Coop-\$989.86; Calkota Properties-\$485.00; Campbell Supply-\$199.00; Central Parts-\$858.32; Central Restaurant Products-\$269.28; Century Business Products-\$34.48; Centurylink-\$1,345.17; Chris Supply Co-\$79.73; City/County Alcohol&Drug-\$140.00; Clyde, Taylor-\$41.12; Contractors Insulation-\$268.80; Cook, Cindy-\$84.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$65.65; Dakota Graphics-\$50.00; Dakotacare-\$533.46; Datec-\$542.47; Deadwood, City Of-\$850.86; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$94,872.31; Esri-\$400.00; Et Sports-\$517.33; Fidler-Isburg Funeral Chapel-\$1,170.00; First Gold Hotel-\$48.50; Fish, Veronica-\$163.40; Frederickson, John-\$692.90; Fsh Communications-\$60.00; Galls-\$401.97; Ginter, Branden-\$129.60; Glenn C Barber & Assoc-\$140,139.70; Heisler Hardware-\$193.91; Hillside Disposal Service-\$87.00; Hobart Sales & Service-\$535.53; Janke, Wendy-\$1,766.00; Juneks' Chrysler/Dodge-\$37.50;

Kmart Pharmacy-\$234.02; Kadrmas, Lee And Jackson-\$22,989.18; Kimball-Midwest Co-\$409.28; Kimbell's Auto Repair-\$2,536.39; Kinney,Matthew-\$2,369.37; Knecht True Value-\$364.57; Knology-\$59.12; Koala Electric-\$813.19; Kosel,Joseph-\$2,655.43; Lattice Incorporated-\$21.20; Lead,City Of-\$48.35; Lead-Deadwood Regional Hospital-\$504.00; Lead-Deadwood Sanitary-\$381.48; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.00; Lueders-\$14.97; Mack's Auto Body-\$32.95; Mad Manz Pizza-\$96.24; Metric Motors-\$1,753.84; Microfilm Imaging Systems-\$755.00; Miller,Steve-\$9,029.92; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$633.53; Moore Medical-\$193.02; Moreash Court Reporting-\$17.10; National Academy Of Emd-\$5.00; Nelson,Christy-\$59.62; Novus-\$244.00; Occupational Health Network-\$188.30; Office Of Child Support-\$705.23; Office Technology/Supply-\$138.11; Outdoor Motor Sports-\$125.90; Pennington Co Auditor-\$55.00; Pennington County Emerg Mgnt-\$450.00; Pitney Bowes-\$254.97; Postmaster,Deadwood-\$70.00; Prairie Hills Transit-\$7,500.00; Priority Dispatch-\$310.00; Quill Corporation-\$248.13; RC Regional Hospital-\$1,235.74; Radio Shack/Kazco-\$24.99; Rapid Delivery-\$9.78; Rasmussen Mechanical Serv-\$1,008.25; Reausaw,Bernie-\$12.22; Regional Behavioral Health-\$568.46; Rice Honda Suzuki-\$611.89; Rocket Lube-\$61.40; Rohr,Dennis-\$256.00; Royal Electric-\$180.00; SD Assoc Code Inforcement-\$50.00; SD State Treasurer-\$2,511.90; Semerad,Sandra-\$182.40; Servall Towel & Linen-\$514.38; Shi International Corp-\$3,177.60; Southside Oil Co-\$21,790.70; Spearfish Auto Supply-\$1,445.52; Spearfish Building Supply-\$62.57; Stadler Ind Service-\$20.00; Stahl,Mike-\$56.00; Sturdevant's Auto Parts-\$105.99; Tigerdirect-\$401.25; Triple K Tire & Repair-\$83.75; Twilight First Aid & Safety-\$42.66; Twin City Hardware & Lumber-\$1,227.94; Victims Of Violence-\$660.00; Warne Chemical-\$19,200.00; Waste Connections-\$614.91; Watertree-\$64.55; Wells Fargo Business Card-\$2,511.34; West Group-\$175.26; West River International-\$668.21; Western Communication-\$360.00; Western Sd Juvenile Serv-\$1,894.22; White's Queen City Motors-\$97,184.99; Wilde & Hunt, Prof Llc-\$2,046.30; Wolff's Plumbing & Heating-\$404.52; Wright Express Fsc-\$1,589.68; Yankton Co Sheriff-\$50.00; Yankton County-\$207.50; **Witness & Jurors:** Ahola,S-\$61.10; Auer,C-\$63.32; Ballert,P-\$52.96; Clauser,V-\$62.58; Haar,J-\$58.88; Ludens,S-\$60.36; Miller,T-\$61.10; Pengra,D-\$51.48; Adams,L-\$102.96; Allen,T-\$10.74; Arsaga,M-\$12.96; Ballert,D-\$12.22; Bechtold,K-\$23.32; Bernards,R-\$12.22; Bertch,D-\$22.58; Brennan,L-\$24.80; Brost,D-\$17.40; Burr,R-\$10.74; Bussiere,R-\$24.80; Calhoon,T-\$19.62; Carlbom,D-\$122.20; Christofferson,D-\$28.50; Clem,S-\$22.58; Colhoff,A-\$21.10; Corkins,L-\$10.74; Czephya,I-\$12.96; Derby,J-\$14.44; Diers,N-\$12.96; Drapeaux,B-\$24.80; Drolc,D-\$123.68; Edwards,C-\$21.84; Foster,M-\$122.20; Gillies,B-\$23.32; Hambek,N-\$21.10; Hansen,B-\$21.10; Heishman,R-\$21.84; Henning,D-\$24.80; Hill,B-\$24.80; Hill,R-\$21.10; Horner,S-\$21.10; Hunter,K-\$21.10; Jensen,G-\$24.80; Johnson,S-\$12.96; Kerber,J-\$12.96; Klinckman,K-\$131.08; Knox,S-\$10.74; Kuper,Q-\$122.20; Larimore,D-\$21.10; Larson,J-\$17.40; Law,W-\$108.88; Locati,M-\$24.80; Long,M-\$18.88; Lurz,C-\$122.20; Lynn,D-\$21.10; Martin,N-\$28.50; Mccaskey,J-\$21.10; Mclaughlin,R-\$21.84; Merchen,D-\$24.80; Nelson,C-\$25.54; Neribarba,E-\$26.28; Neribarba,J-\$24.80; Nevin,M-\$12.22; Norton,R-\$27.02; Petersen,S-\$21.10; Peterson,B-\$21.84; Rech,J-\$27.02; Remington,H-\$21.84; Sachau,A-\$122.20; Schuttler,D-\$17.40; Sigdestad,T-\$11.48; Silvernail,K-\$21.10; Smith,R-\$12.96; Supperer,L-\$21.10; Syman,L-\$24.80; Thoresen,J-\$22.58; Thorman,T-\$21.84; Toliver,A-\$17.40; Twiss,T-\$28.50; Vantassel,S-\$12.22; Vasknetz,S-\$122.20; Waterson,K-\$21.10; White,M-\$20.36; Wolfe,J-\$24.80; Cady,C-\$34.06; Krambeck,J-\$37.76; Patek,J-\$33.32; Slotness,Z-\$33.32; Steckelberg,B-\$31.84; Tague-Wiley,K-\$33.32; Anderson,A-\$18.88; Arnio,K-\$24.80; Balderson,K-\$51.48; Barrios,V-\$21.10; Barth,G-\$21.10; Cass,C-\$21.10; Cassidy,K-\$20.36; Connors,K-\$24.80; Ellendorf,T-\$21.10; Evans,A-\$21.10; Galster,A-\$21.84; Hanel,C-\$52.22; Hayford,D-\$61.10; Heinrich,D-\$61.10; Henninger,A-\$10.74; Hoisington,J-\$61.84; Holmes-Moore,J-\$21.10; Huber,W-\$12.96; Hughes,R-\$21.10; Jeffery,J-\$10.74; Koch,B-\$12.22; Kohler,G-\$12.96; Krambeck,J-\$21.10; Krier,G-\$21.10;

Kruske,N-\$13.70; Linn,G-\$13.70; Littleton,S-\$61.10; Lutz,D-\$23.32; Mathis,K-\$18.88; Mckenny,L-\$60.36; Metzger,D-\$12.22; Moreno,P-\$61.10; Morton,K-\$17.40; Mundt,K-\$22.58; Nauman,T-\$18.88; Okroi,P-\$62.58; Picasso,S-\$58.88; Quinn,D-\$21.84; Rantapaa,J-\$21.10; Reed,S-\$21.84; Robertson,N-\$26.28; Scholz,M-\$21.10; Smith,K-\$19.62; Spurlock,H-\$13.70; Stamp,F-\$17.40; Startz,T-\$21.10; Stratton,D-\$13.70; Stults,M-\$21.10; Stumpf,M-\$21.10; Sundstrom,R-\$50.74; Toller,D-\$21.10; Vanee,B-\$22.58; Waara,C-\$24.80; Wheeler,K-\$18.88

ADJOURN: 10:40 a.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 27, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 27, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Johnson-Sleep) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Sleep-Flanagan) to approve the minutes of the March 13th County Commission Meeting. Motion Carried.

AUTOMATIC SUPPLEMENTS:

Moved-Seconded (Johnson-Flanagan) to approve the automatic supplement of \$1,500 for the Invasive Species Management - Supplies for funds received from the City of Sturgis. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve the automatic supplement of \$3,596.76 for the Register of Deeds Salaries for funds received from the City of Deadwood grant. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Flanagan-Weisenberg) To approve and authorize the hiring of the following individuals as Tree Cutters effective 03/12/2012: Randy Zopp; 03/14/2012: Fadi Chhaide; effective 03/15/2012: Michael Makousky; effective 03/17/2012: Eric Baker; and to approve Margarito Garza as a Recon/Sale Administrator effective 3/15/2012 at a base rate of 12.10; Motion Carried.

HIGHWAY: Moved-Seconded (Flanagan-Sleep) to hesitantly accept the resignation of Tim Barrett and Robert Keller and the retirement of Terry Fystro. Motion Carried. The board thanked them for their years of service to Lawrence County.

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve Nicholas Anliker as a part time Dispatcher/Jailer II G2 at a base rate of \$16.74 effective 3-26-2012. Motion Carried.

BROWNSVILLE FIRE TAX DISTRICT: The Board reviewed the petitions for the Brownsville Fire Tax District. Moved-Seconded (Weisenberg-Johnson) to set a public hearing for April 24, 2012 at 10:00 a.m. for the proposed organization of the Brownsville Fire Tax District.

CENTRAL CITY BOND: Moved-Seconded (Weisenberg-Flanagan) to approve the Central City Bond for \$150,000. Motion Carried.

AIRPORT HAY CONTRACTS: Moved-Seconded (Johnson-Sleep) to authorize the Requests for Proposals for the Airport Hay Contract for 1 year. Motion Carried.

SELL COUNTY PROPERTY: Moved-Seconded (Johnson-Flanagan) to approve and authorize the signing of the Lawrence County Resolution #12-11 to Sell Real Property. Motion Carried.
LAWRENCE COUNTY RESOLUTION #12-11 SELL REAL PROPERTY WHEREAS, Lawrence County is the owner of the property herein described, having acquired title thereto by Tax Deed or other Proceedings, and the same being at the present time in an unproductive state, and making little or no return to Lawrence County, and It appearing that the same can now be sold for a reasonable sum and placed upon the Tax List, and the Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to offer said property for sale. NOW, THEREFORE, it is by the Board of Commissioners of Lawrence County, South Dakota. RESOLVED That in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the real property surplus and sell the following described real property, to wit: 1) Remaining portion of lots 5 & 6 Block 3 First Addition, Whitewood, SD And, that said real property be offered for sale in accordance with the provisions of Chapter 7-29 of the South Dakota Codified Laws as Amended and that before said property is offered for Sale, the same being appraised by a Board of Appraisers, consisting of the Board of Commissioners of Lawrence County, South Dakota as follows: 1) Remaining portion of lots 5 & 6 Block 3 First Addition, Whitewood, SD appraised at \$500.00 NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Lawrence County, being severally sworn, each for himself, states the above is a true and just appraisal of the real property described, as he verily believes. Dated this 27th day of March, 2012. BOARD OF COUNTY COMMISSIONERS: ROBERT EWING, Chairman, DARYL JOHNSON, TERRY WEISENBERG, BRANDON FLANAGAN, RICHARD SLEEP. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

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

ABATEMENTS:

BLACK HILLS CHRISTIAN ACADEMY: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #32210-19010-110-00 Black Hills Christian Academy because they received the property from Craig and Darlene Solvie on 8-2-2011. Motion Carried.

HIGHWAY BUSINESS:

MOTOR GRATER BID OPENING: Moved-Seconded (Weisenberg-Flanagan) to set a bid opening for June 12, 2012 at 8:30 a.m. for six motor graders SN# APM02610, CCA01660, APM02470, CCA01661, CCA02203, CCA02308. Motion Carried.

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: Moved-Seconded (Weisenberg-Johnson) to accept the only bid from Z&S Dust Control at \$133.25 per ton and \$18.50 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 - \$57.25 at Centennial Quarry Plant. Moved-Seconded (Sleep-Weisenberg) to accept the low bid received from Hills Materials and allow the Chairman to sign the contract. Motion Carried.

COLD MIX ASPHALT: Hills Materials - \$97.00. Moved-Seconded (Flanagan-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-\$7.90; 1" gravel base-\$7.00; ¾"; clean rock-\$12.20; ½" clean rock-no bid; 1" clean rock-\$12.10; Loading-\$.35. EKE Inc.: ¾" gravel surfacing-\$7.75; 1" gravel base-\$7.75; 2" gravel base-\$7.75; ¾" Clean Rock-\$9.50; 1" Clean Rock \$9.50; 2" Clean Rock \$8.50; 4-6" Clean Rock \$10.50; Class A/B RipRap-\$16.50; All prices include loading cost. Fisher Industries-¾" gravel surfacing-no bid; 1" gravel base-\$7.00; ¾"; clean rock-\$9.25; ½" clean rock-\$9.25; 1" clean rock-\$9.25; 3/8" Chips-\$10.50; ¼" Air Separated Crushed Fines-\$10.50. All prices include loading. Moved-Seconded (Weisenberg-Sleep) 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: Fisher Industries: De-Icing Sand \$10.50 per ton. Moved-Seconded (Weisenberg-Flanagan) to accept the only bid from Fisher Industries at \$10.50 per ton from the Stateline Quarry and allow the Chairman to sign the contract. Motion Carried.

HOT MIX-IN PLACE PATCHING: Sacrison Paving - \$43.65 per square yard with a \$400.00 minimum charge; Hills Material - \$44.55 per square yard with area to be prepared and ready for 4" of E1 HMA. Moved-Seconded (Flanagan-Weisenberg) to table until the next meeting so more information can be obtained. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held for a supplemental budget for GENERAL FUND / MOUNTAIN PINE BEETLE: Spearfish Canyon MPB - \$204,675; County - \$25,200; Spearfish Peak - \$60,000; 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 #2012-12. Motion Carried.

RESOLUTION #12-12 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / MOUNTAIN PINE BEETLE: Spearfish Canyon MPB - \$204,675; County - \$25,200; Spearfish Peak - \$60,000. 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 March, 2012 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 27th day of March, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS: Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

MOUNTAIN PINE BEETLE / FIREWISE: Dave Heck updated the Board on the Mountain Pine Beetle project and progress being made.

SOUTH DAKOTA WEED & PEST FUND GRANT: Moved-Seconded (Flanagan-Weisenberg) to allow Dave Heck to enter into an agreement with the SD Department of Agriculture. Motion Carried.

LAWRENCE COUNTY TIMBER COMMITTEE: Bill Coburn updated the board on the Steamboat Project R.O.D. Moved-Seconded (Weisenberg-Johnson) to follow the Timber Committee's recommendation and have Bruce Outka and Bill Coburn send a letter to the USFS District Ranger with the concerns and comments discussed. Motion Carried.

Bill Coburn informed the Board that the National Project Learning Tree conference will be held in Deadwood May 14-17, 2012.

EMERGENCY MANAGEMENT: Paul Thomson was present to discuss the fire ban. The Commissioners asked Paul Thomson and Bruce Outka to draft up an ordinance to be presented at the next meeting.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Director updated the Board on Planning and Zoning issues.

APPLE SPRINGS: Moved-Seconded (Flanagan-Weisenberg) to hire CETEC Engineering Services, Inc to provide technical services for the installation of utilities in the Apple Springs Subdivision along Wildberger Loop, within the area designated in the letter of credit, in an amount not to exceed \$15,000.00 – with the cost of such services to be paid from the proceeds of the bond, and authorize the Chairman to sign the contract upon review by legal counsel. Motion Carried.

ANNUAL REVIEWS:

SPEARFISH ANIMAL HOSPITAL: An annual review was held on CUP#357 for Spearfish Animal Hospital Crematorium. The Board directed that condition #19 (USDA Security Fence) must be completed before the next review or applicant must come in for explanation of reasons why it is not. Further action may be required at that time. No complaints were received and will be reviewed in one year.

SAND CREEK LANDSCAPING: An annual review was held on CUP#385 Sand Creek Landscaping. Moved-Seconded (Johnson-Weisenberg) CUP # 385 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.

MONTIETH, JIMMY & TAMERA: An annual review was held on CUP#386 Jimmy & Tammy Montieth for a commercial arena. Moved-Seconded (Weisenberg-Sleep) CUP # 386 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.

BLACK HILLS COUNCIL OF LOCAL GOVERNMENTS: Blaise Emerson, BH Council of Local Governments was present to give an overview of T.I.F.D. and the EDA Revolving Loan Fund.

BUTTE/LAWRENCE EXTENSION OFFICE: Betsy Burtzlaff was present to update the board on the Butte/Lawrence Extension office.

Moved-Seconded (Flanagan-Weisenberg) to appoint Richard Sleep to the 2012 Butte/Lawrence 4-H Promotion & Expansion Committee as the County Commission Designated Agricultural Representative. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the 2012 Butte/Lawrence 4-H Promotion & Expansion Committee for Lawrence County. Motion Carried

Moved-Seconded (Flanagan-Weisenberg) to authorize Richard Sleep to sign the MOU with the SDSU Extension and Counties of South Dakota 2012. Motion Carried.

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-\$5,566.58; Aud-\$7,977.37, Treas-\$10,190.43; Comp-\$7,800.81, States Atty-\$12,301.16; Pub Def-\$9,884.66; Gen Govt Bldg-\$7,490.14; Equal-\$10,646.89; Rod-\$7,230.27; Vso-\$1,208.31; Disp-\$12,100.02; Sher-\$33,445.84; Jail-\$20,701.09; Coroner-\$223.08; Emerg Mgmt-\$3,638.87; E911-\$1,693.40; Highway-\$40,380.25; Air-\$1,029.85; Weed-\$4,919.83; Pz-\$4,727.21; County Mpb-\$97,756.55; Neiman Mpb-\$2,048.00; Spf Canyon Mpb-\$101,072.40;
Bills: Barta,Craig-\$30.34; Bertch,Alyce-\$193.53; Gehner,Laura-\$33.30; Nackers,Benjamin-\$109.15; Rosenau,Randall-\$12.21; Rydquist,Adam-\$85.12; Terveen,Sam-\$121.36; Vogt,Amber-\$25.90; Weisenberg,Terry-\$5.97; A&B Business,Inc Solutions-\$204.58; A&J Supply-\$51.76; A-Z Shredding -\$45.20; Abc Business Supply Corp-\$774.00; American Legion Post 31-\$75.00; BH Chemical Company-\$768.66; BH Federal Credit Union-\$8,600.00; BH Federal Credit Union-\$20.00; BH Pioneer-\$44.76; BH Power-\$9,234.38; Black Hills Pure-\$189.10; Bob Barker Company-\$622.71; Bob's Auto Body-\$320.35; Bomgaars Supply-\$413.02; Brown,Kathy-\$500.00;

Butler Machinery Co-\$3,654.42; Butte Electric Coop-\$222.84; Carol Butzman Consulting-\$807.42; Central Parts-\$200.36; Century Business Products-\$585.00; Centurylink-\$57.57; City/County Alcohol&Drug-\$1,170.00; Credit Collections Bureau-\$100.00; Dakota 911 Conference-\$396.00; Dakota Equipment Rental-\$201.80; Danko Emergency Equipment-\$348.07; Dept Of Hlth Lab Services-\$35.00; Dept Of the Treasury-\$110,161.91; Diversified Collections-\$100.00; Division Of Motor Veh-\$24.00; Eb Communications Llc-\$950.00; Election Sys & Software-\$654.30; Et Sports-\$298.19; Fidler-Isburg Funeral Chapel-\$460.00; Fulfab-\$214.95; Hamann,Chris-\$150.00; Havemeier,Leslie-\$83.60; Heartland Paper Co-\$1,463.62; Heisler Hardware-\$97.76; Jacobs Precision Welding-\$172.50; Knecht True Value-\$25.99; Knology-\$1,717.65; Koletzky Law Office Prof-\$389.20; Lawson Products-\$603.00; Lead, City Of-\$59.55; Lead-Deadwood Regional Hospital-\$62.13; Lewis & Clark Bhs-\$298.00; M&M Sanitation-\$325.00; Mack's Auto Body Llc-\$3,134.88; Marco-\$25.86; Mcclure,Susan-\$150.00; Mg Oil Company-\$25,271.19; Mid-Continent Testing-\$850.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$551.63; Nelson,Tonya-\$900.00; Neve's Uniforms-\$403.80; Office Of Child Support-\$705.25; Pennington County Sheriff-\$1,250.15; Pennington County Sts Attny-\$400.00; Phoenix Investigations-\$847.50; Pitney Bowes-\$1,078.65; Powerplan-\$6.85; Program Works-\$80.00; Quik Signs-\$34.80; Quill Corporation-\$385.98; RC Finance Office-\$1,015.00; RC Regional Family Medicine-\$56.58; RC Regional Hospital-\$1,235.74; Rabe Elevator-\$799.88; Radio Shack/Kazco-\$274.45; Regional Behavioral Health Ctr-\$203.31; Regional Health Physicians-\$36.93; Reindl,Staci-\$1,170.70; Reliable-\$440.15; Rice Honda Suzuki-\$651.24; Rocket Lube-\$133.92; SD Assn Of Co Comm-\$100.00; SD Dept Of Transportation-\$1,357.75; SD Human Services Center-\$204.00; SD Office Of Homeland Security-\$1,200.00; Sdrs Supplemental Retirement-\$1,214.00; Securus Technologies T-Netix-\$535.00; Servall Towel & Linen-\$409.43; Sign Express-\$284.35; Spearfish Auto Supply-\$65.74; Spearfish Police Dept-\$1,597.58; Stan Houston Equip Co-\$750.00; Tigerdirect-\$182.88; Triple K Tire & Repair-\$502.56; Truenorth Steel-\$799.00; Twin City Hardware & Lumber-\$994.77; United Parcel Service-\$41.10; Vanway Trophy And Award-\$9.00; Verizon Wireless-\$96.69; Wells Plumbing & Farm Supp-\$53.24; Western Communication-\$77.50; White Drug-\$5,484.56; White's Queen City Motors-\$791.44; Wilde & Hunt, Prof-\$2,360.12; Wsi Corp-\$390.00; Zep Manufacturing Co-\$151.20; **Witness & Jurors:** Alan,C-\$61.10; Driscoll,D-\$60.36; Greear,K-\$63.32; Jones,M-\$61.10; Koppinger,L-\$61.10; Rchetto,C-\$52.22; Rang,C-\$59.62; Sandidge,S-\$61.10; Seamands,J-\$61.10; Waisanen,D-\$20.00; Beauvais,C-\$23.70; Bland,C-\$22.96; Littlecrow,C-\$22.22; Stanley,C-\$131.00

ADJOURN: 11:27 a.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Robert Ewing, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 10, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 10, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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-Weisenberg) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Sleep-Flanagan) to approve the minutes of the March 27, 2012 County Commission Meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2012 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)-\$166,734.15; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,187.79; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,659,834.31, Money Market \$530,104.61; Bank Balance-\$4,268,332.71; Total \$13,383,303.57.

PERSONNEL:

HIGHWAY: Moved-Seconded (Johnson-Ewing) to approve the hiring of Robert Hudson as Heavy Equipment Operator at the base rate of \$19.97 an hour, effective 4-23-2012 and Chad Bahlmann and Jim Waisenan as Heavy Equipment Operator at the base rate of \$19.97 an hour, effective 4-16-2012. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to accept with regret the letter of retirement from Clifford Caserio, effective 4-20-2012. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Ewing) to approve Jason Fischer as a full-time permanent Appraiser I G1 at the base rate of \$14.22 an hour, effective 4-9-2012. Motion Carried.

ST.ONGE RURAL FIRE PROTECTION DISTRICT: The Board reviewed the petitions for the St. Onge Rural Fire Protection Tax District. Moved-Seconded (Flanagan-Sleep) to set a public hearing for April 24, 2012 at 10:15 a.m. for the proposed organization of the St. Onge Rural Fire Protection Tax District. Motion Carried.

ST. ONGE TOWNSHIP BOND: Moved-Seconded (Johnson-Weisenberg) to approve the St. Onge Township Bond for \$50,000. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2012 is \$719,618.66 or 5.61%.

STATE & LOCAL AGREEMENT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the 2012 Emergency Management State & Local Agreement Addendum and Quarterly Report. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quote was the only bid submitted as of April 2, 2012 from CBH Cooperative (Prices per Gallon): Deadwood Diesel 1000: CBH - \$3.462*; Deadwood Unleaded 2000 Gallons: CBH - \$3.454*; Spearfish Diesel 1200 Gallons: CBH - \$3.462*; Spearfish Unleaded 1100 Gallons: CBH - \$3.454*; Whitewood Diesel 450 Gallons: CBH - \$3.462*.

*Represents lowest quote awarded.

BURN BAN RESOLUTION: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the following Burn Ban Resolution #2012-13. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2012-13 A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE COUNTY:

WHEREAS, the Lawrence County Commission is charged with protecting the health and safety of the citizens of Lawrence County including all property situated therein; and

WHEREAS, the Lawrence County Commission has consulted with local fire officials and emergency management officials concerning the threat posed by wildfires; and **WHEREAS**, the threat of wildfires in Lawrence County is such so as to pose a significant danger to the health and safety of the citizens of Lawrence County including property situated therein; and **WHEREAS**, the Lawrence County Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Lawrence County by wildfires. **NOW**

THEREFORE BE IT RESOLVED, that pursuant to SDCL 7-8-20 (18) the Lawrence County Commission does hereby enact this resolution on an emergency basis effective immediately and impose a ban to prohibit or restrict open burning in order to protect the public health and safety; and **IT IS FURTHER RESOLVED**, that the prohibited activities shall include the ignition of fireworks and open burning, and any other activity which could be reasonably be calculated to lead to the ignition and/or spread of wildfires in Lawrence County. It would not include private commercial campgrounds or US Forest Service campgrounds with a valid fireplace permit issued by the SD Wildland Fire Suppression Division. At such time as the US Forest Service deems it necessary to restrict burning in US Forest Service campgrounds, all campgrounds in Lawrence County (excepting those within municipal boundaries and control) would fall under the same restriction and would only be able to resume campfires when the US Forest Service drops their restrictions; and **IT IS FURTHER RESOLVED**, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Lawrence County excepting those lands falling within the boundaries of any municipality or the lands falling under the auspices of the United States; and **IT IS FURTHER RESOLVED**, that the prohibition of certain activities provided for above shall remain in effect until such time as the Lawrence County Commission determines that the threat posed by wildfires has abated. Dated this 10th day of April, 2012. Bob Ewing, CHAIRMAN

ATTEST: Connie Atkinson, AUDITOR

HOT MIX-IN PLACE PATCHING: Moved-Seconded (Flanagan-Weisenberg) to remove from the table the Hot Mix-In Place Patching Bids from Sacrison Paving - \$43.65 per square yard with a \$400.00 minimum charge; Hills Material - \$44.55 per square yard with area to be prepared and ready for 4" of E1 HMA. Motion Carried. Moved-Seconded (Flanagan-Sleep) to follow the recommendation of Chuck Williams and accept the low bid from Sacrison Paving - \$43.65 per square yard with a \$400.00 minimum charge. Motion Carried.

CLOSEOUT REQUEST AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the De-Obligation and Closeout Request Form FSM 1580 Grants & Agreements G02791178. Motion Carried.

MOUNTAIN PINE BEETLE: Dave Heck updated the Board on the Mountain Pine Beetle project and the progress made.

USFS/COUNTY AGREEMENT: Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the Modification to the Participating Agreement between the Lawrence County Invasive Species Management and the USDA, Forest Service Region 2, Black Hills National Forest Northern Hills Ranger District. Motion Carried.

MOUNTAIN PINE BEETLE STRATEGY RESOLUTION: The Board discussed possible expense to the County for additional personnel. Bill Coburn stated the Mountain Pine Beetle is a regional problem. The Board stated if additional funding for personnel is needed they will need to come to the Board as they are not committing funds at this time.

Moved-Seconded (Johnson-Flanagan) To approve and authorize the Chairman to sign the following Resolution #12-14 Mountain Pine Beetle Strategy. Motion Carried.

LAWRENCE COUNTY RESOLUTION #12-14 A RESOLUTION SUPPORTING THE BLACK HILLS REGIONAL MOUNTAIN PINE BEETLE STRATEGY: WHEREAS, the Mountain Pine Beetle has caused extensive damage throughout the Black Hills over the past 15 years, affecting more than 500,000 acres across all landownership and threatening the socio-economic and ecological values therein; and WHEREAS, the Black Hills Conservation Leaders' Group was formed to synchronize the various local, state and federal efforts through a shared vision and strategy; and WHEREAS, the Black Hills Conservation Leaders' Group assigned a subcommittee to produce a draft of the Black Hills Mountain Pine Beetle Strategy; and WHEREAS, the cost to the several counties of South Dakota to implement programs to effectively treat and control noxious weeds and invasive species continues to increase; and WHEREAS, the Black Hills Regional Mountain Pine Beetle Strategy helps coordinate Lawrence County's efforts with other agencies and organizations to produce a more cost-effective approach in mitigating the Mountain Pine Beetle; and WHEREAS, Lawrence County is encouraged to participate and engage in applicable components outlined throughout the Strategy; and THEREFORE, the Lawrence County Commission endorses the Strategy and the Chairman is authorized to sign the final version of the Black Hills Regional Mountain Pine Beetle Strategy for the purposes expressed therein. Dated this 10th day of April, 2012. Bob Ewing, CHAIRMAN. Attest: Connie Atkinson, AUDITOR

MALT BEVERAGE & SD FARM WINE LICENSE TRANSFER / DEADWOOD KOA: A public hearing was held on an application to transfer the following Package (OFF-SALE) Malt Beverage & SD Farm Wine License: Previous License: Gi Outpost Inc., (Deadwood Koa) M.S. #601, Sec. 28, T5n, R3e, And Lot 1a Of M.S. #108.Nemo Guest Ranch: Transfer To: Ole And Lena Group Llc (Deadwood Koa) M.S. #601, Sec. 28, T5n, R3e, And Lot 1a Of M.S. #108.Nemo Guest Ranch. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Weisenberg) to approve the transfer of Malt Beverage & SD Farm Wine License to Ole And Lena Group Llc (Deadwood Koa). Motion Carried.

AIRPORT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the BHP Electric Easement-Underground to establish service to the relocated hangar as part of the Taxiway Project. Motion Carried.

EQUALIZATION: Tim Hodson, Director of Equalization was present to review the Equalization Department Audit Report for Sales and Compliance.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Director updated the Board on Planning and Zoning issues. Vogt previewed C.U.P. #405 Specialty Resort, Rob and Michelle Andresen/Craig Hayes Applicants (Location - Hwy 85 between McMasters Corner and Preacher Smith Monument); ORD 12-04 Changes to Variance Requirements and Adding Airstrip/Heliport as Allowed Uses in Certain Zoning Districts; and E-911 Addressing Regulations. Vogt updated the Board on Apple Springs and the bidding process is being worked on.

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.

Bills: Kellogg,Susan-\$52.98; Mowell,Richard-\$7,590.00; A&B Business,Inc Solutions-\$1,198.14; A&J Supply-\$274.87; A-Z Shredding-\$41.20; Abc Business Supply Corp-\$75.53; Alco Store-\$5.99; At&T Mobility-\$101.44; At&T Subpoena Center-\$40.00; BH Chemical Company-\$534.72; BH Land Analysis-\$585.00; BH Pioneer-\$1,029.88; BH Power-\$956.50; Benson Technical Works-\$1,668.75; Biegler,Greg-\$60.00; Bomgaars Supply-\$168.75; Butte Electric Coop-\$778.17; Captain Clean Of Northern Hill-\$125.00; Cbh Cooperative-\$19,881.70; Central Parts-\$45.45; Century Business Products-\$34.16; Centurylink-\$154.70; City/County Alcohol&Drug-\$420.00; Clinical Lab Of BH-\$3,586.00; Dakota Equipment Rental-\$28.95; Dakota Graphics-\$66.00; Dakotacare-\$533.46; Deadwood,City Of-\$5,904.13; Dept Of Hlth Lab Services-\$385.00; Dietrich,Donna-\$151.40; Eke-\$3,666.29; Election Sys & Software-\$621.46; Et Sports-\$897.08; Federal Express Corp-\$19.31; First Western Ins Deadwood-\$50.00; Fsh Communications-\$60.00; Gene's Lock Shop-\$438.00; Grafix Shoppe-\$480.60; Great Western Tire-\$43.90; Heisler Hardware-\$202.36; Kadrmas, Lee And Jackson-\$6,618.56; Kimball-Midwest Co-\$215.18; Kinney,Matthew-\$1,486.15; Kittelson,Joan-\$15.00; Knecht True Value-\$135.40; Knology-\$59.12; Kosel,Joseph-\$404.19; LC Conservation Dist-\$5,000.00; LC Treasurer-\$40.00; Lar-Jo's-\$435.51; Lead-Deadwood Regional Hospital-\$772.82; Lead-Deadwood Sanitary-\$408.36; Lee,James-\$15.00; Lexisnexis Matthew Bender-\$37.49; Lexisnexis Risk Data Mgnt-\$75.00; McClure,Susan-\$150.00; Microfilm Imaging Systems-\$755.00; Montana Dakota Utilities-\$4,912.55; Motorola Solutions-\$763.20; Mutchler,

Tricia-\$53.20; Neal,Richard-\$51.00; Neve's Uniforms-\$257.38; Office Depot-\$779.80; Officefurniture-\$1,898.88; Outdoor Motor Sports-\$600.09; Pennington Co Auditor-\$125.00; Phoenix Investigations-\$652.59; Quik Signs-\$112.74; Quill Corporation-\$105.59; RC Regional Hospital-\$54.16; Radiology Associates-\$9.32; Rasmussen Mechanical Serv-\$468.11; Regional Health Physicians-\$36.93; Rehfuss,Cathryn-\$15.00; Rocket Lube-\$118.48; SD Continuing Legal Education-\$50.00; SD Dept Of Labor Unemployment-\$9,389.12; SD State Treasurer-\$14,950.80; Scheid,Pamela-\$44.15; Sdaco-\$750.00; Secretary Of State-\$30.00; Servall Towel & Linen-\$531.09; Spearfish Auto Supply-\$1,719.54; Spearfish City Of-\$5,000.00; Spearfish Regional Hospital-\$106.80; Speed Tech Lights-\$480.40; Stretch's Glass & Mirror-\$229.35; Sturdevant's Auto Parts-\$137.95; Tigerdirect-\$258.66; Triple K Tire & Repair-\$917.19; Twilight First Aid & Safety-\$69.70; Twin City Hardware & Lumber-\$216.83; Walworth Co Sheriff Office-\$10.00; Waste Connections-\$614.91; Wells Plumbing & Farm Supp-\$136.43; West Group-\$155.50; West River International-\$215.06; Western Communication-\$103.50; Western Sd Juvenile Serv-\$2,250.00; Whitewood Library-\$61,320.00; Wilde & Hunt, Prof-\$274.95; Wolff Law Office-\$1,179.50; Wright Express-\$1,250.48; Ziggy's Building Center-\$355.75; **Witness & Jurors:** Burton,B-\$31.10; Emme,J-\$31.10; Clyde,T-\$327.10; Mcvay,J-\$38.50; Mcvay,L-\$20.00; Ryken,R-\$375.20; Thorman,J-\$32.58; Williams,B-\$316.00; Barrios,S-\$32.43; Bland,T-\$31.10; Greenwood,T-\$21.48; Harmon,T-\$30.36; Hermann,D-\$31.84; Johnson,M-\$20.00; Malcolm,S-\$182.06; Sternhagen,A-\$40.35

ADJOURN: 10:14 a.m. Moved-Seconded (Sleep-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

2012 LAWRENCE COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order on Tuesday April 10, 2012 at 10:25 a.m. with the following members present: Robert Ewing, Daryl Johnson, Terry Weisenberg, Brandon Flanagan and Richard Sleep.

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

The 2012 Board of Equalization Oath was signed.

Tax Exempt:

MASONIC CEMETERY ASSOCIATION 31180-00100-120-10: Moved-Seconded (Flanagan-Johnson) to follow the recommendation of the Director of Equalization and approve the Masonic Cemetery Association as 100% Tax Exempt. Motion Carried.

BLACK HILLS CHRISTIAN ACADEMY 32210-19010-110-00: Moved-Seconded (Flanagan-Johnson) to follow the recommendation of the Director of Equalization and approve the Black Hills Christian Academy as 100% Tax Exempt. Motion Carried.

DAKOTA CONFERENCE OF THE 7TH ADVENTIST CHURCH 24900-00702-330-01: Moved-Seconded (Flanagan-Johnson) to follow the recommendation of the Director of Equalization and approve the Dakota Conference of the 7th Adventist Church as 100% Tax Exempt. Motion Carried.

The following Exempt parcels were approved.

Moved-seconded (Flanagan-Johnson) to approve the following list of 2012 Exempt properties. Motion carried.

New	Parcel Number	Current Owner	Situs	
	BENEVOLENT			
	29100-02800-270-00	PRESERVE SOUTH DAKOTA	ORIGINAL TOWN WHITEWOOD	LOT 27 BLK 28
	24600-00702-330-00	QUEEN CITY VFW POST #5860	K/A SPF FAIRGROUNDS COMM	SW1/4 SW1/4 LOT 1 (1.0 ACRES MINUS RW)
	30025-02000-120-10	MASONIC TEMPLE ASSOCIATION	ORIGINAL TOWN DEADWOOD	LOTS 10-11 & 12B OF LOT 12 BLK 20
	31090-02800-010-10	SD GRAND LODGE OF INDEPENDENT OR	ORIGINAL TOWN LEAD	300' VACATED ALLEY & W PT LOT 1 BLK 28 403 W MAIN
	29700-00200-150-00	WEST RIVER FOUNDATION	THOMPSON S/D WHITEWOOD	PT LOTS 13-14 & 15 BLK 2
NE W	31180-00100-120-10	MASONIC CEMETERY ASSOCIATION	BENDER PARK S/D LEAD	TRACT J BLK A OF THE INDEPENDENT M.S. 1444
	30025-02100-120-00	DEADWOOD LODGE #508 BPOE	ORIGINAL TOWN DEADWOOD	LOT 11 & ALL EX 5' OF LOT 12 BLK 21 53% TAXABLE (ELKS)
	32210-13030-020-02	WEST RIVER FOUNDATION	GREEN ACRES ADDN. SPEARFI	TIF #2 LOT 2B REVISED OF TR 3 SE1/4 SE1/4 13-6-2 (KSLT RADIO STATION)
	32690-00300-010-50	WEST RIVER TRANSIT AUTHORITY INC	SOUTH FORTY ADDN. SPEARFI	LOT 11 OF LOT 5 OF TR 3

	30025-03300-350-00	V F W POST #5969	ORIGINAL TOWN DEADWOOD	VFW LOT
	31440-00300-005-00	BLACK HILLS ROD & GUN CLUB	HOMESTAKE S/D LEAD	LOT 5 TRACT 3 (ROD & GUN CLUB) & INCLUD. A POR. OF LOT AB1 (97- 2859)
	26580-01372-000-15	SAWYER MEMORIAL PARK TRUST	MINERAL 1299 THRU 1398	M.S. 1372 LOT 1 OF NORWOOD # 8 (5.01AC) & LOT 1 OF TR 0067'B' (5.82AC)
	32090-04300-120-00	SPEARFISH MASONIC BLDG ASSOC	ORIGINAL TOWN SPEARFISH	LOT 11 & 12 BLK 43
	32180-14200-040-15	BEHAVIOR MANAGEMENT SYSTEMS INC	CONNORS ADDN. SPEARFISH	LOT 4B OF SW1/4 NW1/4
	31390-00200-050-03	GOLDEN STAR LODGE	GIRARDI S/D LEAD	W PT LOT 2 AND ALL LOT 3 BLK 5
	31450-00800-010-15	WEST RIVER FOUNDATION	KENWOOD S/D LEAD	LOT 1B BLK 8
	32465-00200-020-00	WEST RIVER TRANSIT AUTHORITY INC	MCGUIGAN RANCH ADDN	TIF #3 LOT 2 BLK 2
		CHARITABLE		
	32290-00000-000-00	HIGH PLAINS HERITAGE SOCIETY INC	HERITAGE ADDN. SPEARFISH	TIF #2 TR A SE1/4 NE1/4
	32660-01600-160-00	NORTHERN HILLS TRAINING CENTER	SCHAR ADDN. SPEARFISH	TRACT A BLK 16
	32570-04400-060-00	NORTHERN HILLS TRAINING CENTER	RAMSDELL ADDN. SPEARFISH	S25' OF LOT 4, & N 45' OF LOT 5, S 5' OF LOT 5 & ALL LOT 6 BLK 44
	29100-02700-030-00	WHITEWOOD SENIOR CITIZENS	ORIGINAL TOWN WHITEWOOD	LOTS 1-2-3-4 & 5 BLK 27
	32570-01500-050-10	WOMEN IN CRISIS COALITION INC	RAMSDELL ADDN. SPEARFISH	S 25' OF 3 & ALL 4 & N 6' OF LOT 5 BLK 15
	31090-02500-050-00	SANDER, DUANE TRUSTEE E	ORIGINAL TOWN LEAD	S 70' OF LOT 5 BLK 25
	31090-02600-050-20	BLACK HILLS MINING MUSEUM INC	ORIGINAL TOWN LEAD	130.16'N OF JULIUS & PT OF 4 AND E PT LOT 5 BLK 26
	31090-03000-080-00	TWIN CITIES & AREA SR CITIZEN INC	ORIGINAL TOWN LEAD	E 30' OF LOT 8 BLK 30
	31570-00100-020-00	NORTHERN HILLS FAMILY YMCA	MAYS S/D LEAD	LOTS 1 & 2 BLK 1
	26180-01300-050-00	GALENA HISTORICAL SOCIETY	GALENA M.S. 4-4-4	LOTS 1 THRU 5 BLK 13 MS 913
	26580-01372-000-20	SAWYER MEMORIAL	MINERAL 1299 THRU 1398	M.S. 1372 PT HES 66 EX TR A (.67AC) & PT ACME ETAL EX LOT A TO STATE(.06AC) M.S. 1372 (66.03AC) LESS TR 2 OF ACME M.S. 1372 (6.20AC) & LESS 1.23AC DOC #97-4814
	32090-05200-120-20	BELLA PREGNANCY RESOURCE CENTER	ORIGINAL TOWN SPEARFISH	LOT B SUB OF 11 & LOT 12 BLK 52 A/K/A E 78' OF 11 & 12 BLK 52
	32660-01400-100-00	NORTHERN HILLS TRAINING CENTER	SCHAR ADDN. SPEARFISH	LOT 9A BLK 14
	31510-04000-135-01	NORTHERN HILLS YOUNG MEN'S	DENVER S/D LEAD	TRACT E BLK Y

	26580-01372-000-10	SAWYER MEMORIAL	MINERAL 1299 THRU 1398	M.S. 1372 PT HES 57 EX TR A (.68AC) & PT ACMEETAL LESS TR 1 OF ACME M.S. 1372 (1.00AC) & LESS LOT 1 OF NORWOOD #4 (9.58AC) & LESS LOTS 1 & 2 SAWYER MEM. PARK (30.89)
	32540-00100-000-15	SPEARFISH SR CIT SERV CEN	PARK PLACE ADDN. SPEARFIS	TRACT 2-A (SENIOR CENTER)
	32120-00400-000-30	NORTHERN HILLS TRAINING CENTER	BEETS ADDN. 3 & 10-6-2 SP	LOT C OF LOT 4
	32210-19100-040-00	NORTHERN HILLS TRAINING CENTER	GREEN ACRES ADDN. SPEARFI	LOT 4 BLK 10
	30600-00200-170-00	NORTHERN HILLS ALLIANCE FOR CHIL	KENNEDY & CAMERON S/D DEA	LOTS 8 THRU 12 BLK 2 EX RW & EASEMENTS
	32660-00100-010-20	FRIENDS OF NORTHERN HILLS	SCHAR ADDN. SPEARFISH	LOT B EX THE W 11' BLK 1
	26698-01730-010-00	KINSHIP MOUNTAIN MINISTRIES KAMP	KINSHIP MTN ESTATES	M.S. 1730 TRACT 1 INCLUDING EASEMENT(60.82A)
	32655-01700-010-10	LUTHERAN SOCIAL SERVICES OF SD	SANDSTONE HILLS ADDN.	TIF #2 LOT 1A BLK 17
	32180-14200-020-00	SPEARFISH EMERGENCY AMBULANCE SE	CONNORS ADDN. SPEARFISH	LOT 2 OF SW1/4 NW1/4
	30900-00569-000-07	DAYS OF '76 MUSEUM INC	MINERAL - DEADWOOD	M.S. 569 LOT 3 OF THE DAYS OF 76 TRACT
		EDUCATION		
NE W	32210-19010-110-00	BLACK HILLS CHRISTIAN ACADEMY	GREEN ACRES ADDN. SPEARFI	LOTS 11& 12 OF GOV. LOT 1
	32030-01100-040-00	B H S C FOUNDATION	ORIGINAL TOWN SPEARFISH	LOTS 2-3 & 4 BLK 11
	32750-01300-060-00	BOARD OF REGENTS	WEST ADDN. SPEARFISH	LOT 6 BLK 13
	32750-00100-120-00	BLACK HILLS STATE UNIVERSITY	WEST ADDN. SPEARFISH	LOTS 11 & 12 BLK 1
	32840-00602-094-10	BLACK HILLS STATE UNIVERSITY FOU	SUB 9-6-2 SPEARFISH	W1/2 NW1/4 SE1/4 TR 1 OF LOT 1A
	32030-03200-060-00	SPEARFISH SCHOOL DIST 40-2	ORIGINAL TOWN SPEARFISH	LOT A BLK 32
	32090-10600-000-00	SPEARFISH SCHOOL DIST 40-2	ORIGINAL TOWN SPEARFISH	ALL OF BLKS 105 & 106
	32030-03400-120-00	SPEARFISH SCHOOL DIST 40-2	ORIGINAL TOWN SPEARFISH	LOTS 7 THRU 12 BLK 34
	32750-01600-120-00	SPEARFISH SCHOOL DIST 40-2	WEST ADDN. SPEARFISH	LOTS 1 THRU 12 BLK 16
	32750-01700-120-00	SPEARFISH SCHOOL DIST 40-2	WEST ADDN. SPEARFISH	LOTS 1 THRU 12 BLK 17
	32750-01800-120-00	SPEARFISH SCHOOL DIST 40-2	WEST ADDN. SPEARFISH	LOTS 7 THRU 12 BLK 18
	32320-00090-000-00	B H STATE UNIVERSITY	HILLSVIEW ADDN. SPEARFISH	LOTS 2,3,4,5,6,7 & 8 OF NE1/4 NE1/4 EX LOT 1

	32030-01100-010-00	BLACK HILLS STATE UNIVERSITY FOU	ORIGINAL TOWN SPEARFISH	LOT 1 BLK 11
	30025-02300-000-00	DEADWOOD IND SCHOOL DIST 102	ORIGINAL TOWN DEADWOOD	TRACT IN M.C. 71 BLK 23
	30025-02300-260-00	BOARD OF EDUCATION	ORIGINAL TOWN DEADWOOD	LOTS 13 & 15 THRU 26 BLK 23
	30025-02400-060-00	DEADWOOD IND SCHOOL DISTRICT	ORIGINAL TOWN DEADWOOD	LOTS 1 THRU 6 BLK 24
	29100-01900-070-00	MEADE SCHOOL DISTRICT 46-1	ORIGINAL TOWN WHITEWOOD	LOTS 1 THRU 7 BLK 19 & PT VACATED WALNUT ST.
	29500-00000-020-30	MEADE SCHOOL DISTRICT 46-1	OUTLOTS S/D WHITEWOOD	TR C OF OUTLOT B & PT VACATED WALNUT ST.
	32750-00900-090-00	BLACK HILLS STATE	WEST ADDN. SPEARFISH	LOT 9 BLK 9
	29100-02700-120-00	CITY OF WHITEWOOD	ORIGINAL TOWN WHITEWOOD	LOTS 6 THRU 12 BLK 27
	32750-00900-080-00	BLACK HILLS STATE UNIVERSITY	WEST ADDN. SPEARFISH	LOT 8 BLK 9
	32730-00600-000-10	SPEARFISH SCHOOL DISTRICT 40-2 &	VOORHEES ADDN	TRACT S
	31730-00100-050-10	LEAD-DEADWOOD SCHOOL DISTRICT	PARK PLACE S/D LEAD	LOT 5 EX. PT IN TRACT AB AND H1(.015)
	31760-00000-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	SCHOOL ADDITION	TRACT S
	31590-00100-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	MITCHELL ADDN	POR TRACT 1 INSIDE
	31590-00200-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	MITCHELL ADDN	TRACT 2
	26050-00100-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	MITCHELL ADDN OUTSIDE	POR TRACT 1 OUTSIDE
	31590-00300-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	MITCHELL ADDN	TRACT 3
	31590-00400-000-00	LEAD-DEADWOOD SCHOOL DISTRICT 40	MITCHELL ADDN	TRACT 4
	32720-04000-030-10	BLACK HILLS STATE UNIVERSITY FOU	UHLIG ADDN. SPEARFISH	LOT 3 BLK 40
	32198-00100-000-00	SPEARFISH SCHOOL DISTRICT NO 40-2	DELLA VECCHIA ADDN	BLOCK 1 & SCHOOL AVE PUBLIC ROW(.70)
	32198-00200-000-00	SPEARFISH SCHOOL DISTRICT NO 40-2	DELLA VECCHIA ADDN	BLOCK 2
	HOSPITAL OR NURSING HOME			
	32390-00800-010-10	PONDEROSA APARTMENTS INC	LOOKOUT VALLEY TRACT SPEA	LOT 1B BLK 8 (HICKORY HOUSE)
	32720-02900-120-60	PIONEER MEMORIAL MANORS INC	UHLIG ADDN. SPEARFISH	TRACTS H & I
	32420-00400-000-40	WEST DAKOTA HEALTH CARE INC	MATTHEW ADDN. SPEARFISH	LOT A SUB OF LOT 3 OF N1/2NW1/4 & NW1/4NE1/4 10-6-2 AN AZ NON- PROFIT CORP. (CD FROM LUTHERAN HOSP. & HOMEST)

	30025-07000-280-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	M & B DESC ON LOTS 24-26 & 28 BLK 70
	30025-07100-000-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	TRACT B OF BLK 71
	30025-07100-250-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	TR A OF S/D OF PROBATE LOT 7 A/K/A PART LOTS 21-23 & 25 BLK 71
REMOVED	32720-03400-000-00	NORTH CENTRAL HEALTH SERVICES INC.	UHLIG ADDN. SPEARFISH	PT LOT X OF BLK 33 & 44 & E-2A(WAS TRACT E-2) BTWN BLKS 43 & 34
	30025-07100-410-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	LOTS 25 THRU 41 BLK 71
	30025-07100-490-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	LOTS 43, 45, 47, 49 & VACATED CEDAR ST. BLK 71
	30025-07400-050-00	WEST DAKOTA HEALTH CARE INC	ORIGINAL TOWN DEADWOOD	LOTS 1-3-5 BLK 74
	32420-00400-000-30	WEST DAKOTA HEALTH CARE INC	MATTHEW ADDN. SPEARFISH	MEDICAL TRACT 1 (HOSPITAL & LAND EXEMPT CLINIC TAXABLE)
	32540-00100-000-20	REGIONAL HEALTH NETWORK INC	PARK PLACE ADDN. SPEARFIS	TRACT 1-B (UNITS I & II OF REDROCK MEDICAL PLAZA)
	31930-01663-000-20	REGIONAL HEALTH NETWORK INC	MINERAL - LEAD	M.S. 1663 LOT C A POR. OF BH EAGLE #1 M.S.1579, MICHIGAN M.S.1663 AND MONTANA M.S.1508 & LOT C1(1285.6' PLAT 2010-4038)THIRD STREET EXTENSION BLOCK
	32455-00100-020-02	RAPID CITY REGIONAL HOSPITAL INC	MEIER ADDN.	UNIT 2 OF YANKEE ST CONDO
	32455-00100-020-01	RAPID CITY REGIONAL HOSPITAL INC	MEIER ADDN.	UNIT 1 OF YANKEE ST CONDO
	32390-00800-010-00	PONDEROSA APARTMENTS INC	LOOKOUT VALLEY TRACT SPEA	LOT 1A BLK 8
	RELIGIOUS			
NEW	24900-00702-330-01	DAKOTA CONFERENCE OF 7TH ADVENTIST CHURCH	TRUCANO S/D	LOT 1 OF SW1/4 SE1/4 33-7-2
	06000-00301-230-20	CHAPTER OF CALVARY CATHEDRAL	T-003 R-01	PT HES 243 (STRUCTURES PARTIAL EXEMPTION)
	32030-01900-080-20	CHRISTIAN SCIENCE SOCIETY	ORIGINAL TOWN SPEARFISH	W 83' OF 7 & W 83' OF LOT 8 BLK 19 (CHURC)
	32570-03700-090-00	FIRST BAPTIST CHURCH OF SPF	RAMSDELL ADDN. SPEARFISH	LOTS 7A & 9 BLK 37 (CHURCH)
	32570-03300-020-20	NEW COVENANT CHRISTIAN FELLOWSHIP	RAMSDELL ADDN. SPEARFISH	LOT 2 BLK 33 (CHURCH)
	32540-00100-000-10	HILLSVIEW CHURCH OF NAZARENE	PARK PLACE ADDN. SPEARFIS	LOT A-1AR OF LOT 1
	32660-00500-080-00	OUR SAVIORS LUTHERAN CHURCH	SCHAR ADDN. SPEARFISH	LOTS 7 & 8 BLK 5 (CHURCH)
	29200-00100-030-00	IMMANUEL LUTHERAN CHURCH	FILLMORE S/D WHITEWOOD	LOT 1-2 & W 50' OF LOT 3 BLK 1
	32630-00100-060-00	MOUNTAIN VIEW BAPTIST CHURCH	REVISED GOLDEN BELT ADDN.	TRACT A OF BLK 1

10000-00305-270-35	NEMO COMMUNITY CHURCH	T-003 R-05	TRACT 0055 IN GOVT. LOT 7 IN SE1/4 NW1/4 (1.00 AC.)
24000-00702-321-20	OLD APOSTOLIC LUTHERAN CHURCH	T-007 R-02	TRACT 2 PT OF NE1/4
32720-02900-110-00	OUR SAVIORS LUTHERAN CHURCH	UHLIG ADDN. SPEARFISH	LOTS 7 THRU 12 BLK 29
32090-04100-030-00	SUMMIT AT SPEARFISH	ORIGINAL TOWN SPEARFISH	LOTS 2 & 3 BLK 41 (CHURCH)
29100-02800-060-00	PRESBYTERIAN CHURCH	ORIGINAL TOWN WHITEWOOD	LOT 6 BLK 28 (CHURCH)
32030-00700-120-00	SPEARFISH UNITED METHODIST CHURCH	ORIGINAL TOWN SPEARFISH	LOTS 4 THRU LOT 12 BLK 7
32720-03700-040-00	MOUNTAIN VIEW BAPTIST CHURCH	UHLIG ADDN. SPEARFISH	LOT 4 BLK 37 (PARSONAGE)
32090-08400-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	ORIGINAL TOWN SPEARFISH	LOTS 4-5 & 6 BLK 84
32690-00100-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	SOUTH FORTY ADDN. SPEARFI	LOT 6 BLK 1
32030-00700-030-00	SPEARFISH UNITED METHODIST CHURCH	ORIGINAL TOWN SPEARFISH	LOTS 1-2 & 3 BLK 7
32030-00100-010-00	ST JOSEPH'S CATHOLIC CHURCH	ORIGINAL TOWN SPEARFISH	FRACTIONAL LOT INCLUDED IN BLK 49 RAMSDELL
32030-00800-120-00	ST JOSEPH'S CATHOLIC CHURCH	ORIGINAL TOWN SPEARFISH	LOTS 9 THRU 12 BLK 8
32570-04900-070-00	ST JOSEPH'S CATHOLIC CHURCH	RAMSDELL ADDN. SPEARFISH	LOT 1 BLK 1 ORIG. & LOT 7 BLK 49
28800-01100-040-00	ST ONGE UNITED CHURCH OF CHRIST	TOWN LOTS S. HALF-ST.ONGE	LOTS 1 THRU 4 BLK 11
28800-01000-070-00	ST ONGE UNITED CHURCH OF CHRIST	TOWN LOTS S. HALF-ST.ONGE	LOTS 6 & 7 BLK 10
32030-01000-120-00	ST PAUL LUTHERAN CHURCH	ORIGINAL TOWN SPEARFISH	LOTS 10, 11 & 12 BLK 10
32570-05200-000-00	ST PAUL LUTHERAN CHURCH	RAMSDELL ADDN. SPEARFISH	FRACTIONAL BLK 52
32720-03900-000-00	ST PAUL LUTHERAN CHURCH	UHLIG ADDN. SPEARFISH	FRACTIONAL BLK 39
32570-05000-040-00	UNITED CHURCH OF CHRIST	RAMSDELL ADDN. SPEARFISH	S 3' OF LOT 3 & ALL LOT 4 BLK 50 (PARKING LOT)
32570-05000-060-00	UNITED CHURCH OF CHRIST	RAMSDELL ADDN. SPEARFISH	LOTS 5 & 6 BLK 50 (PARKING LOT)
20200-00602-040-07	SPEARFISH UNITED METHODIST CHURCH	PEARSON S/D W 1/2 SE 1/4	LOT 7 BLK 1
24800-00702-330-36	CALVARY TEMPLE ASSEMBLY OF GOD	SUB OF 33-7-2	S1/2 SE1/4 - LOTS A & B SUB OF LOTS 10A & 11A (7.45 AC)
30025-02300-400-00	ST AMBROSE CHURCH	ORIGINAL TOWN DEADWOOD	LOTS 32 THRU 39 & PT LOT 40 & ALL OF 40A & 41 BLK 23 (CHURCH)
30025-08200-220-00	ST JOHN'S EPISCOPAL CHURCH	ORIGINAL TOWN DEADWOOD	LOTS 21 & 22 BLK I (CHURCH)
30050-00224-000-00	ST AMBROSE CHURCH	PROBATE LOTS DEADWOOD	PROBATE LOT 224
30600-00100-040-00	ST AMBROSE CHURCH	KENNEDY & CAMERON S/D DEA	LOTS 3 & 4 BLK 1

30600-00100-100-00	ST AMBROSE CHURCH	KENNEDY & CAMERON S/D DEA	LOTS 1-2-3-4-6-7-8-9 & 10 BLK 1
30800-00100-110-00	GRACE LUTHERAN CHURCH	SUNNYSIDE S/D DEADWOOD	LOTS 6 THRU 11 EX RW BLK A
31090-02400-140-00	ASSEMBLY OF GOD CHURCH	ORIGINAL TOWN LEAD	N 10' OF 13 & PT OF 14 BLK 24
31090-02800-010-00	TWIN CITIES CHURCH OF CHRIST	ORIGINAL TOWN LEAD	300' VACATED ALLEY & PT LOT 1 BLK 28
31090-03600-090-10	ST PATRICKS CATHOLIC CHURCH	ORIGINAL TOWN LEAD	E PT LOT 9 & ALL LOTS 10 & 11 BLK 36
31450-00600-020-10	BEREAN BAPTIST CHURCH	KENWOOD S/D LEAD	LOT 908 WASHINGTON ST BLK 6 (CHURCH)
31570-00500-020-00	TRINITY UNITED METHODIST CHURCH	MAYS S/D LEAD	LOT 1 BLK 4, LOT M BLK 5, & N PT LOT 3, ALL OF 1 AND 2 BLK 5 (CHURCH)
31570-00500-030-20	FIRST PRESBYTERIAN CHURCH	MAYS S/D LEAD	W PT LOT 3 BLK 5
31660-00100-040-00	TRINITY UNITED METHODIST CHURCH	NISICK HEIGHTS S/D LEAD	LOT 4 BLK 1
31810-01400-100-00	BETHEL LUTHERAN CHURCH	SUNNYSIDE S/D LEAD	LOT 512 (PARSONAGE)
31930-01418-000-00	CEMETERY ASSOCIATION	MINERAL - LEAD	M.S. 1418 CEMETERY EXCEPT LOT 1 (.11) 4.83 ACRES
31930-01467-000-00	CEMETERY ASSOCIATION	MINERAL - LEAD	M.S. 1467 CEMETERY #2 EX LOT 1 (.18)
26590-01376-000-51	BURNO CHRISTIAN FAMILY RETREAT	BURNO ESTATES	M.S. 1376 LOT B-17 BURNO ESTATES
26590-01376-000-39	BURNO CHRISTIAN FAMILY RETREAT	BURNO ESTATES	M.S. 1376 LOT B-13 THRU 16 BURNO ESTATES
31510-00400-010-20	SHEPHERD OF THE HILLS LUTHERAN	DENVER S/D LEAD	N OF JULIUS-NW PT LOT 1 BLK 4 & M & B DESCRIPTION OF M.S. 744 (PARKING LOT)
31510-00400-020-00	SHEPHERD OF THE HILLS LUTHERAN	DENVER S/D LEAD	N PT LOT 3 BLK 4 (PARKING LOT)
32570-04200-100-00	ALL ANGELS EPISCOPAL CHURCH	RAMSDELL ADDN. SPEARFISH	LOT 10 BLK 42
31090-03000-090-40	CHRIST CHURCH EPISCOPAL	ORIGINAL TOWN LEAD	W OF LOT 9 BLK 30 (N OF JULIUS)
31510-00500-000-05	TRINITY UNITED METHODIST CHURCH	DENVER S/D LEAD	LOT M S/D OF BLK 5 DENVER ADD & LOT 1 BLK 4 MAY ADD(.10AC) ASSESS.WITH #31570-00500-020-00
32660-01000-060-10	OUR SAVIORS LUTHERAN CHURCH	SCHAR ADDN. SPEARFISH	E1/2 OF LOTS 5 & 6 BLK 10
32720-02900-020-00	OUR SAVIOR'S LUTHERAN CHURCH	UHLIG ADDN. SPEARFISH	LOTS 1 & 2 BLK 29
22000-00604-164-45	BLACK HILLS BAPTIST CHURCH SBC	T-006 R-04	TRACT 2 PT SW1/4 SE1/4
18120-00504-001-04	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES	OAK MT. COUNTRY EST.	LOT 4 BLK 1 EX H1 (1.8 AC)(CHURCH)
31440-00500-011-00	TWIN CITIES CHURCH OF CHRIST	HOMESTAKE S/D LEAD	LOT 11 TRACT 5

	32120-00300-000-20	SALVATION ARMY	BEETS ADDN. 3 & 10-6-2 SP	LOT 3-B OF LOT 3
	32570-04900-100-00	ST JOSEPH'S CATHOLIC CHURCH	RAMSDELL ADDN. SPEARFISH	LOT 10 BLK 49
	32570-04900-090-00	ST JOSEPH'S CATHOLIC CHURCH	RAMSDELL ADDN. SPEARFISH	LOT 9 BLK 49
	31510-00400-040-00	BETHEL LUTHERAN CHURCH	DENVER S/D LEAD	SW PT LOT 3 & S PT LOT 4 & TRACT C(.08) BLK 4 (CHURCH)
	21200-00603-085-45	FIRST BAPTIST CHURCH OF NORTHERN	SUB OF 8-6-3	LOT 3A A SUB. OF TR 3 SE1/4 SE1/4 EXCEPT N 60' EASEMENT (.68 AC.) & EAST 33' ROW
	32750-01200-090-00	CAMPUS MINISTRY EDUCATION ENTERP	WEST ADDN. SPEARFISH	LOT 9 BLK 12
	32570-04900-080-00	ST JOSEPHS CATHOLIC CHURCH	RAMSDELL ADDN. SPEARFISH	LOT 8 BLK 49
	30025-03700-280-00	BAPTIST CHURCH	ORIGINAL TOWN DEADWOOD	LOT 26 & 20' OF LOT 28 BLK 37
	26760-01879-000-55	FILLMORE & CO INC	MINERAL 1765 THRU 1887	M.S. 1879 TRACT C PT GOLDEN STAR (CEMETERY)
	26680-01697-000-00	PRESBYTERY OF SD OF THE UNITED	MINERAL 1564 THRU 1742	M.S. 1697 ETNA #1 ETAL
	31090-03600-020-00	ST PATRICKS CATHOLIC CHURCH	ORIGINAL TOWN LEAD	LOTS 2-3-4-5-6-7 & PT LOT 8 BLK 36
	31510-00200-010-00	CHRIST CHURCH EPISCOPAL	DENVER S/D LEAD	PT OF LOT 1 BLK 2
	30025-03700-340-00	FIRST BAPTIST CHURCH	ORIGINAL TOWN DEADWOOD	N 50' OF LOT 28 & ALL LOTS 30-32 & 34 BLK 37
	31360-00100-010-00	FIRST PRESBYTERIAN CHURCH	FULLERS S/D LEAD	LOT 1 BLK 1
	32570-04200-120-00	ALL ANGELS EPISCOPAL CHURCH	RAMSDELL ADDN. SPEARFISH	LOTS 11 & 12 BLK 42
	14000-00404-150-10	CARR, RALPH M & MEL DRUCILLA	T-004 R-04	ARROW HEAD CEMETERY LOT(.02) IN HES 252
	32570-03700-080-00	FIRST BAPTIST CHURCH OF SPF	RAMSDELL ADDN. SPEARFISH	LOT 8A BLK 37 (PARSONAGE)
	29200-00700-020-00	IMMANUEL LUTHERAN CHURCH	FILLMORE S/D WHITEWOOD	LOT 2 BLK 7 (PARSONAGE)
	32730-00000-000-10	SOLID ROCK CHURCH	VOORHEES ADDN	LOT V OF GOV'T LOT 3
	31440-00500-005-00	ASSEMBLY OF GOD CHURCH	HOMESTAKE S/D LEAD	LOT 5 TRACT 5
	32210-19100-070-00	HOPE EVANGELICAL LUTHERAN CHURCH	GREEN ACRES ADDN. SPEARFI	LOTS 7,8 & 9 BLK 10
	32570-04900-120-10	ST JOSEPHS CATHOLIC CHURCH	RAMSDELL ADDN. SPEARFISH	LOTS 11 & 12 BLK 49
	32210-19110-070-00	SALVATION ARMY	GREEN ACRES ADDN. SPEARFI	LOT 7 BLK 11 (PARSONAGE)
	26580-01376-000-83	BURNO CHRISTIAN FAMILY RETREAT	MINERAL 1299 THRU 1398	M.S. 1376 TRANSIT #10 ETAL EX W1/2 OF TRANSIT #18
	31090-02400-130-00	ASSEMBLY OF GOD CHURCH	ORIGINAL TOWN LEAD	PT OF LOT 13 BLK 24

	31510-00500-000-00	TRINITY UNITED METHODIST CHURCH	DENVER S/D LEAD	LOT K AND EXCEPT LOT K-1(.22AC) BLK 5 (CONTAINING .46 ACRES)(LEASE .39 AC TO CHURCH)
	32570-05000-120-00	SPEARFISH UNITED CHURCH OF	RAMSDELL ADDN. SPEARFISH	LOT 7A BLK 50
	32655-01500-010-00	SPEARFISH CONGREGATION OF	SANDSTONE HILLS ADDN.	LOT 1 BLK 15
	24000-00702-102-15	NORTHERN HILLS CHURCH OF CHRIST	T-007 R-02	HAUCK TRACTS 1 & 2 EX H1(.02 AC)
	32185-00000-130-30	DAKOTA DISTRICT OF THE WESLEYAN	COUNTRYSIDE S/D	TRACT 1 REVISED
	28500-00703-260-10	FIERRO, LAWRENCE & LOUISE	SOUTH HALF - ST. ONGE	GATEWAY CEMETERY LOC IN THE NE4SW4
	28500-00703-260-20	REDDICK, DUANE & ELLEN I	SOUTH HALF - ST. ONGE	SUNSET CEMETERY LOC IN THE SE4SW4
	26420-01158-000-42	SADDLE MOUNTAIN MINISTRIES	MINERAL 1136 THRU 1158	M.S. 1158 TRACT 2 OF ON TIME AND LITTLE BIRD FRACTION
	18185-00504-000-10	TWO BIT RANCH ESTATES LLC	TWO BIT RANCH ESTATES	ORDAHL-YOUNG CEMETERY LOT OF TRACT P NW1/4
	25000-00704-311-55	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY	T-007 R-04	2 AC IN SE4 NE4 FOR CHURCH & CEMETERY
	26340-00989-000-10	GOLDEN REWARD MINING CO	MINERAL 759 THRU 1034	M.S. 989 TERRY CEMETERY
	73	DISABLED VETERAN EXEMPTIONS		
	6	PARAPLEGIC EXEMPTIONS		
	104	ELDERLY TAX FREEZE		
	23	RENEWABLE ENERGY PROPERTIES		
	22	HISTORIC MORATORIUMS		

#0001 BARELMAN, ROBERT W & PEGGY TAYLO 26587-00000-070-00: CREEK RUN S/D M.S. 1333 LOT 7 Moved-Seconded (Johnson-Flanagan) to follow the recommendation of the Director of Equalization and change land value from \$47,160 to \$36,940. Motion Carried. Remarks: The value of the lot was lowered below the sale price.

#0002 FENTON, KRIS S & MELANIE R 30025-04200-110-00: ORIGINAL TOWN DEADWOOD LOTS 4-5-10 & 11 BLK 42 & VAC CEMETERY ST. (754.2') Moved-Seconded (Weisenberg-Sleep) To follow the recommendation of the Director of Equalization and change structure value from \$153,500 to \$145,160, no change in land value. Motion Carried. Remarks: After an on-site inspection of the property, the value was changed to reflect the actual condition of the property.

#0003 GILDED MOUNTAIN LLC 26730-01755-360-00: GILDED MOUNTAIN TRACT M.S. 1755 LOT 36 Moved-Seconded (Sleep-Weisenberg) to follow the recommendation of the Director of Equalization and change structure value from \$294,660 to \$250,790, no change in land value. Motion Carried. Remarks: An error was found in the record after property values were sent out, the value needed to be corrected through the board process.

#0004 J&R BIG SKY LLC 30025-06900-020-00: ORIGINAL TOWN DEADWOOD LOT 1 & E 1/2 LOT 2 BLK 69 Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of the Director of Equalization and change structure value from \$117,740 to \$89,030, no change in land value. Motion Carried. Remarks: After an on-site inspection of the property, the value was changed to reflect the actual condition of the property.

#0005 JOHNSON, DARYL D & SALLY A 19000-00601-172-20: T-006 R-01 SW1/4 NW1/4 Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Director of Equalization and change structure value from \$263,110 to \$249,170, no change in land value. Motion Carried. Aye-4 (Johnson excused himself from discussion and deliberation.) Remarks: The basement was assumed to be completely finished per reappraisal in 2011. The actual finished area and quality of finish should be revised to reflect the recommended structure value.

#0006 LAUN, DANA 21000-00603-354-20: T-006 R-03 TR A OF NW1/4 SE1/4 EXCEPT H1(.93) Moved-Seconded (Weisenberg-Sleep) To follow the recommendation of the Director of Equalization and change structure value from \$74,620 to \$32,280, no change in land value. Motion Carried. Remarks: After an on-site inspection of the property, the value was changed to reflect the actual condition of the property.

#0007 OULMAN, TRACY L 26800-01914-000-80: MINERAL 1887 THRU 1917 M.S. 1914 & 1780 LOT 32 Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Director of Equalization and change structure value from \$22,300 to \$19,510, no change in land value. Motion Carried. Remarks: After a conversation with the owner and review of the property record, the record was corrected.

#0008 ANSLEY, MERRILL S 26630-01477-000-19: ELKRIDGE S/D LOT 19 M.S. 1477 Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Director of Equalization and change structure value from \$108,840 to \$96,010, no change in land value. Motion Carried. Remarks: After an interior review, this recommendation equalizes the property with similar properties located in this neighborhood.

#0009 DAVIS, SCOT E & MICHELE H 31510-02900-070-00: DENVER S/D LEAD BLOCK LODE 744 Moved-Seconded (Sleep-Weisenberg) to follow the recommendation of the Director of Equalization and change structure value from \$142,550 to \$123,540, no change in land value. Motion Carried. Remarks: This recommendation will equalize the property with similarly assessed properties.

#0010 B FEEDERS LLC 26680-01598-000-32: MINERAL 1564 THRU 1742 M.S. 1598 LOT 1 OF DOLPHIN TRACT REVISED Moved-Seconded (Sleep-Flanagan) to follow the recommendation of the Director of Equalization and change land value to \$30,000 to adjust for access problems. Motion Did Not Carry. Aye-2 Nay-3 (Weisenberg, Johnson, Ewing) Remarks:

No change to land value due to failed motion. The board understood that the property owner had the ability to develop a road that had already been platted to access the property.

#0011 B FEEDERS LLC 26680-01598-000-36: MINERAL 1564 THRU 1742 M.S. 1598 LOT 3 OF DOLPHIN TRACT REVISED Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Director of Equalization and change land value to \$30,000 to adjust for access problems. Motion Did Not Carry. Aye-2 Nay-3 (Weisenberg, Johnson, Ewing) Remarks: No change to land value due to failed motion. The board understood that the property owner had the ability to develop a road that had already been platted to access the property.

#0012 B FEEDERS LLC 26680-01598-000-38: MINERAL 1564 THRU 1742 M.S. 1598 LOT 4 OF DOLPHIN TRACT REVISED Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Director of Equalization and change land value to \$30,000 to adjust for access problems. Motion Did Not Carry. Aye-2 Nay-3 (Weisenberg, Johnson, Ewing) Remarks: No change to land value due to failed motion. The board understood that the property owner had the ability to develop a road that had already been platted to access the property.

#0013 B FEEDERS LLC 26680-01598-000-40: MINERAL 1564 THRU 1742 M.S. 1598 LOT 5 OF DOLPHIN TRACT REVISED Moved-Seconded (Sleep-Flanagan) to follow the recommendation of the Director of Equalization and change land value to \$30,000 to adjust for access problems. Motion Did Not Carry. Aye-2 Nay-3 (Weisenberg, Johnson, Ewing) Remarks: No change to land value due to failed motion. The board understood that the property owner had the ability to develop a road that had already been platted to access the property.

#0014 BIERMAN, JEAN MIRIAM TRUSTEE FERRELL, LORI LYNN TRUSTEE 26640-01563-041-00: BLACK FOREST RANCH. #3 LOTS 39, 40 & 41 Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Director of Equalization and change land value from \$80,930 to \$62,260. Motion Carried. This recommendation equalizes the parcel with other parcels with similar location and access.

#0015 REED, RODNEY A & EILEEN L 22700-00604-003-05: WHITEWOOD FOREST S/D 20-6 LOT 5 BLK 3 Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of the Director of Equalization and change structure value from \$191,520 to \$170,390, no change in land value. Motion Carried. Remarks: After an on-site review the assessment record was changed to reflect the actual conditions of the property.

#0016 HUMBRACHT, KATIE L LINDBLOM, KEITH L 22700-00604-001-10: WHITEWOOD FOREST S/D 20-6 LOT 10 BLK 1 Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Director of Equalization and change structure value from \$219,290 to \$152,660, no change in land value. Motion Carried. Remarks: After an on-site review the assessment record was changed to reflect the actual conditions of the property.

#0017 ALBERTS, MIKE 26380-01135-000-80: MINERAL 1035 THRU 1135 M.S. 1135 LOT 8 OF DENTON LODGE Moved-Seconded (Johnson-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0018 ALBERTS, MIKE 26380-01135-000-88: MINERAL 1035 THRU 1135 M.S. 1135 LOT 10 OF DENTON LODGE Moved-Seconded (Flanagan-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0019 ALBERTS, MIKE 26380-01135-000-68: MINERAL 1035 THRU 1135 M.S. 1135 LOT 5 OF DENTON LODGE Moved-Seconded (Weisenberg-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0020 BARELMAN, ROBERT W TAYLOR, PEGGY 26587-00000-080-00: CREEK RUN S/D M.S. 1333 LOT 8 Moved-Seconded (Flanagan-Sleep) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0021 BATES, JAMES & SUSAN 26710-01652-090-00: OLD TOBOGGAN HILL S/D M.S. 1652 & 1812 LOT 9 OF TRACT A Moved-Seconded (Weisenberg-Flanagan) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0022 BULL LLC 29100-02200-030-00: ORIGINAL TOWN WHITEWOOD LOTS 2 & 3 BLK 22 Moved-Seconded (Flanagan-Ewing) No change in land value, no change in structure value. Motion Carried. Aye-3. Absent: (Weisenberg) (Johnson excused himself from discussion and deliberation.) Remarks: The assessment is supported by fair and equitable sales and comparables.

#0023 CHASE, SHAWN & KARLA 26730-01755-320-00: GILDED MOUNTAIN TRACT M.S. 1755 LOT 32 Moved-Seconded (Flanagan-Ewing) to follow the recommendation of the Director of Equalization and change structure value from \$345,030 to \$317,430, no change in land value. Absent: (Weisenberg) Remarks: After a study of sales and typical properties in the area, it was determined that this structure was not a typical sized structure and the value was adjusted accordingly.

#0024 LN REAL ESTATE LLC C/O THOMSON REUTERS 32090-04300-060-00: ORIGINAL TOWN SPEARFISH E 72' OF 1 & 2 & ALL 3 THRU 6 BLK 43 Moved-Seconded (Johnson-Flanagan) No change in land value, no change in structure value. Motion Carried. Absent: (Weisenberg) Remarks: Thomson Reuters cost data does not reflect the overall condition of the structures.

#0025 LN REAL ESTATE LLC C/O THOMSON REUTERS 32090-04300-100-00: ORIGINAL TOWN SPEARFISH LOT 9 & 10 BLK 43 Moved-Seconded (Flanagan-Johnson) No change in land value, no change in structure value. Motion Carried. Absent: (Weisenberg) Remarks: Thomson Reuters cost data does not reflect the overall condition of the structures.

#0026 NELSON, BETTIE M 26920-00001-007-40: LOST CAMP VALLEY AC. TR A LOT 40 BLK 7 Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0027 SEARS, TRAVIS W & DARLENE A 20100-00602-042-82: SUB 4-6-2 .25A IN NE CORNER OF LOT 5 SE1/4 SE1/4 Moved-Seconded (Weisenberg-Flanagan)) Follow the recommendation of the Director of Equalization and change structure value from \$139,160 to

\$122,530, no change in land value. Motion Carried. Remarks: The basement was assumed finished for 2011; the basement improvements are not completed per an inspection of the property.

#0028 ELKHORN RIDGE @ FRAWLEY RANCHES 32204-22010-010-00: ELKHORN RIDGE ADDN TIF #1 TRACT A OF THE NE1/4 22-6-3 Moved-Seconded (Weisenberg-Flanagan) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. A conference call was conducted with Patrick Sullivan. Sullivan stated the income status approach shows a lower assessment.

#0029 CORCORAN, VIRGINIA J 20050-00602-039-09: SUB 3-6-2 E 1/2 LOT D OF LOT 3A-2 OF LOT 3 IN NW1/4 NW1/4 Moved-Seconded (Weisenberg-Flanagan) No change in land value, no change in structure value. Motion Carried. Remarks: Virginia Corcoran was present and requested Ag status; her request was denied as the land has no agricultural production at this time.

#0030 BUHLER, CAROL L 20900-00602-470-00: ASPEN HILLS DEVELOPMENT TRACT 47 Moved-Seconded (Johnson-Sleep) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. A conference call was conducted with Carol Buhler. Buhler stated the taxes were too high after subdivision of lots.

#0031 HIGH PLAINS PLAZA LMTD PTNSHP C/O NODDLES COMPANIES 32460-00000-000-63: MILLER ADDN. SPEARFISH LOT 3 BLK 1 PT SW1/4 SE1/4 & PT E1/2 SE1/4 SW1/4 13-6-2 (K-MART) Moved-Seconded (Ewing-Weisenberg) Follow the recommendation of the Director of Equalization and change structure value from \$2,002,090 to \$1,998,000, no change in land value. Motion Carried. Remarks: A change to the record reflecting the correct square footage adjusted the value of the structure. A conference call was conducted with Scott Ruswick. Ruswick stated the income status approach shows a lower assessment.

#0032 ZUERCHER, LOIS JEAN 24000-00702-353-80: T-007 R-02 E1/2 SW1/4 EXTRACT A Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by the State of South Dakota Ag land formula.

#0033 ZUERCHER, LOIS JEAN 24000-00702-354-60: T-007 R-02 SE1/4 EXCEPT TRACT A Moved-Seconded (Johnson-Weisenberg) No change in structure value, no change in land value. Motion Carried. Remarks: The assessment is supported by the State of South Dakota Ag land formula.

#0034 WOLFF, KATHLEEN R TRUSTEE C/O FLESHER, DENISE KNA CATHEY(CD 08300-00303-340-00: WOLFF S/D THE REMAINDER OF HES 240 34-3-3 Moved-Seconded (Johnson-Ewing) No change in structure value, no change in land value. Motion Carried. Remarks: The assessment was updated when the registered mobile home value was added to the real property value.

#0035 WILLIAMS, RAND T & GAYLA J 32030-03300-120-00: ORIGINAL TOWN SPEARFISH LOT B BLK 33 Moved-Seconded (Sleep-Weisenberg) Change land value from \$182,570 to \$100,000. Motion Carried. Remarks: The value was changed based on the recent auction price. Rand Williams was present and requested the value to be lowered due to the condition of the building and cost of possible demolition or remodeling.

#0036 FIRST NATIONAL BANK 18010-00300-040-00: APPLE SPRINGS TRACT LOT 4 BLK 3 Moved-Seconded (Flanagan-Weisenberg) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. A conference call was conducted with Darrel Reinke. Reinke requested the assessment be lowered due to the recent sale price.

#0037 KLOCK, ROGER F & TONY L 18010-00900-040-00: APPLE SPRINGS TRACT LOT 4 BLK 9 Moved-Seconded (Johnson-Sleep) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Tony Klock was present and requested the assessment be lowered due to excavation work done on his property by unknown persons, thereby reducing the value of his property.

#0038 KLOCK, TONY L 18010-00900-050-00: APPLE SPRINGS TRACT LOT 5 BLK 9 Moved-Seconded (Flanagan-Johnson) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Tony Klock was present and requested the assessment be lowered due to excavation work done on his property by unknown persons, thereby reducing the value of his property.

#0039 R2B2 PARTNERS LLC 18010-00300-110-00: APPLE SPRINGS TRACT LOT 11 BLK 3 Moved-Seconded (Weisenberg-Sleep) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0040 R2B2 PARTNERS LLC 18010-00300-080-00: APPLE SPRINGS TRACT LOT 8 BLK 3 Moved-Seconded (Flanagan-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0041 R2B2 PARTNERS LLC 18010-00400-050-00: APPLE SPRINGS TRACT LOT 5 BLK 4 Moved-Seconded (Sleep-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0042 SADDLEWOOD LAND CO LLC 18010-00500-060-00: APPLE SPRINGS TRACT LOT 6 BLK 5 Moved-Seconded (Johnson-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0043 SADDLEWOOD LAND CO LLC 18010-00600-020-00: APPLE SPRINGS TRACT LOT 2 BLK 6 Moved-Seconded (Weisenberg-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0044 SADDLEWOOD LAND CO LLC 18010-00600-030-00: APPLE SPRINGS TRACT LOT 3 BLK 6 Moved-Seconded (Flanagan-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0045 SADDLEWOOD LAND CO LLC 18010-00600-060-00: APPLE SPRINGS TRACT LOT 6 BLK 6 Moved-Seconded (Sleep-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0046 SADDLEWOOD LAND CO LLC 18010-00600-070-00: APPLE SPRINGS TRACT LOT 7 BLK 6 Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0047 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: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0048 SADDLEWOOD LAND CO LLC 18010-00600-080-00: APPLE SPRINGS TRACT LOT 8 BLK 6 Moved-Seconded (Flanagan-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0049 SADDLEWOOD LAND CO LLC 18010-00600-010-00: APPLE SPRINGS TRACT LOT 1 BLK 6 Moved-Seconded (Weisenberg-Sleep) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0050 SADDLEWOOD LAND CO LLC 18010-00500-070-00: APPLE SPRINGS TRACT LOT 7 BLK 5 Moved-Seconded (Sleep-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0051 SADDLEWOOD LAND CO LLC 18010-00100-180-00: APPLE SPRINGS TRACT LOT 18 BLK 1 Moved-Seconded (Flanagan-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0052 SADDLEWOOD LAND CO LLC 18010-00100-160-00: APPLE SPRINGS TRACT LOT 16 BLK 1 Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0053 SADDLEWOOD LAND CO LLC 18010-00100-150-00: APPLE SPRINGS TRACT LOT 15 BLK 1 Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0054 SADDLEWOOD LAND CO LLC 18010-00100-140-00: APPLE SPRINGS TRACT LOT 14 BLK 1 Moved-Seconded (Sleep-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0055 SADDLEWOOD LAND CO LLC 18010-00100-130-00: APPLE SPRINGS TRACT LOT 13 BLK 1 Moved-Seconded (Flanagan-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. Rich Evans was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0056 JURGENSEN, JAMES 18010-00400-090-00: APPLE SPRINGS TRACT LOT 9 BLK 4 Moved-Seconded (Sleep-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. James Jurgensen was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0057 JURGENSEN, JAMES 18010-00500-030-00: APPLE SPRINGS TRACT LOT 3 BLK 5 Moved-Seconded (Flanagan-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. James Jurgensen was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0058 NEWLIN, STEPHEN D & TERRY 18010-00400-030-00: APPLE SPRINGS TRACT LOT 3 BLK 4 Moved-Seconded (Weisenberg-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. A conference call was conducted with Steve Newlin. Newlin requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0059 NEWLIN, STEPHEN D & TERRY 18010-00200-050-00: APPLE SPRINGS TRACT LOT 5 BLK 2 Moved-Seconded (Flanagan-Sleep) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. A conference call was conducted with Steve Newlin. Newlin requested the assessment be lowered due to inability to obtain building permits and pending litigation.

#0060 BAUMEISTER, MARY 18010-00100-170-10: APPLE SPRINGS TRACT LOT 17A BLK 1 Moved-Seconded (Flanagan-Sleep) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0061 BECK CONSTRUCTION INC 18010-00100-030-00: APPLE SPRINGS TRACT LOT 3 BLK 1 Moved-Seconded (Ewing-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0062 BECK CONSTRUCTION INC 18010-00100-010-20: APPLE SPRINGS TRACT LOT 1B BLK 1 Moved-Seconded (Sleep-Weisenberg) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0063 BROCKMAN, MARK 18010-01200-010-00: APPLE SPRINGS TRACT LOT 1 BLK 12 Moved-Seconded (Ewing-Flanagan) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0064 DRURY, KEN E & LINDA L 18010-00200-010-10: APPLE SPRINGS TRACT LOT 1A BLK 2 Moved-Seconded (Flanagan-Ewing) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0065 IRVING, FRED & RAMONA 18010-00400-110-00: APPLE SPRINGS TRACT LOT 11 BLK 4 Moved-Seconded (Ewing-Weisenberg) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0066 JOHNSON, JAN KELLY & DEBRA S 18010-00200-040-20: APPLE SPRINGS TRACT LOT 4B BLK 2 Moved-Seconded (Johnson-Flanagan) Change land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Land value was reduced in proportion to the other land in the subdivision.

#0067 JOHNSON, THOMAS D & NANCEE J 18010-00900-100-00: APPLE SPRINGS TRACT LOT 10 BLK 9 Moved-Seconded (Weisenberg-Flanagan) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0068 KLIEWER, MICHAEL E & ANGELA E 18010-00200-010-20: APPLE SPRINGS TRACT LOT 1B BLK 2 Moved-Seconded (Weisenberg-Flanagan) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0069 LOVALD, JOHN & ROBERTA 18010-00200-030-20: APPLE SPRINGS TRACT LOT 3B BLK 2 Moved-Seconded (Johnson-Flanagan) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0070 MCPHERSON, LISA M 18010-00100-170-20: APPLE SPRINGS TRACT LOT 17B BLK 1 Moved-Seconded (Ewing-Weisenberg) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0071 NICKERSON, PAUL & RHONDA 18010-00200-020-10: APPLE SPRINGS TRACT LOT 2A BLK 2 Moved-Seconded (Flanagan-Sleep) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0072 NICKERSON, PAUL & RHONDA ANDERSON, REBECCA 18010-00200-020-20: APPLE SPRINGS TRACT LOT 2B BLK 2 Moved-Seconded (Flanagan-Sleep) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0073 NICKERSON, PAUL DAVID & RHONDA R 18010-00200-030-10: APPLE SPRINGS TRACT LOT 3A BLK 2 Moved-Seconded (Sleep-Weisenberg) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0074 PAPOUSEK, DUANE & JUDY 18010-00200-040-10: APPLE SPRINGS TRACT LOT 4A BLK 2 Moved-Seconded (Weisenberg-Flanagan) Change townhouse land value from \$35,000 to \$25,000, no change in structure value. Motion Carried. Remarks: Townhouse land value was lowered in proportion to the other land in the subdivision that had already been lowered.

#0075 SORENSON, RONALD & DIANNE 18010-00400-120-00: APPLE SPRINGS TRACT LOT 12 BLK 4 Moved-Seconded (Weisenberg-Sleep) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0076 STAEFFLER, DAN & DIANE 18010-00900-080-00: APPLE SPRINGS TRACT LOT 8 BLK 9 Moved-Seconded (Weisenberg-Sleep) No change in land value. Motion Carried. Aye-4 Nay-1 (Johnson) Remarks: The assessment is supported by fair and equitable sales and comparables. Dan Staeffler was present and requested the assessment be lowered due to inability to obtain building permits and pending litigation. Staeffler also stated he felt the premium lot classification assessment was inaccurate and should be removed due to the situation in the subdivision.

#0077 NEWMAN, VANCE & GEORGE 18010-01000-010-00: APPLE SPRINGS TRACT LOT 1 BLK 10 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0078 WEBER, PATTI J 18010-00800-060-00: APPLE SPRINGS TRACT LOT 6 BLK 8 Moved-Seconded (Ewing-Sleep) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0079 DEROSIER, GEORGE DONALD & YVONNE 20100-00602-046-16: SUB 4-6-2 LOT 5 OF LOTS 8 & 9 SE1/4 NE1/4 Moved-Seconded (Ewing-Sleep) No change in land value, no change in structure value. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. George Derosier was present to question and discuss the current assessment.

#0080 LANGER, RICHARD L 24000-00702-340-30: T-007 R-02 LOT A FORMERLY A POR OF LOT 7 IN THE NW1/4 Moved-Seconded (Johnson- Flanagan) Change land value from \$61,960 to \$53,960. Motion Carried. Remarks: Land value was adjusted to reflect the drainage area in the center of the property. Richard Langer was present to discuss the drainage issue on his parcel.

Moved-Seconded (Johnson-Weisenberg) to recess the County Board of Equalization at 4:44 p.m the 10th day of April 2012. Motion Carried.

11:00 a.m. April 24th, 2012 the County Board of Equalization reconvened with Bob Ewing, Daryl Johnson, Terry Weisenberg, Richard Sleep and Brandon Flanagan present.

Tax Exempt:

NORTH CENTRAL HEALTH SERVICES INC 32720-03400-000-00: Moved-Seconded (Johnson-Flanagan) to follow the recommendation of the Director of Equalization and remove the Tax Exempt status on the North Central Health Services Inc; the new assessed value will be \$27,030, which equalizes it with the adjoining properties. Motion Carried.

#0081 WILLCUT, ROGER E. ETUX 26680-01741-000-40: T-004 R-03 M.S. 1741 LOT H OF UNION Moved-Seconded (Weisenberg-Flanagan) No Change in land value of \$40,250. Motion Carried. Remarks: The assessment is supported by fair and equitable sales and comparables. There is an access road on plat.

ADJOURN: Being no further appeals to be heard Moved-Seconded (Weisenberg-Flanagan) to adjourn the 2012 Board of Equalization at 11:06 a.m. the 24TH day of April 2012.

DATE

ATTEST:

ROBERT EWING, Chairperson

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 24, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 24, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Johnson) to approve the minutes of the April 10, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

HIGHWAY: Moved-Seconded (Flanagan-Sleep) to approve the hiring of Matthew Maxwell as Heavy Equipment Operator at the base rate of \$19.97 an hour, effective 4-23-2012; and to approve the lateral transfer of Tim Agena to the Building & Grounds department at his current rate. Motion Carried.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Johnson-Flanagan) to approve the travel request for Brett Runge and Carmen Symonds to attend the Annual Assessor's Conference in Sioux Falls, SD May 15-18, 2012. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2012-15 declaring surplus property and offer for sale by auction on May 12, 2012 at 10:00 a.m. at the Spearfish City Shop. Motion Carried.

RESOLUTION #2012-15 SURPLUS PROPERTY WHEREAS, Lawrence County has several items of personal property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 24th day of April, 2012. FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: Bob Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

PICTOMETRY AGREEMENTS: Tim Hodson, Director of Equalization and Brett Runge were present to update the Board on the Pictometry Project. Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the Amendment to the Agreement between Pictometry International Corp and Lawrence County. Motion Carried.

HIGHWAY BUSINESS:

STATE FUNDING AGREEMENT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the State of South Dakota Department of Transportation Funding Exchange Agreement for STP Funds (\$229,024.80) for Fiscal Year 2012. Motion Carried.

ACORN RIDGE: Moved-Seconded (Weisenberg-Sleep) to approve contracting with Interstate Engineering to draw up bid specs and plans for the Acorn Ridge Road 2.18 miles. Motion Carried. The Board will be using the STP funds for 2011 & 2012 and Road & Bridge project funds to fund the project.

SD DOT / COUNTY AGREEMENT: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the SD Department of Transportation Joint Powers Agreement for weed spraying services. Motion Carried.

MOUNTAIN PINE BEETLE / GOVERNOR'S OFFICE: Moved-Seconded (Flanagan-Sleep) to send a letter to Dusty Johnson in the Governor's Office to request an appointment to meet with Governor Dugaard and Dusty Johnson to discuss the long term plan for the Mountain Pine Beetle Project. Motion Carried.

WHITEWOOD PROPERTY SALE: The following bid was received for Whitewood parcel #29300-00300-060-00 remaining lots 5&6 Blk 3: John Fillmore - \$606.00. Moved-Seconded (Sleep-Johnson) to accept the only bid for surplus county real property parcel #29300-00300-060-00 from John Fillmore for \$606.00 plus \$25.00 for costs, and authorize the Chairman to sign the property deed. Motion Carried.

RECESS: 9:30 a.m. Moved-Seconded (Flanagan-Sleep) to recess the County Commission Meeting. Motion Carried. 9:45 a.m. The Chairman called the meeting back to order.

BROWNSVILLE RURAL FIRE PROTECTION DISTRICT: A public hearing was held on the Application for the Brownsville Rural Fire Protection District. Rob Mattox, Brownsville Fire Chief was present to answer any questions. Mattox stated the Fire Department needs to be run as a business and they have expenses but do not have a sufficient mechanism for revenue. The equipment within the Fire Department is not up to standards and is putting the fireman at risk. Gene Ruff, John Hauge, Scott Reif, Dawn Madson, Carol Oolman and Mike Anderson were among some of the citizens in support of the tax District. They expressed the need for the funding mechanism, savings in insurance, and need for proper equipment as reasons for the district. Letters received from Marcia Abel, Ken & Mary Lou Hofmeister, Michael Smedstad and Rich Olson were noted in opposition to the formation of the district. Doug Hoff, Michael Smedstad, John Johnson, Tom Blair, and Brett Winsel were among some of the citizens concerned with the tax District. Concerns were expressed with the amount of tax proposed, the lack of fundraising events and forming another layer of government. Discussion followed on the process of forming the district and how the Board of Directors would set the levy, not the Fire Department. The public hearing was closed.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Order Of Initiation Of Organization Of Brownsville Rural Fire Protection District. Motion Carried.

ORDER OF INITIATION OF ORGANIZATION OF BROWNSVILLE RURAL FIRE PROTECTION DISTRICT: WHEREAS, SDCL 34-11A allows for the organization and incorporation of rural fire protection district; and WHEREAS, a Public Hearing has been held at which the determination was made by the Lawrence County Board of County Commissioners; wherein the area lies, that the proposed district does indeed meet the general fire protection policy of Lawrence County; and WHEREAS, at said Hearing, the boundaries of the proposed Brownsville Rural Fire Protection District were defined and agreed upon by those Commissioners present; WHEREAS, the boundaries of the proposed Brownsville Rural Fire Protection District are defined as: Sections 1 through 3 inclusive, the NW ¼, NE ¼, SE ¼, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive, and Sections 35, 36, in Township 3 North, Range 3 East of the B.H.M.; The South ½ of the SW ¼ and the South ½ of the SE ¼ of Section 1, the East ½ of the SE ¼ of Section 11, Section 12 and Section 13, the East ½ of the NE ¼ and the South ½ of Section 14, the South ½ of Section 15, the South ½ of the SE ¼, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. NOW, THEREFORE, BE IT ORDERED, that an election will be held at which the question of the organization of the Brownsville Rural Fire Protection District shall be determined by majority vote of those qualified electors of the proposed district who present themselves for that purpose. BE IT FURTHER ORDERED that should the majority of the electors present determine for the organization of the district, an election of the Board of Directors shall be held immediately. Dated this 24th day of April, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS: Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

ST.ONGE RURAL FIRE PROTECTION DISTRICT: A public hearing was held on the Application for the St. Onge Rural Fire Protection District. Rob Mattox stated the Fire Departments need a steady funding mechanism. The St. Onge Fire Chief was also in attendance to answer any questions. The public hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the following Order Of Initiation Of Organization Of St. Onge Rural Fire Protection District. Motion Carried.

ORDER OF INITIATION OF ORGANIZATION OF ST. ONGE RURAL FIRE PROTECTION DISTRICT: WHEREAS, SDCL 34-11A allows for the organization and incorporation of rural fire protection district; and WHEREAS, a Public Hearing has been held at which the determination was made by the Lawrence County Board of County Commissioners; wherein the area lies, that the proposed district does indeed meet the general fire protection policy of Lawrence County; and WHEREAS, at said Hearing, the boundaries of the proposed St. Onge Rural Fire Protection District were defined and agreed upon by those Commissioners present; WHEREAS, the boundaries of the proposed St Onge Rural Fire Protection District are defined as: Sections 2 through 4 inclusive in Township 6 North, Range 3 East of the B.H.M.; Sections 1 through 36 inclusive in Township 7 North, Range 3 East of the B.H.M.; Sections 4 through 9, Sections 16 through 20, and Sections 29 through 32 inclusive in Township 7 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota. NOW, THEREFORE, BE IT ORDERED, that an election will be held at which the question of the organization of the St. Onge Rural Fire Protection District shall be determined by majority vote of those qualified electors of the proposed district who present themselves for that purpose. BE IT FURTHER ORDERED that should the majority of the electors present determine

for the organization of the district, an election of the Board of Directors shall be held immediately. Dated this 24th day of April, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS: Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, LAWRENCE COUNTY AUDITOR

RECESS: 11:00 a.m. Moved-Seconded (Flanagan-Weisenberg) to recess the County Commission Meeting. Motion Carried. 11:06 a.m. The Chairman called the meeting back to order.

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the 2012 Pre Disaster Mitigation Plan. Motion Carried.

AIRPORT HAYING PROPOSALS: The following bid was received for the Hay Proposals for the Airport: Joe Harmon-\$2,000.00. Moved-Seconded (Weisenberg-Flanagan) To follow the recommendation of the Airport Board and to accept the only bid received from Joe Harmon for \$2,000.00 on the haying of the Airport Property. Motion Carried.

PLANNING & ZONING

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

CONDITIONAL USE PERMIT #405: A public hearing was held on CUP #405 Specialty Resort Owner/Applicant: Rob & Michelle Andresen/ Craig Hayes, Description (Location): Tr 0092 of SE1/4NE1/4, 11-5-3, and HES 294 (Hwy 85 top of hill between McMasters Corner and Preacher Smith Monument), Purpose: Specialty Resort-small cabins, Zoning & Acreage: PF – 14.25 ac +/- . The request is for the operation of a Specialty Resort for Rob & Michelle Andresen on property presently owned by Craig Hayes. There was no public input and the hearing was closed. Moved-Seconded (Weisenberg-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 #405 Specialty Resort; with the additional condition that all cabins shall be removed if the Conditional Use Permit is cancelled. Motion Carried.

ORDINANCE #12-04 AN ORDINANCE AMENDING THE LAWRENCE COUNTY ZONING ORDINANCE, AMENDMENTS AND ADDITIONS THERETO:

A public hearing and First Reading was held on Ordinance #12-04 An Ordinance Amending The Lawrence County Zoning Ordinance, Amendments And Additions Thereto to add definitions for personal airstrip/heliport and variance exceptions. To add the following to the listed districts: Allowed Uses A-1 & PF to state: Personal Use Airstrip/heliport if sited on at least (160) acres. Allowed Conditional Uses to A-1, A-2, RR & PF to state: Personal Use Airstrip/Heliport. Renumbering in the RR District of the Conditional Uses from 10-37 to be 10-27. To add Variance Exceptions as a Board of Adjustment Item. The Board discussed setbacks and Vogt will research further. The Board closed the public hearing.

T.I.F.D. TAX INCREMENT FINANCING DISTRICTS: Amber Vogt updated the Board on the TIFD Review Committee. Vogt stated after much deliberation the committee concluded that it could not make a specific recommendation about the Powder House Pass TIFD at this time.

Instead, the committee thought it was appropriate to recommend TIFD review guidelines and or an Ordinance be established to aid in the review process. Discussion followed with Greg and Jennifer Kaschmitter (Powder House Pass) in regards to their proposed TIFD. John Frederickson, Attorney for Powder House Pass was also in attendance. Kaschmitter's stated time is of the essence for this development and were concerned with the delays. Johnson stated the County has never been involved in a TIFD and they want to make sure it is done correct as they are looking out for all citizens within the County and procedures need to be in place. Johnson questioned if a contract has been signed with the Lead/Deadwood Sanitary District at this time. Kaschmitters stated they do not have a signed agreement at this time but are working with them. Sleep stated the County needs to be consistent with their procedures and can't short cut the process. The Board will discuss further at the May 8th meeting and Vogt will discuss the Tax Increment Finance Review Ordinance with Planning and Zoning.

ITEMS FROM COMMISSIONERS: Sleep expressed concerns that the Commissioners were not receiving agendas and minutes from other Committee and Board Meetings. Outka will work with the Boards to make sure the Commissioners are on the mailing list. Sleep also expressed concerns on the Joint Powers Agreement with the City of Spearfish. The Board will review.

BILLS:

Moved-Seconded (Johnson-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 with the exemption of the remote starts for the Sheriff's vehicles. Motion Carried.

Payroll: Comm-\$5,566.58; Aud-\$8,094.58; Treas-\$10,190.43; Comp-\$7,841.83; States Atty-\$12,691.85; Pub Def-\$9,884.66; Gen Govt Bldg-\$7,482.20; Equal-\$10,501.42; Deeds-\$7,230.27; Vso-\$1,209.75; Disp-\$11,675.22; Sher-\$34,168.09; Jail-\$21,737.86; Coroner-\$23.08; Emerg Mgnt-\$3,649.32; E911-\$13,513.97; Highway-\$38,133.30; Air-\$1,030.29; Weed-\$1,921.43; Pz-\$4,727.21; County Mpb-\$7,528.89; **Bills:** Silvernail,Janice-\$9.98; A&B Business,Inc Solutions-\$518.27; A&B Welding Supply-\$18.56; A-Z Shredding-\$15.20; Abc Business Supply Corp-\$146.58; Aberdeen Llc-\$10,689.00; Alco Store-\$30.19; Appraver Llc-\$1,785.60; Armstrong Extinguish-\$147.96; At&t-\$3.48; BH Chemical Company-\$1,425.59; BH Federal Credit Union-\$8,600.00; BH Land Analysis-\$4,000.00; BH Pest Control-\$95.00; BH Pioneer-\$156.30; BH Power-\$10,143.33; BH Security & Systems-\$96.94; Banks,Bridgette-\$22.80; Bentz Equipment-\$343.04; Bob Barker Company-\$305.66; Carol Butzman Consulting-\$759.33; Central Parts-\$1,219.14; Century Business Products-\$607.20; Centurylink-\$1,243.61; Christensen Law Office-\$496.25; Clinical Lab Of BH-\$3,265.00; Credit Collections Bureau-\$100.00; Datec-\$12,551.77; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$51,059.27; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$87.47; Eke-\$2,673.75; Fei-\$200.00; Fiferman,Dr Leslie-\$885.00; Fisher Sand & Gravel-\$9,915.00; Greens Alignment-\$1,256.73; Grimm's Pump Service-\$391.70; Hamann,Chris-\$150.00; Havemeier,Leslie-\$102.60; Heartland Paper Co-\$439.80; Heisler Hardware-\$64.90; Hewlett-Packard Company-\$605.20; JG Service-\$440.50; Kadmas,Lee And Jackson-\$9,366.16; Kinney, Matthew-\$1,862.35; Knecht True Value-\$30.82; Knology-\$1,438.25; Kosel,Joseph-\$1,936.50; Lacroix Law Office-\$178.25; Language Line Services-\$63.19; Lattice Incorporated-\$24.90; Lead-Deadwood Regional Hospital-\$690.61; Leads Online Llc-\$1,758.00; Lewis & Clark Bhs-\$149.00; M&M Sanitation-\$850.00; Midwest Credits-\$115.26; Mobile Electronic Service-\$1,201.20; Montana Dakota Utilities-\$132.97; Nelson,Christy-\$350.00; Nelson,Tonya-\$750.00; Newman Traffic Signs-\$731.70;

Office Of Child Support-\$439.85; Paperdirect-\$147.94; Pcs Mobile-\$1,916.00; Pennington County Sheriff-\$1,214.10; Pennington County Sts Attny-\$200.00; Pmb 0112-\$322.06; Powerplan-\$375.00; Professional Pavement-\$10,258.50; Program Works-\$80.00; Quill Corporation-\$242.77; RC Finance Office-\$945.00; Rabe Elevator-\$799.88; Rapid Delivery-\$21.60; Redwood Toxicology Lab-\$40.00; Regional Health-\$1,500.00; Regional Health Physicians-\$145.39; Reindl,Staci-\$1,587.00; Rocket Lube-\$72.98; Rsinet/Thomas W Nichols-\$180.00; SD Aao-\$200.00; SD Dept Of Revenue-\$880.00; SD Dept Of Transportation-\$10,360.00; Sd Office Of Homeland Security-\$450.00; SD Sheriff's Association-\$113.16; Sand Creek Printing-\$238.70; Scott J Odenbach-\$82.00; Sdrs Supplemental Retirement-\$1,214.00; Secretary Of State-\$17.00; Securus Technologies T-Netix-\$1,050.00; Servall Towel & Linen-\$409.43; Silverado-\$1,340.33; Spearfish Auto Supply-\$1,127.16; Spearfish City Of-\$200.63; Spearfish Police Dept-\$21,243.06; Speed Tech Lights-\$169.40; Stadler Ind Service-\$448.00; Stuefen,Larry-\$1,050.00; The Dickinson Press-\$168.00; Tigerdirect-\$564.24; Top Quality Glove-\$260.00; Triple K Tire & Repair-\$63.53; Twin City Hardware & Lumber-\$111.03; Verizon Wireless-\$96.65; Victims Of Violence-\$494.00; Watertree-\$44.60; Wells Fargo Business Card-\$1,867.64; Western Communication-\$4,363.34; White Drug-\$1,799.99; White's Queen City Motors-\$2,592.97; Wilde & Hunt, Prof-\$287.00; Wm Werkhaven & Sons-\$10.76; Wolff's Plumbing & Heating-\$20.76; Wsi Corp-\$195.00; Yankton Co Sheriff-\$25.00; Z&S Dust Control-\$1,224.57; **Witness & Jurors:** Ahola,S-\$61.10; Alan,C-\$61.10; Auer,C-\$63.32; Ballert,P-\$52.96; Clauser,V-\$62.58; Cudmore,T-\$53.70; Driscoll,D-\$60.36; Foskett,L-\$62.58; Haar,J-\$58.88; Jones, M-\$61.10; Ludens,S-\$60.36; Miller,T-\$61.10; Rachetto,C-\$52.22; Rang,C-\$59.62; Sandidge, S-\$61.10; Seamands,J-\$61.10; Tollefsrud,D-\$64.80; Frasier,S-\$31.10; Schulze,B-\$31.10; Brooke, B-\$50.34; Burnham,K-\$31.10; Callies,A-\$34.36; Callison,M-\$29.62; Edwards,J-\$29.62; Katz,C-\$22.52; Kullerd,D-\$31.10; Landanskas,L-\$29.62; Martz,D-\$33.32; Mattis,J-\$26.29; Peters,M-\$41.46

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

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – April 24, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on April 24, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #133 / LAWRENCE & KRISTI COLSON: A public hearing was held on an application for Variance #133 Lawrence & Kristi Colson, Description (Location): Tract 2 of Mayflower #7 (Tinton-Beaver Creek Rd), Purpose: Build detached garage, Zoning & Acreage: PF/ 2.00 Acres. Mr. Colson is requesting a 24' variance (one foot setback) from the road right-of-way to build a garage. Vogt explained because of topography the building site is restricted. No public input was voiced and the hearing was closed. Discussion followed on the topography of the property and hardship. Planning and Zoning recommended denial. Moved-Seconded (Weisenberg-Sleep) to follow the Planning & Zoning Staff and to approve Variance #133 for Lawrence & Kristi Colson to build a detached garage. Motion Carried. Aye-Johnson, Weisenberg, Flanagan and Sleep. Nay-Ewing.

ADJOURN: 9:39 a.m. There being no further business it was Moved-Seconded (Flanagan-Ewing) to adjourn. Motion Carried.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 8, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 8, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of April 24, 2012 County Commission Meeting, April 24th Board of Adjustment Meeting and the 2012 Board of Equalization. Motion Carried.

PERSONNEL:

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Flanagan-Johnson) to approve Robert Mattson as a Full-Time Custodian I at the base rate of \$11.67 an hour, effective May 21, 2012. Motion Carried.

SHERIFF:

Moved-Seconded (Weisenberg-Sleep) to accept the resignation of Marc Crandall effective 5-10-2012 and to approve him as a part time Correctional Officer II G3 at a base wage of \$17.08 effective 5-11-2012. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Thomas Adams as a Full Time Correctional Officer II G3 at a base rate of \$17.08 effective 5-10-2012. Motion Carried

Moved-Seconded (Weisenberg-Flanagan) to approve John Antar as a Correctional Officer II G3 at a base rate of \$17.08 effective 5-6-2012. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the transfer of Sue Kellogg from Correctional Officer III G3 to Secretary G3 at a base rate of \$15.93 effective 6-1-2012. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve Meagan Merwin as a Full Time Correctional Officer II G3 at a base rate of \$17.08 effective 6-1-2012. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Emily Abernathy as a Full Time Dispatch I G3 at a base rate of \$14.85 effective 5-20-2012. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve Michelle Aanenson as a Full Time Dispatcher I G3 at a base rate of \$14.85 effective 5-20-2012. Motion Carried.

Moved-Seconded (Johnson-Ewing) to approve Luchelle Livermont as a Part Time Correctional Officer at a base rate of \$14.85 effective 5-8-2012. Motion Carried.

CELL PHONE PER DIEM: Moved-Seconded (Sleep-Flanagan) to approve the monthly cell phone allowance for Allan Bonnema-\$50.00, effective May 1, 2012 and Tim Agena-\$50.00, effective April 22, 2012. Motion Carried.

TRAVEL REQUESTS: Moved-Seconded (Weisenberg-Sleep) to approve the travel request for Amber Vogt and Jeff Schroeder to attend the Western Planners Conference in Billings MT on August 6-10, 2012. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2012 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)-\$2,261,777.91; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$26,555.94; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$11,660,296.14, Money Market \$530,145.28; Bank Balance-\$5,505,385.25; Total \$24,737,270.52.

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS/EQUALIZATION: Moved-Seconded (Johnson-Flanagan) to approve the automatic supplement of \$1,798.38 for the Register of Deeds Salaries and \$1,510.00 for Repairs for grant funds received and to approve the automatic supplement of \$11,200 for the Director of Equalization Reval/Mapping for funds received from other governmental agencies. Motion Carried.

HIGHWAY BUSINESS:

AWARD OF CONTRACT: Moved-Seconded (Weisenberg-Flanagan) to approve and award the contract to R.C.S. Construction, Inc. of Rapid City, SD as the low bidder of one proposal of \$165,062.78 for project BRO 8041(14), PCN 01KQ MSE Wire Face Wall, Structural Concrete Slab, Approach Grading and Storm Sewer. Motion Carried.

FUEL QUOTES: The following fuel quote was the only bid submitted as of May 7, 2012 from CBH Cooperative (Prices per Gallon): Deadwood Diesel 2300: CBH - \$3.489*; Deadwood Unleaded 2900 Gallons: CBH - \$3.334*; Spearfish Diesel 3200 Gallons: CBH - \$3.489*; Spearfish Unleaded 1100 Gallons: CBH - \$3.334*. *Represents lowest quote awarded.

COURT APPOINTED ATTORNEY BILL: David Pierce was present to request that the County Commission adjust his court appointed attorney bill from 2005. Pierce stated he was billed for time because the parole hearing was running behind and phone calls made to his mother that was not authorized. Bruce Outka stated the bill was presented to Judge Johns who approved the charged

amount. Pierce stated he did not know he had this bill and the amount charged was excessive. Pierce stated this bill has been turned over to collections with other county bills. Flanagan calculated 3.4 hours on the parole hearing and unauthorized calls would be an adjustment of \$251.60. Moved-Seconded (Flanagan-Johnson) to bring this one bill back from collections and accept payment of \$809.60 as payment in full on the bill for \$1,061.20, contingent upon paying this bill today. Motion Carried. Aye: Johnson, Flanagan, Sleep and Ewing. Nay-Weisenberg. Motion Carried.

BURN BAN: The Board discussed the proposed Burn Ban Ordinance and linking it to the current fire index. Discussion followed if there is a need for the Ordinance. Bruce Outka and Paul Thomson will continue working on the proposed ordinance. The Board discussed the moisture the County has received recently and current fire danger. Moved-Seconded (Johnson-Flanagan) to remove the Lawrence County Burn Ban. Motion Carried.

PLANNING & ZONING:

ANNUAL REVIEWS:

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

CUP #371-11 ALLTEL: An annual review was held for CUP #371-11 for Alltel, Andy Heitman, Cell Tower Accessory Bldg. Moved-Seconded (Flanagan-Johnson) CUP #371-11 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 #373 JOHNER & SONS: An annual review was held for CUP #373 Johner & Sons for a small scale Rock & Gravel Operation.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues and the May Meeting.

ORDINANCE #12-04 AN ORDINANCE AMENDING THE LAWRENCE COUNTY

ZONING ORDINANCE, AMENDMENTS AND ADDITIONS THERETO: Second Reading was held on Ordinance #12-04 An Ordinance Amending The Lawrence County Zoning Ordinance, Amendments And Additions Thereto to add definitions for personal airstrip/heliport and variance exceptions. To add the following to the listed districts: Allowed Uses A-1 & PF to state: Personal Use Airstrip/heliport if sited on at least (160) acres. Allowed Conditional Uses to A-1, A-2, RR & PF to state: Personal Use Airstrip/Heliport. Renumbering in the RR District of the Conditional Uses from 10-37 to be 10-27. To add Variance Exceptions as a Board of Adjustment Item. The Board discussed setbacks. Moved-Seconded (Weisenberg-Flanagan) to approve and adopt Ordinance #12-04 An Ordinance Amending The Lawrence County Zoning Ordinance, Amendments And Additions Thereto to add definitions for personal airstrip/heliport and variance exceptions. Motion Carried. Aye-4, Nay-Sleep.

POWDER HOUSE PASS / TIFD: Todd Meierhenry was present to review the procedures for approving a Tax Increment Finance District and reviewed the preliminary plans for the proposed Powder House Pass TIFD. Greg & Jennifer Kaschmitter, Powder House Pass, were in attendance to answer any questions. Jerry Apa, representing the Lead Fire Protection District, was present and questioned the affects on the Fire District. Weisenberg requested a copy of the study with the Lead/Deadwood Sanitary District. Meierhenry stated the study will be presented to the LDSB Board on May 8th and a copy will be provided to the County as requested. Weisenberg asked for copies of financial statements for the partners involved. Greg Kaschmitter stated he didn't feel their financial statements were relevant in the TIFD request. Meierhenry stated the County would not have any financial obligation or liability. Maintenance of the water and sewer lines were discussed along with other questions submitted by the TIFD Review Committee. A public hearing on the TIFD boundaries is scheduled in June with Planning and Zoning.

ITEMS FROM COMMISSIONERS:

MOUNTAIN PINE BEETLE: Moved-Seconded (Sleep-Ewing) to approve and allow Terry Weisenberg to apply for grants to help pay for expenses on the Mountain Pine Beetle issues. Motion Carried.

BUREAU OF LAND MANAGEMENT: The Board stated they had an excellent relationship with the Bureau of Land Management.

CITY OF SPEARFISH: Ewing updated the Board on discussions with the City of Spearfish in regards to the Maitland Road, Evans Lane, Annexation, Fire Services, the current Library System, and the Airport.

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-\$5,566.58; Aud-\$8,103.29; Treas-\$10,190.42; Comp-\$7,841.83; States Arty-\$12,707.93; Pub Def-\$9,884.66; Gen Govt Bldg-\$15,337.57; Equal-\$11,717.89; Deeds-\$7,230.28; Vso-\$1,209.75; Disp-\$10,410.76; Sher-\$33,462.45; Jail-\$20,480.08; Coroner-\$123.08; Emerg Mgnt-\$3,547.62; E911-\$1,607.20; Highway-\$38,216.54; Air-\$1,232.10; Weed-\$2,161.43; Pz-\$4,527.21; County Mpb-\$8,973.83; **Bills:** Mowell,Richard-\$6,474.00; Outka,Bruce-\$51.97; Vogt,Amber-\$25.90; Walker,John-\$469.20; Sandvig,Scott-\$5.00; American Family Life-\$3,389.11; BH Collections-\$128.56; BH Federal Credit Union-\$8,688.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$654.01; Delta Dental Of South Dakota-\$6,014.46; Dept Of The Treasury-\$48,968.87; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,586.15; Northern Hills Rec Center-\$209.00; Office Of Child Support-\$439.85; SD Retirement System-\$50,230.25; Sdrs Supplemental Retirement-\$1,164.00; Wellmark Blue Cross-\$71,478.13; A&B Business Solutions-\$396.42; A&B Welding Supply-\$46.15; A-Z Shredding-\$12.40; Abc Business Supply Corp-\$37.35; Adams Machining-\$48.40; Alco Store-\$11.96; Alcopro-\$1,600.00; At&T Mobility-\$913.26; BH Chemical Company-\$308.42; BH Land Analysis-\$1,507.50; BH Pest Control-\$171.60; BH Pioneer-\$877.47; BH Power-\$755.87; Bickle's Truck & Diesel-\$215.80; Bierschbach Equip & Supply-\$129.35; Bomgaars Supply-\$205.78; Brown & Saenger-\$203.54;

Butler Machinery Co-\$192.50; Butte County-\$29,752.00; Butte County Sheriff-\$25.00; Butte Electric Coop-\$251.14; Central Parts-\$3,336.05; Century Business Products-\$69.16; Centurylink-\$164.01; Chemical Sanitizing Sys-\$143.45; Childrens Home Society-\$385.10; City/County Alcohol & Drug-\$2,105.00; Dakota Equipment Rental-\$167.95; Dakotacare-\$533.46; Dale's Tire&Retread-\$813.00; Deadwood,City Of-\$966.61; Eb Communications-\$50.00; Eddie's Truck Sales/Serv-\$253.21; Election Sys&Software-\$2,959.17; Ellingson,Joseph-\$2,042.83; Et Sports-\$1,435.26; Fastenal-\$44.25; Fish,Veronica-\$38.00; Fisher Sand & Gravel-\$1,107.12; Foothills Seed-\$450.00; Frederickson,John-\$98.40; Gene's Lock Shop-\$11.25; Godfrey's Brake Serv-\$128.09; Greens Alignment-\$1,268.14; Grimm's Pump Service-\$345.75; Havemeier,Leslie-\$121.60; Heisler Hardware-\$354.07; Hills Material Comp-\$2,805.16; Intoximeters-\$193.45; Ken's Camper Sales-\$44.45; Knecht True Value-\$90.30; Knology-\$345.88; Koala Electric-\$1,184.50; Kosel,Joseph-\$310.10; LC Auditor-\$30.00; Language Line Services-\$123.24; Lead,City Of-\$59.55; Lead-Deadwood Regional Hospital-\$252.00; Lead-Deadwood Sanitary-\$444.84; Lee,James-\$15.00; Lueders-\$2.49; Marco-\$25.86; Mcclure,Susan-\$500.00; Mcpherson Propane-\$69.00; Midstate Reclamation Sd-\$1,000.00; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$3,239.13; Mutchler,Tricia-\$53.20; Nada Appraisal Guides-\$140.00; Name Brands Direct-\$77.23; Neve's Uniforms-\$138.40; Novus-\$55.00; Oberle's Radiators & Repairs-\$75.00; Office Technology/Supply-\$46.34; Pennington Co Auditor-\$124.00; Pennington County Sts Attny-\$200.00; Postmaster,Deadwood-\$110.00; Priority Dispatch-\$78.00; Quill Corporation-\$749.90; Radiology Associates-\$84.50; Ransom County Sheriff's Office-\$61.00; Rapid Delivery-\$43.20; Regional Health Physicians-\$60.02; Reindl,Staci-\$1,551.20; Reserve Account-\$6,500.00; Rocket Lube-\$58.99; SD State Treasurer-\$1,627.85; Schilplin,Sara Psy-\$1,250.00; Scott J Odenbach-\$164.00; Semerad,Sandra-\$53.20; Servall Towel & Linen-\$535.95; Spearfish Auto Supply-\$1,098.35; Spearfish Husky-\$34.00; Spearfish Police Dept-\$3,166.32; Stretch's Glass & Mirror-\$794.73; Subway-\$15.96; T & W Appliance/Knothole-\$345.28; Termes,Bill-\$500.00; Tigerdirect-\$165.69; Triple K Tire & Repair-\$2,675.89; Turbiville Industrial Electric-\$464.14; Twilight First Aid&Safety-\$114.81; Twin City Hardware & Lumber-\$589.20; Waste Connections-\$614.91; Watertree-\$64.55; West River International-\$42.06; Western Communication-\$673.50; Wright Express Fsc-\$1,521.66; Z&S Dust Control-\$21,914.70; **Witness & Jurors:** Ahola,S-\$61.10; Auer,C-\$63.32; Ballert,P-\$52.96; Clauser,V-\$62.58; Cudmore,T-\$53.70; Haar,J-\$58.88; Ludens,S-\$60.36; Miller,T-\$61.10; Pengra,D-\$51.48; Tollefsrud,D-\$64.80; Beauvais,C-\$24.44; Bergin,R-\$32.58; Dahl-Farmer,J-\$22.22; Deschamp,K-\$37.76; Hancock,J-\$31.10; Kellogg,S-\$32.58; Kuntz,J-\$21.11; Lippincott,S-\$37.76; Newman,B-\$42.20; Pierce,C-\$37.76; Pollreis,L-\$31.84; Willnerd,T-\$25.55; Whitlock,R-\$29.62; Wright,S-\$20.00

ADJOURN: 10:55 a.m. Moved-Seconded (Weisenberg-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 22, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 22, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Terry Weisenberg present. Brandon Flanagan participated by video conference. 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 (Weisenberg-Johnson) to approve the minutes of May 8, 2012^{County} Commission Meeting. Motion Carried.

PERSONNEL:

TREASURER: Moved-Seconded (Johnson-Flanagan) to approve Linda Quenzer as a Full-Time Accounting Clerk, G1 at the base rate of \$12.51 an hour, effective June 7, 2012. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Sleep) to approve Brian Lewis, Steven Soderstrom, Samuel Terveen, and Chase Tyson as seasonal ISM at a base rate of \$12.10 an hour, effective 5-7-2012 and to approve Ryan Palmer as a seasonal ISM at a base rate of \$12.62 an hour, effective 5-7-2012. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve Paul Hansen as full time Lieutenant G3 at a base rate of \$23.61 an hour, Tavis Little G3 as a full time Detective at a base rate of \$22.88 an hour, and Nathaniel Davis as a permanent full time Deputy II G1 at the base rate of \$21.32 an hour, effective 6-3-12. Motion Carried.

The Board presented Tom Sandvick and Randall Rosenau with a plaque thanking them for their years of service with the County.

CELL PHONE PER DIEM: Moved-Seconded (Weisenberg-Ewing) to approve the monthly cell phone allowance for Jason Fisher - \$50.00, effective May 20, 2012. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve the monthly cell phone allowance for Tavis Little- \$126.00 and Nathaniel Davis - \$104.00, effective June 3, 2012. Motion Carried.

AIRPORT / LEASE TERMINATION: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Airport Lease Termination with Arthur Anderson. Motion Carried. Anderson requested the termination of lease.

GROUND LEASE AGREEMENT: The Board discussed the new Ground Lease Agreement and the current rates. Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Ground Lease Agreement with James Hopewell. Motion Carried.

SHERIFF BUSINESS: Joe Harmon, Chief Deputy Sheriff reported the County received approximately \$6,000 from the sale of surplus guns at the auction. Harmon questioned if this would be a good time for the County to supplement these funds in the Sheriff's budget and purchase weapons for the deputies. Harmon stated the Insurance Company and the County's policy states the weapons should be purchased by the County and currently the deputies purchase their own guns. Flanagan stated this is something that should be discussed at budget time.

ABATEMENTS:

CAPPA/LINDQUIST: Moved-Seconded (Johnson-Sleep) to approve the abatement for Alfred & Odette Cappa and Juanita P. Lindquist on Parcel #30670-00000-260-00 because the building was tore down on April 16, 2012. Motion Carried.

HIGHWAY BUSINESS: Chuck Williams, Interim Highway Superintendent introduced the new Highway Superintendent Allan Bonnema. Bonnema thanked Williams and the Board for the opportunity to work with Chuck Williams for the last three weeks and for the opportunity to serve as the new Highway Superintendent.

Williams and Bonnema updated the Board on current and future road projects. A pre-construction meeting was held on Vanocker Canyon Road and the Nemo Road that should be completed 7-21-2012. This project will be funded from STP Funds.

Forest Highway 17 Rochford Road is projected for 2013 and will be working on the "S" curves by the Bulldog Ranch and will receive some kind of an overlay. Estimated cost to the County will be \$350,000 and will be paid from Highway Bridge Reserve Funds.

Williams discussed Stewart Slope Road and the new state highway construction of 473. Discussions will continue with Wharf to handle the increased traffic on the secondary road, and the possibility of an agreement to take on maintenance of the road while the mine is in operation

Bonnema stated he has researched the road issue going to Cadillac Ranch. Bonnema reported that Mr. & Mrs. Besler have stated they are no longer willing to share in the cost of applying mag-chloride on the road. The Board stated it was very unfortunate that the Besler's would go back on their word. Bonnema will continue to try and resolve the issue.

BURN BAN ORDINANCE #12-01: First Reading was held on the proposed Burn Ban Ordinance.

CONDITIONAL USE PERMIT #406 CITY OF SPEARFISH / GOLLIHER WATER TANK:

A public hearing was held on Conditional Use Permit #406 City of Spearfish/Golliher for Water Tank. Owner/Applicant: Warren Golliher, Description (Location): (to be platted) Tank Lot, SE ¼ SE ¼ Sec

8, T6N, R2E, (West of Spearfish), Purpose: Construction of a water storage tank and booster pump station, Zoning & Acreage: A-1 - 2.09 ac. +/-.

Ted Schultz, CETEC Engineering, presented an overview of the plan explaining the procedure used in choosing the site and details for the tank and site. Dick Pluimer, City Attorney stated this was a classic case of “not in my backyard” and they had a willing landowner with minimal affect on surrounding areas. Schultz reviewed the procedure and considerations in choosing this site. Schultz explained the hydraulics of the different sites and stated this was the best option available.

Dylan Wilde, representing adjacent land owners, Orin & Marilyn Bader, explained their opposition to this site as it would impair the use and enjoyment of their property, and possibly diminish the value of their property. Wilde referenced the Comprehensive Plan and stated the negative affects on scenic views from the major roads in the area. Wilde reviewed present water storage and possible alternative sites for the new water tank. Orin Bader stated this is in his front yard and there are other sites available with less impact.

The public hearing was closed and the Board discussed the issue further. Ewing stated he felt the water tank was too close to one residence and questioned if moving the tank over on the proposed property could be an option. Schultz stated that would cause part of the water main to be buried over 30 feet and would not be an ideal situation causing issues with hydraulics and would require cutting more limestone. The Board discussed the scenic views, the impact on the neighboring landowners and the comprehensive plan.

Moved-Seconded (Sleep-Ewing) to deny Conditional Use Permit #406 City of Spearfish/Golliher for a Water Tank. Motion Failed. Aye-Sleep & Ewing. Nay-Johnson, Weisenberg and Flanagan.

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #406 for City of Spearfish/Golliher for a Water Tank. Motion Carried. Aye-Johnson, Weisenberg & Flanagan. Nay-Ewing & Sleep.

CONDITIONAL USE PERMIT #407 EXECUTIVE LODGING/STORAGE UNITS: A public hearing was held on Conditional Use Permit #407 Owner/Applicant: Executive Business Park of the BH/Ernie Rupp, Description (Location): Lot 3, Blk 1 of Oak Mt Country Estates/Boulder, Canyon-old Roo Ranch, Purpose: Rental Storage Buildings, Zoning & Acreage: PF/4.72 Acres. Moved-Seconded (Weisenberg-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 #407 for Executive Business Park of the BH/Ernie Rupp for Storage Units. Motion Carried.

ORDINANCE #12-05 ADDITION OF USES TO PF DISTRICT: 1st Reading and a Public Hearing was held on the proposed Ordinance #12-05 Addition of Uses to PF District, Owner/Applicant: Lawrence County Zoning Ordinance, Description (Location): Addition of uses to PF District, Purpose: Add two uses in the list of conditional uses in the Park Forest Zone. Those being: Licensed Professional Offices and Retail Space with a maximum of 1000 sq ft per vendor. Zoning & Acreage: PF. No public input was voiced and the public hearing was closed. Sleep expressed concerns that the property is not located in the City of Deadwood and it would be encouraging businesses outside of municipalities. 2nd reading will be held on June 12, 2012.

APPLE SPRINGS: Ted Schultz, CETEC Engineering was present to discuss the Apple Springs Utility Project and projected estimated costs. Moved-Seconded (Flanagan-Johnson) to set the bid opening for the Apple Springs Utility project for June 12, 2012 at 10:30 a.m. Motion Carried.

ITEMS FROM COMMISSIONERS:

USFS F.E.R.T.A. PROCESS: Hillarie Jackson, Dona Warwick and Scott Haus, Black Hills National Forest were present to discuss the USFS F.E.R.T.A. Process in comparison to utilizing the RS2477.

LIBRARY: Sleep presented figures on the Library expenses and Library Cards for the County and the Cities. The Board will take into consideration at budget time.

BILLS:

Weisenberg discussed the remote controls for the Sheriff's Office and Emergency Management Department. Weisenberg stated he would not support the payment of the bills. Moved by Weisenberg to pay the bills as presented with the exception of the four remote starters. Motion Died due to lack of second. Johnson stated these bills were charged against Lawrence County and need to be paid. Johnson stated he could see some advantages to having the remote starters on certain county vehicles and stated the Board needs to look closer at the bid specs and budgets. Weisenberg questioned why the Commission reviews the bills if now is not the time to question them. Moved-Seconded (Johnson-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. Aye-Johnson, Flanagan, Sleep and Ewing. Nay-Weisenberg.

Payroll: Comm-\$5,566.58; Aud-\$7,982.95; Treas-\$10,190.42; Comp-\$7,841.83; States Atty-\$12,711.92; Pub Def-\$9,885.46; Gen Govt Bldg-\$6,859.57; Equal-\$11,801.87; Rod-\$7,230.27; Vso-\$1,209.75; Disp-\$12,861.15; Sher-\$35,041.43; Jail-\$20,835.94; Coroner-\$23.08; Emerg Mgnt-\$3,686.87; E911-\$1,607.20; Highway-\$39,437.81; Air-\$1,029.85; Weed-\$3,097.14; Pz-\$4,776.21; Sev Tax Mpb-\$7,986.72; **Bills:** Atkinson,Sally-\$52.00; Dias,Gregory-\$37.00; Leatherman,Debra-\$35.52; Lopez,Amber-\$200.00; Mcgruder,Brenda-\$52.00; Melaragno,Anthony-\$203.68; Pike,G. Matthew-\$18.95; Runge,Brett-\$75.00; Schuchmann,Bernard-\$37.74; Symonds,Carmen-\$75.00; Tridle,Debora-\$40.00; Weisenberg,Terry-\$9.00; A&B Business,Inc Solutions-\$1,152.13; A-Z Shredding-\$54.30; Abc Business Supply-\$941.78; At&T-\$3.50; Auto Doctor-\$40.00; BH Chemical Company-\$551.60; BH Collections-\$128.56; BH Federal Credit Union-\$8,728.00; BH Pest Control-\$95.00; BH Pioneer-\$20.35; BH Power-\$10,074.34; Belle Fourche Landfill-\$16.80; Best Western Ramkota Hotel-\$1,937.78; Big Sky Communications-\$91.00; Black Hills Pure-\$58.00; Bomgaars Supply-\$83.96; Butler Machinery Co-\$19.02; Butte Electric Coop-\$291.58; Campbell Supply-\$208.97; Carol Butzman Consulting-\$573.80; Cbh Cooperative-\$32,483.63; Century Business Products-\$658.28; Centurylink-\$1,221.66; Chemsearch-\$215.50; City/County Alcohol&Drug-\$280.00; Credit Collections Bureau-\$100.00; Crop Production Services-\$360.00; Dakota Equipment Rental-\$150.45; Dept Of The Treasury-\$46,877.12; Diversified Collections-\$100.00; Ds Solutions-\$300.00; Ecolab-\$131.20; Eke-\$35,541.75; Ertz,Dewey-\$455.00; Et Sports-\$151.17; Fastenal-\$10.44; Fisher Sand & Gravel-\$14,171.29; Fsh Communications-\$60.00; Hamann,Chris-\$150.00; Havemeier,Leslie-\$72.20; Heisler Hardware-\$115.80; Hewlett-Packard

Company-\$591.00; Hills Material Comp-\$6,520.18; Janz,Donald PhD-\$425.00; Johnson County Sheriff's Dept-\$30.00; Kadrmas, Lee And Jackson-\$10,247.70; Kimball-Midwest Co-\$213.24; Kinney, Matthew-\$771.66; Knecht True Value-\$59.27; Knology-\$1,719.45; Kosel,Joseph-\$2,354.17; Labcorp Of America Holdings-\$25.00; Las Vegas Township Constable's-\$33.00; Lattice Incorporated-\$11.87; Lead-Deadwood Regional Hospital-\$1,032.29; Leskca-\$54,844.74; Lexisnexis Risk Data Mgnt-\$75.00; Metric Motors-\$1,036.92; Microfilm Imaging Systems-\$755.00; Midwest Alarm Co-\$84.00; Montana Dakota Utilities-\$92.42; Mutchler,Tricia-\$85.60; Nelson,Christy-\$400.00; Nelson,Tonya-\$250.00; Neve's Uniforms-\$369.80; Novus-\$256.00; Office Depot-\$390.91; Office Of Child Support-\$439.85; Outdoor Motor Sports-\$21.95; Pennington County Sheriff-\$2,575.28; Pennington County Sts Attny-\$400.00; Program Works-\$80.00; RC Finance Office-\$1,715.00; RC Regional Hospital Pharmacy-\$19.50; Rabe Elevator-\$799.88; Reausaw,Bernie-\$22.22; Regional Health-\$38.00; Rocket Lube-\$90.98; Rocky Mountain Instrumental-\$120.00; SD Police Cheif's Association-\$130.00; Sand Creek Printing-\$200.00; Schilplin,Sara Psy-\$750.00; Sdrs Supplemental Retirement-\$1,226.50; Semerad,Sandra-\$231.50; Servall Towel&Linen-\$409.43; Spearfish Police Dept-\$10.02; Sterna,Laura-\$600.00; Strawn Law PC-\$682.69; Stretch's Glass & Mirror-\$3,104.00; Stutsman County Sheriff-\$20.00; Tigerdirect-\$72.47; Triple K Tire&Repair-\$828.96; Twin City Hardware & Lumber-\$389.72; US Marshals Service-\$2,837.66; Verizon Wireless-\$96.65; Victims Of Violence-\$811.00; Warne Chemical-\$4,222.60; Wells Fargo Business Card-\$3,344.90; West Group-\$155.50; Western Communication-\$10,491.50; Western Sd Juvenile Serv-\$5,737.50; White Drug-\$1,993.64; White's Queen City Motors-\$2,567.82; Wilde & Hunt, Prof Llc-\$843.00; Winner Police Department-\$68.25; Wolf, Ione-\$26.00; Wolff's Plumbing&Heating-\$271.00; Yankton Co Sheriff-\$27.00; Z&S Dust Control-\$34,842.22; **Witness & Jurors:** Driscoll,D-\$60.36; Foskett,L-\$62.58; Greear,K-\$63.32; Jones,M-\$61.10; Koppinger,L-\$61.10; Rchetto,C-\$52.22; Rang,C-\$59.62; Seamands,J-\$61.10; Koch,B-\$22.22; Schulze,B-\$31.10; Fraasier,S-\$31.10; Herrick-Rough,M-\$31.10; Tonkel,B-\$62.55; Koch,S-\$22.22; Hester,M-\$32.58; Miller,J-\$22.22; Rielly,T-\$29.62; Ring,J-\$33.32

ADJOURN: 10:42 a.m. Moved-Seconded (Flanagan-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 7, 2012

Robert Ewing called the meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 7:00 a.m. on June 12, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, and Terry Weisenberg present. Brandon Flanagan participated by video conference. Richard Sleep was absent.

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

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

2012 PRIMARY ELECTION: Moved-Seconded (Weisenberg-Johnson) to canvass the 2012 Primary Election Results for Lawrence County. Motion Carried.

ADJOURN: 7:10 a.m. there being no further business it was Moved-Seconded (Johnson-Weisenberg) to adjourn. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 12, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 12, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Weisenberg-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of May 22nd, and June 7th, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Flanagan-Sleep) to approve Brian Remmers as a permanent part-time (under 20) Corrections Officer I G3 at the base rate of \$14.85 an hour, effective 5-29-2012; and Brenda Evans as a permanent part-time (under 20) Corrections Officer I G3 at the base rate of \$14.85 an hour, effective 5-24-2012. Motion Carried.

Moved-Seconded (Sleep-Weisenberg) to approve Dawnyelle Madsen as a permanent full-time Corrections Officer I G3 at the base rate of \$14.85 an hour, effective 5-24-2012 and Andrew Iverson as a permanent full-time Dispatcher II G2 as the base rate of \$16.74 an hour, effective 6-18-2012. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve David Riley as a part-time Corrections Officer II G3 at the base rate of \$17.08 an hour, effective 6-17-2012. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Randall Rosenau as a part-time Special Deputy II at the base rate of \$16.80 an hour, effective 6-1-2012. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Johnson) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of May 31, 2012 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)-\$2,261,777.91; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$26,555.94; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$11,660,296.14, Money Market \$530,145.28; Bank Balance-\$5,505,385.25; Total \$24,737,270.52.

HIGHWAY BUSINESS:

OLD HIGHWAY 14C/ELKHORN RIDGE PAVING PROJECT: The following bids were received for Old Highway 14C, In-Place Processing and Asphalt Mat: Sacrison Paving-

\$660,660.66 and Hills Materials - \$713,287.37. Moved-Seconded (Weisenberg-Johnson) to accept the low bid from Sacrison Paving for \$660,660.66, and allow the Chairman to sign the contracts. Motion Carried.

SDDOT PROGRAM RESOLUTION: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Federal Aid Surface Transportation Program Resolution for Countywide Signing Project with the SDDOT. Motion Carried. WHEREAS, Lawrence County desires replacement and improvement of regulatory, warning, and guide signs as authorized by MUTCD, state law, and/or local ordinance, LOCATION, Lawrence County, TYPE OF CONSTRUCTION: Traffic Control Signing and WHEREAS Lawrence County is obligated and hereby agrees to provide proper maintenance of signing as recommended by the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the “Local Roads Plan” the State’s “Standard Specifications for Roads and Bridges,” and the “MUTCD”. Estimated Cost of Project Including Engineering: \$30,000. Proposed Year of Construction: 2023. Vote of Commissioners/Council: Yes-5 No-0. Dated at Deadwood this 12th day of June, 2012. Robert Ewing, Chairman. Connie Atkinson, Auditor.

UTILITY PERMITS:

CENTURY LINK: Moved-Seconded (Flanagan-Johnson) to approve the Utility Permit submitted by Century Link to bore under Hannah Road. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Weisenberg-Flanagan) to approve the Utility Permit submitted by Butte Electric to bore under Old Highway 14. Motion Carried.

WALK’N ROLL PACKERS/ROLLERS: Moved-Seconded (Flanagan-Sleep) to approve the purchase of one Walk’n Roll packer/rollers for the new motor graders. Motion Carried.

SURPLUS MOTOR GRADERS: The following bids were received for the Six (6) 2006 surplus motor graders:

	Domson Inc.	Butler Machinery	Machinery Maint	Iron Planet	Leon Sime
#91	82,506.00	132,850.00	107,321.00	134,000.00	
#93	107,506.00	134,750.00	113,460.00	134,000.00	147,200.00
#94	117,506.00	127,550.00	106,730.00	126,000.00	
#96	76,506.00	122,850.00	97,340.00	121,500.00	
#97					

86,506.00 **132,750.00** 109,432.00 126,000.00

#98 107,506.00 129,750.00 114,321.00 **135,500.00**

Moved-Seconded (Weisenberg-Sleep) to accept the high bid as follows: #91-Iron Planet, #93-Leon Sime, #94-Butler Machinery, #96-Butler Machinery, #97 Butler Machinery, #98 Iron Planet. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of May 31, 2012: Spearfish Diesel 3500 Gallons: (prices per gallon) CBH Cooperative - \$3.249, Southside – \$3.29; MG Oil - \$3.198*. Spearfish Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.346, Southside-\$3.34, MG Oil - \$3.249*.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2012-2013 Malt Beverage licenses and for new On-Off sale Malt Beverage License & SD Farm Wine. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Flanagan) to approve the following 2012-2013 Malt Beverage Licenses Motion Carried:

CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE & SD FARM WINE: OLE & LENA GROUP LLC., (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.; 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.; 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.; 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; CHARLES L FARRUGGIA, (BRANDING IRON RESTAURANT) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.

CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE: RONALD & LISA JORGENSON, (BOONDOCKS) PT HES 54 Tract C Section 25 T4N, R3E, B.H.M.; 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.; 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.

FIRE BAN ORDINANCE #12-01: 2ND Reading was held on the proposed Fire Ban Ordinance. Lawrence County Ordinance No. 12-01. Discussion was held on the proposed Ordinance and penalties involved. Moved-Seconded (Johnson-Weisenberg) to approve and adopt the Lawrence County Burn Ban Ordinance #12-01. Motion Carried.

LAWRENCE COUNTY ORDINANCE NO.12-01 WHEREAS, the Commissioners of Lawrence County are charged with protecting the health and safety of the citizens of Lawrence County, including all property situated therein; and **WHEREAS,** South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Lawrence County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and **WHEREAS,** the Emergency Manager/Fire Coordinator for Lawrence County has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and **WHEREAS,** the Commissioners of Lawrence County have determined that in the interest of the public health and safety, it is prudent to prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire in Lawrence County; and **WHEREAS,** the Commissioners of Lawrence County, pursuant to SDCL § 7-18A-8, hereby deem it necessary for the immediate preservation of the public health and safety to adopt the restrictions set forth in this Ordinance and it is the intent of the Lawrence County Board of Commissioners that the provisions of this Ordinance shall take effect immediately upon passage by the Board. **NOW, THEREFORE, BE IT ORDAINED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:** SECTION I. **DEFINITIONS:** (A) **Open Fire:** Means any outdoor fire, including a campfire and a burn barrel. Open Fire shall not include charcoal grills, Outdoor Fireplaces, liquid fuel grills, or branding iron burners as defined herein. (B) **Charcoal Grill:** Means a metal or stone device **not** resting on the ground with a metal grate designed to cook food using charcoal briquettes. (C) **Liquid Fuel Grill:** Means a metal or stone device designed to cook food using gaseous combustible fuel. (D) **Burn Barrel:** Means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. (E) **Outdoor Fireplace:** Means a manufactured appliance

constructed of non-combustible materials, with a maximum fuel area of three (3) feet, constructed to include a screen, chimney or other device placed above the fuel area so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere. An Outdoor Fireplace may be fueled by cut or split wood or liquid fuel and must be located **Not Closer** than 15 feet to any combustible surface and **Continually Attended.** (F)

Branding Iron Burner: Means a stove, furnace or device constructed of non-combustible materials used to heat irons for the purpose of branding livestock, fueled by cut or split wood, or liquid fuel and constructed so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere and located **Not Closer** than 15 feet to any combustible surface and **Continually Attended.** (G)

Campground: Means any commercial campground that is permitted by Lawrence County, the State of South Dakota, or the United States Forest Service that is operated by said agency, or private individuals or corporations.

SECTION II. REGULATIONS: (A) **Open Fire: 1.** No person shall set an open fire in Lawrence County, North of the Interstate 90 Highway and outside the boundaries of any municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the **HIGH, VERY HIGH** or **EXTREME** category in Lawrence County. Use of an open fire is allowed only when the Grassland Fire Index falls in the MODERATE category or below. 2. The prohibition against Open Fire in that part of Lawrence County North of the Interstate 90 Highway, as provided herein, shall automatically be suspended during any time period the Grassland Fire Danger Index falls below the **HIGH** category in Lawrence County (All areas South of the Interstate 90 Highway and outside the boundaries of any municipality in Lawrence County are part of the Black Hills Fire Protection District and are regulated by either the State of South Dakota, or the United States Forest Service). (B) **Burn Barrels: 1.** Special Regulation: No person shall set a fire in a burn barrel North of the Interstate 90 Highway within the boundaries of Lawrence County and outside the boundaries of any municipality when the National Weather Service has declared the Grasslands Fire Index to be in the **HIGH, VERY HIGH** or **EXTREME** category in Lawrence County. Use of burn barrels is allowed only when the Grassland Fire Index falls in the MODERATE category or below. (C) **Campgrounds: 1.** The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any commercial, city, state or federal campground that is permitted by Lawrence County, the State of South Dakota or the United States Forest Service unless otherwise specifically banned by a resolution of the Lawrence County Board of Commissioners. **SECTION III.**

PENALTY: (A) Any violator of this ordinance is subject to the suppression costs of extinguishing a fire. (B) Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity. (C) The permissibility of the ignition of any fire as specified herein shall not operate to relieve the igniter of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire. Adopted this 12th day of June, 2012 by the LAWRENCE COUNTY COMMISSION: Robert E. Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

APPLE SPRINGS UTILITIES / WILDBERGER ROAD: Ted Schultz, CETEC Engineering was present and the following bids were received for the Wildberger Road Utilities at Apple Springs Subdivision: Munro Earthmoving: \$154,321.99; RCS Construction: \$159,179.08; Ainsworth Benning Construction: \$469,962.50; Pedersen Excavating Inc: \$123,655.00. Schultz stated that the estimated cost for Butte Electric is \$40,000-\$42,000 and engineering services are \$15,000 the bond is only \$165,000. The Board stated they will not approve any expenditures over the \$165,000 bond amount and asked Schultz to negotiate the contract amount with the low bidder utilizing materials on site.

Moved-Seconded (Flanagan-Weisenberg) to accept the low bid and award the contract to Pedersen Excavating Inc with the new negotiated amount of \$108,735.00, utilizing the materials on site and authorize the Chairman to sign the contracts. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the contract with Butte Electric, with the total project not to exceed the letter of credit of \$165,000. Motion Carried.

SUPPLEMENTAL BUDGET: A public hearing was held for a supplemental budget for GENERAL FUND / PLANNING & ZONING / Professional Services - \$165,000; 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 #2012-16. Motion Carried.

RESOLUTION #12-16 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / PLANNING & ZONING / Professional Services - \$165,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 12th day of June, 2012 at the hour of 10:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 12th day of June, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS: Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

JUVENILE ELECTRONIC MONITORING PROGRAM: Amber Richey, Deputy States Attorney was present to discuss the proposed Juvenile Electronic Monitoring Program. Discussion followed on the affect on the Juvenile Services Center versus the cost savings to the County. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Memorandum of Understanding with Western South Dakota Juvenile Services Center. Motion Carried.

SPEARFISH ANNEXATION: The Board discussed the proposed annexation and costs to the County for the road project. Joe Neeb stated the County will be responsible for 50% of the project costs. The Board discussed the affects of annexation on the landowners in the proposed area.

Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2012-17 A Resolution Approving A Resolution Of Intent Of Annexation To

Extend The Boundaries Of The City Of Spearfish, South Dakota, By Annexing Lands. Motion Carried. Aye-Johnson, Weisenberg and Flanagan. Nay-Sleep and Ewing.

RESOLUTION NO. #2012-17 A RESOLUTION APPROVING A RESOLUTION OF INTENT OF ANNEXATION TO EXTEND THE BOUNDARIES OF THE CITY OF SPEARFISH, SOUTH DAKOTA, BY ANNEXING LANDS, WHEREAS, the City of Spearfish has prepared a Resolution of Intent of Annexation to Extend the Boundaries of the City of Spearfish, South Dakota, By Annexing Lands, all as more fully set forth in Exhibit A, attached hereto and incorporated herein by this reference, and which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-5 for its consideration and approval; **WHEREAS,** SDCL 9-4-5 provides that annexation of unplatted territory is subject to the approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; **WHEREAS,** for purposes of SDCL 9-4-5, “unplatted territory” is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; **WHEREAS,** SDCL 10-6-31 defines “agricultural property” as including all property used exclusively for agricultural purposes which is not handled for resale by wholesale or retail dealers. It includes all land used exclusively for agricultural purposes, both tilled and untilled, the improvements on such land, other than buildings and structures and the livestock and machinery located and used on such agricultural land; **WHEREAS,** the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural lands as defined in SDCL 10-6-31; **NOW, THEREFORE BE IT RESOLVED,** that Lawrence County does hereby approve the Resolution Of Intent Of Annexation To Extend The Boundaries Of The City Of Spearfish, South Dakota, By Annexing Lands, as submitted by the City of Spearfish, as set forth in Exhibit A, in so far as the same concerns any unplatted territory or agricultural lands as defined in South Dakota Codified Law. Dated this 12 day of June, 2012. Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, Auditor

RELAY FOR LIFE PROCLAMATION: Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign the following 2012 Relay for Life Proclamation. Motion Carried. **RELAY FOR LIFE PROCLAMATION:** American Cancer Society Relay for Life Proclamation for Lawrence County. *Whereas,* **RELAY FOR LIFE** is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and *Whereas,* Money raised during **RELAY FOR LIFE of Lawrence County** supports the American Cancer Society’s mission of saving lives and creating a world with less cancer and more birthdays – 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; *Now therefore,* be it resolved, that I Robert Ewing, Chairman of Lawrence County, do hereby proclaim June 16-22, 2012 as “**RELAY FOR LIFE PAINT THE TOWN PURPLE**” in Lawrence County and encourage citizens to participate in the Relay for Life event at Spearfish City Park on June 22, 2012. Dated this 12th day of June 2012. Robert E. Ewing, Chairman.

MOUNTAIN PINE BEETLE: Bill Coburn was present to discuss the Black Hills Regional Mountain Pine Beetle Strategy. Moved-Seconded (Weisenberg-Johnson) to approve and authorize

the Chairman to sign the Black Hills Regional Mountain Pine Beetle Strategy Plan and Signature Page. Motion Carried.

MOUNTAIN PINE BEETLE RESPONSE PROJECT COMMENTS: Bill Coburn was present to discuss comments to be presented to the USFS MPBR Project. Moved-Seconded (Weisenberg-Ewing) 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.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

ORDINANCE #12-05 ADDITION OF USES TO PF DISTRICT: 2nd Reading was held on the proposed Ordinance #12-05 Addition of Uses to PF District, Owner/Applicant: Lawrence County Zoning Ordinance, Description (Location): Addition of uses to PF District, Purpose: Add two uses in the list of conditional uses in the Park Forest Zone. Those being: Licensed Professional Offices and Retail Space with a maximum of 1000 sq ft per vendor. Zoning & Acreage: PF. Sleep expressed concerns that this would be scattering things around Park Forest and should be restricted around the growth areas of the towns. The Board discussed this would be located within the growth areas of the municipalities and located near a highway.

Moved-Seconded (Sleep-Ewing) to approve and adopt Ordinance #12-05 An Ordinance Amending The Lawrence County Zoning Ordinance, Addition of Uses to PF District. Motion Carried.

AN ORDINANCE AMENDING THE LAWRENCE COUNTY ZONING ORDINANCE, AMENDMENTS AND ADDITIONS THERETO: BE IT HEREBY ORDAINED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS: That the following sections of each chapter and article be amended: CHAPTER 6 DISTRICT REGULATIONS: ARTICLE 3- PF – Park Forest District: Section 1.4 Conditional Uses: 41. Licensed Professional Offices (e.g. accountant, appraiser, architect, lawyer, real estate professionals, day spa) if located within the Growth Areas as defined by the Comprehensive Plan 42. Retail Space under 1,000 sq ft per vendor (e.g. diner, coffee shop, lunch counter, boutique space) if located within the Growth Areas as defined by the Comprehensive Plan

CONDITIONAL USE PERMIT #408-410 / ERNIE RUPP/EXECUTIVE LODGING:

CONDITIONAL USE PERMIT #408, #409, #410: A public hearing was held on CUP #408-410 for Multiple CUP's at old Roo Ranch, Owner/Applicant: Executive Business Park of the Black Hills/Ernie Rupp, Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Roo Ranch building in Boulder Canyon), Purpose: Enable the use of the property for several businesses (Licensed Professional Office Space, Retail of 1,000 sq ft per vendor & Childcare Center) Zoning & Acreage: PF / 4.72 acres +/- . No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-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 #408 for Executive Lodging / Professional Offices. Motion Carried.

Moved-Seconded (Johnson-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 #409 for Executive Business Park / Retail Space. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #410 for Executive Business Park / Child Care Center. Motion Carried.

ANNUAL REVIEWS:

CUP#288-11 KABERNA / BIG MAMMA’S: An annual review was held for CUP #288-11 Kaberna / Big Mamma’s. No complaints were received.

CUP#388 BILL SWENSON / SPECIALTY RESORT: An annual review was held for CUP #388 Bill Swenson / Specialty Resort. No complaints were received.

CUP#400 JOHNER & SON’S GRAVEL PIT: An annual review was held for CUP #400 Johner & Son’s / Gravel Pit. No complaints were received.

ITEMS FROM COMMISSIONERS: Weisenberg informed the Board that he was elected as the Vice-Chairman of the BH District of County Commissioners and any draft legislation could be directed to him to present at the next District Meeting. Weisenberg stated he was contacted with a request to send a letter to the National Audubon Society to support the location of bald eagle nests in the Open Cut in Lead. The Board was in agreement to send the letter of support.

Johnson read a letter from the City of Whitewood thanking the County and the Sheriff’s Office in assisting with the police department.

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-\$11,133.16; Aud-\$15,965.91; Treas-\$20,380.84; Comp-\$15,683.67; States Atty-\$24,992.82; Pub Def-\$19,770.92; Gen Govt Bldg-\$14,390.46; Equal-\$23,341.99; Rod-\$14,460.55; Vso-\$2,419.50; Disp-\$29,993.58; Sher-\$68,834.37; Jail-\$51,000.54; Coroner-\$446.16; Emerg Mgmt-\$4,695.37; E911-3,230.40; Highway-\$64,574.64; Air-\$2,284.80; Weed-\$12,589.54; Pz-\$5,962.38; Sev Tax Mpb-\$10,359.66; **Bills:** Bertch,Alyce-\$156.10; Caserio,Clifford-\$145.00; Dean,Brian-\$57.00; Dragoo,Shelley-\$35.00; Greeley,Laurie-\$35.00; Green,Sheree-\$52.00; Hamilton,Marian-\$35.00; Hansen,Paul-\$45.00; Larson,Rene'-\$331.90; Lopez, Amber-\$379.97; Mowell,Richard-\$7,350.00; Nelson,Kesha-\$45.00; White,Richard-\$35.00; Larson,Rene'-\$5.00; Rosenau,Randall-\$18.34; American Family Life-\$3,310.25; BH Collections-\$128.56; BH Federal Credit Union-\$8,688.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$669.00; Delta Dental Of South Dakota-\$6,314.88; Dept Of The Treasury-

\$47,935.42; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,575.29; Northern Hills Rec Center-\$209.00; Office Of Child Support-\$439.85; Park County Clerk&Recorder-\$2.50; SD Retirement System-\$51,590.18; Sdrs Supplemental Retirement-\$1,226.50; Wellmark Blue Cross-\$74,683.89; A&B Business,Inc Solutions-\$459.31; A&B Welding Supply-\$53.96; A&I Distributors-\$2,289.95; A-Z Shredding-\$10.80; Abc Business Supply-\$502.58; Aberdeen Llc-\$300.00; Adams, Tom-\$37.50; Albany County Sher Office-\$60.00; Aman, Barbara-\$120.00; American Bar Association-\$190.00; Ammons, Sue-\$120.00; At&T Mobility-\$818.52; BH Chemical Company-\$1,301.93; BH Collections-\$128.56; BH Council Of Local Govt-\$6,877.00; BH Federal Credit Union-\$8,688.00; BH Land Analysis-\$6,720.00; BH Pest Control-\$95.00; BH Pioneer-\$1,635.31; BH Power-\$665.16; BH Travel Agency-\$1,480.60; Barrett, Marlene-\$182.50; Benning, Elizabeth-\$156.10; Biegler, Greg-\$120.00; Big Sky Communications-\$158.00; Bob Barker Company-\$567.88; Burlison, Anna-\$120.00; Butler Machinery Co-\$357.33; Butte Electric Coop-\$519.34; Calkota Properties-\$560.00; Carlson, Richard-\$47.00; Caserio, Beverly-\$157.50; Central Parts-\$2,159.99; Central Restaurant Products-\$496.49; Century Business Products-\$56.47; Centurylink-\$216.41; Cetec Eng Services-\$3,705.15; Christensen Law Office-\$1,302.50; Christensen, Linda-\$100.00; City/County Alcohol&Drug-\$1,695.00; Clerk Of Courts-\$50.00; Cody, Denise-\$15.00; Cook, Sue-\$100.00; Cook, Walter-\$100.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$257.32; Dakota Fluid Power-\$44.75; Dakota Graphics-\$318.00; Dale's Tire & Retread-\$3,461.20; Davis, Kathy-\$27.20; Deadwood, City-\$932.42; Decastro Law Firm-\$492.00; Dept Of The Treasury-\$50,913.52; Dietrich, Donna-\$151.40; Diversified Collections-\$100.00; Dodge County Court-\$2.00; Eb Communications-\$100.00; Ertz, Dewey J-\$715.00; Et Sports-\$201.56; Exhaust Pros Of Spearfish-\$575.00; Fastenal-\$116.16; Felter, Avis-\$120.00; First Gold Hotel-\$194.00; Fish, Veronica-\$20.40; Fisher Sand & Gravel-\$76,032.53; Frederickson, John R-\$160.50; Geigle, Elsie Jane-\$157.58; Gene's Lock Shop-\$251.06; Glanzer, Cheryl-\$120.00; Glenn C Barber&Assoc-\$72,413.58; Gold Country Inn-\$128.00; Great Western Tire-\$28.45; Grimm's Pump Service-\$831.74; Gustafson, Arlene-\$120.00; Hsbc Solutions-\$168.70; Handwerker, Steven-\$11,040.00; Havemeier, Leslie-\$64.00; Heartland Paper Co-\$1,618.50; Heisler Hardware-\$209.12; Hillside Disposal Service-\$87.00; Hoff, Glen-\$3,000.00; Hoffman, Delores-\$120.00; Holiday Inn City Centre Sf-\$231.00; Hovland, Alvina-\$145.00; Howe, Marlene-\$120.00; Hughes, Linda-\$120.00; Hunt, Dorothy-\$120.00; Jacobs Precision Welding-\$7.40; Jacobsen Ford-Mercury-\$118.00; Jones County Sher Office-\$200.00; Juneks' Chrysler/Dodge-\$189.21; Kadrmas, Lee And Jackson-\$18,292.70; Kappedal, Jean Rpr-\$34.00; Kellogg, Druse-\$145.00; Keough, Marilyn-\$137.02; Knecht True Value-\$117.88; Knology-\$59.12; Koala Electric-\$118.37; LC Sheriff-\$16.54; Language Line Services-\$50.11; Lattice Incorporated-\$12.23; Lead, City Of-\$59.55; Lead-Deadwood Regional Hospital-\$0.43; Lead-Deadwood Sanitary-\$429.48; Lee, James-\$15.00; Lexisnexis Risk Data Mgmt-\$75.00; Littleton, Donna-\$120.00; Mad Manz Pizza-\$185.32; Marco-\$25.86; Marshall&Swift/Boeckh-\$857.55; McArthur, Janet-\$50.00; McClure, Susan-\$350.00; McCormick, Ron-\$145.00; Menards-\$147.48; Mg Oil Company-\$14,443.44; Mid-Night Star-\$106.43; Minnwest Bank Sioux Falls-\$171.03; Montana Dakota Utilities-\$2,223.16; Moore Medical Llc-\$101.50; Mundhenke, Bonnie-\$120.00; Nelson, Nancy-\$107.74; Nelson, Tonya-\$350.00; Neve's Uniforms-\$1,369.84; Newman Traffic Signs-\$824.35; Northern Hills Casa-\$7,500.00; Occupational Health Network-\$227.90; Office Of Child Support-\$439.85; Pennington Co Auditor-\$83.00; Pennington County Sheriff-\$252.72; Pennington County Sts Attny-\$200.00; Phoenix Investigations-\$327.29; Pictometry International Corp-\$1,489.75; Pisani, Susan-\$120.00; Postmaster, Deadwood-\$290.00; Quaschnick, Elma-\$145.00; Quik Signs-\$17.40; RC Police Dept-\$11.75; RC Regional Hospital-\$1,439.05; Radio Shack/Kazco-\$25.49; Rear, Kay-\$100.00; Redwood Toxicology Lab-\$220.00; Regional Health Physicians-\$90.50; Reindl, Staci-\$1,667.75; Reliable-\$332.00; Robinson, Bill-\$100.00; Rocket Lube-\$68.48;

Rothschadl,Regina-\$56.00; Rushmore Communications-\$4,044.00; SD Dept Of Transportation-\$1,352.92; SD Human Services Center-\$118.00; SD State Treasurer-\$1,067.04; Sand Creek Printing-\$149.00; Schenk,Doris-\$120.00; Scott J Odenbach-\$246.00; Sdrs Supplemental Retirement-\$1,214.00; Securus Technologies T-Netix-\$1,050.00; Semerad,Sandra-\$353.40; Servall Towel&Linen-\$535.95; Silvernail,Georgeann-\$145.00; Spearfish Alt/Starter Rebuild-\$130.00; Spearfish Auto Supply-\$1,368.37; Spearfish Police Dept-\$1,552.92; Swanda,Karen-\$15.00; T&W Appliance/Knothole-\$149.23; Taylor,Jeannette-\$156.10; Tetrault,Rose Emma-\$100.00; Tigerdirect-\$729.78; Triple K Tire&Repair-\$57.68; Truenorth Steel-\$856.09; Turnkey Corrections-\$17.86; Twin City Hardware & Lumber-\$1,093.75; United Parcel Service-\$88.58; Waisanen,Ardath-\$120.00; Warne Chemical-\$674.40; Waste Connections-\$614.91; Watertree-\$84.50; Wells Plumbing&Farm Supp-\$13.02; Werlinger,Brenda-\$120.00; West River International-\$395.00; Western Communication-\$12,000.00; White Drug-\$3,223.75; White's Canyon Motors-\$905.85; White's Queen City Motors-\$379.12; Wilde&Hunt,Prof-\$929.70; Wolf,Ione-\$22.00; Wright Express Fsc-\$2,291.85; Z&S Dust Control-\$43,719.34; **Witness & Jurors:** Ahola,S-\$61.10; Auer,C-\$63.32; Ballert,P-\$52.96; Clauser,V-\$62.58; Cudmore,T-\$53.70; Ludens,S-\$60.36; Pengra,D-\$51.48; Tollefsrud,D-\$64.80; Katz,C-\$21.26; Hancock,J-\$31.10; Kuntz,J-\$12.22; Ahmad,H-\$21.10; Aker,S-\$114.80; Anderson,J-\$21.84; Asunskis,D-\$21.10; Bettelyoun,K-\$122.20; Bierema,C-\$119.24; Brown,N-\$122.20; Chrisman,B-\$126.64; Clowser,P-\$12.22; Cottrill,S-\$107.40; Donahue,M-\$21.10; Dugger,S-\$12.22; Fierro,J-\$104.44; Gostola,B-\$12.22; Gusso,T-\$19.62; Hanke,D-\$129.60; Hartsook,R-\$12.22; Havens,D-\$21.10; Hill,A-\$24.80; Hills,T-\$21.10; Hostad,A-\$24.80; Iverson,J-\$12.22; Kandolin,D-\$104.44; Kemp,A-\$28.50; Kinghorn,P-\$26.28; Knippelmeyer,E-\$11.48; Larson,M-\$101.48; Maynard,K-\$12.22; Merritt,S-\$10.74; Nauman,E-\$22.58; Olson,K-\$104.44; Roberts,L-\$21.10; Rosenau,A-\$21.10; Runquist,N-\$104.44; Sargent,J-\$21.10; Scarborough,D-\$21.10; Siewert,L-\$22.58; Simmons,R-\$23.32; Skroch,D-\$18.14; Sleep,J-\$28.50; Smith,R-\$20.36; Sneesby,M-\$104.44; Spacke,M-\$21.10; Sperlin,L-\$12.22; Spindler,C-\$12.96; Taylor,M-\$13.70; Tibbitts,J-\$21.10; Vanhorn,E-\$21.84; Walton,C-\$10.74; Williams,L-\$21.10; Bercier,G-\$28.50; Berger,D-\$21.10; Bieber,L-\$12.22; Bowman,J-\$19.62; Brown-Schmeltzer,A-\$32.20; Bruch,S-\$64.80; Chays,A-\$12.22; Crowley,K-\$61.10; Daley,P-\$11.48; Erhart,B-\$21.84; Ferris,C-\$10.74; Heller,T-\$12.96; Klein,D-\$10.74; Kleinsasser,M-\$21.10; Kymala,T-\$21.10; Lamb,J-\$32.20; Larue-Forbes,T-\$15.18; Martin,J-\$52.22; Mcfarling,E-\$22.58; McGrath,R-\$27.02; Mertens,S-\$61.10; Metzger,L-\$12.22; Moe,J-\$24.80; Noeller,J-\$50.74; Paulson,J-\$21.10; Perry,H-\$61.10; Pridie,M-\$21.10; Rawlings,J-\$22.58; Rupe,L-\$18.14; Salazar,K-\$63.32; Salcone,M-\$25.54; Satterlee,J-\$61.10; Stevens,G-\$63.32; Strickland,L-\$21.10; Thrall,D-\$12.22; Two Bulls,M-\$61.10; Vangorp,B-\$61.10; Varner,S-\$21.10; Weyrich,M-\$15.92; Wilson,E-\$57.40; Amoan,A-\$20.00; Benson,T-\$31.10; Biggs,C-\$20.00; Boylan,S-\$34.06; Bryant,D-\$20.00; Dutter-Jones,J-\$31.10; Forget,A-\$34.43; King,A-\$31.10; Love,T-\$44.44; Porter,C-\$20.00; Schrader,B-\$53.30; Messinger,L-\$571.67; Sullivan,R-\$20.00; Paxton,J-\$38.50; Thornhill,J-\$20.00

ADJOURN: 12:19 p.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 10, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 10, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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-Johnson) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of June 26th, 2012 County Commission Meeting. Motion Carried.

COMMISSION MEETINGS: Moved-Seconded (Flanagan-Johnson) to change the August meeting from August 14th to 21st, 2012. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Weisenberg-Flanagan) to approve Mike Meehan as a full-time permanent Appraiser I G1 at the base rate of \$14.22 an hour, effective July 16, 2012. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Felix Mehia as a permanent full-time Correctional Sergeant G3 at the base rate \$17.76 an hour, effective 6-1-2012. Motion Carried.

MOUNTAIN PINE BEETLE: Moved-Seconded (Weisenberg-Flanagan) to designate Dave Heck as the Weed & Pest Representative to the Mountain Pine Beetle Working Group. Motion Carried.

SHERIFF:

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

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of June 30, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$45,2536.82; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,997.92; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$4,411,376.54, Money Market \$530,236.79; Bank Balance-\$4,010,456.13; Total \$13,756,814.20.

ABATEMENT:

CITY OF DEADWOOD: Moved-Seconded (Weisenberg-Flanagan) to approve the abatement for City of Deadwood on Parcel #30025-03700-240-00, #30025-03800-270-00, and #30025-03800-270-05 because it is now tax exempt property. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Weisenberg-Flanagan) to approve the Utility Permit for Butte Electric Cooperative, approximately 100' from the intersection of Kerwin Lane & Lookout Mountain Rd for underground power line begin S1, T6N, R2E; end S36, T7N, R2E. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Johnson-Weisenberg) to approve the Utility Permit for Century Link on the Hanna Rd, South of the first Intersection of Mossy Pine and Hannah Rd. begin S22, T5N, R2E and end S22, T5N, R2E. Motion Carried

BUTTE ELECTRIC COOPERATIVE RESOLUTION 2012-18 Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the following Resolution #2012-18. Motion Carried.

Resolution 2012-18 STATE OF SOUTH DAKOTA BEFORE THE HONORABLE BOARD SS OF COUNTY COMMISSIONERS OF COUNTY OF LAWRENCE LAWRENCE COUNTY, SOUTH DAKOTA In the Matter of the Application of **BUTTE ELECTRIC COOPERATIVE, INC.**, for Permission to Renew its Franchise to Construct Electric Transmission Lines on and along the Public Highways of Lawrence County, South Dakota. **WHEREAS**, on the 10TH day of July, 2012, Butte Electric Cooperative, Inc., a South Dakota corporation, with its principal place of business at Newell, South Dakota, applied to the Board of County Commissioners of Lawrence County, South Dakota for the right and privilege of maintaining its franchise for electric light and power lines constructed on certain highways and roadways in said county, as more particularly set out in the Petition for Franchise on file in the Auditor's office of said county, which Petition is hereby made a part of this Resolution; and **WHEREAS**, the Board of Commissioners of Lawrence County have examined said Petition and found: 1. That said Petition is in the form and contains the information required by law; 2. Said Petition was filed with the County Auditor of Lawrence County; 3. That the Board has considered the complaints of all parties appearing, and has adjusted all differences between applicant and owner or owners of any transmission, telegraph or telephone lines, or cables affected by the Board's decision upon said Petition; 4. That the operation, maintenance and construction (if and when found necessary by the applicant) of said lines will be in the public interests, and that said permit should be granted, subject to the conditions hereinafter set forth. **THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lawrence County, South Dakota, that Butte Electric Cooperative, Inc., a corporation organized and existing under and by virtue of the laws of the State of South Dakota, qualified and authorized to operate and transact business in the State of South Dakota, its successors, and assigns, hereinafter called the grantee be and hereby is authorized and granted a right-of-way permit to construct, operate, maintain as wherever necessary, electric transmission and distribution lines on and along all public highways in Lawrence County, South Dakota. That this franchise is granted pursuant to SDCL 31-26, authorizing a general grant as to all public highways for rural electrification purposes and it is found and resolved hereby that the grantee, Butte Electric Cooperative, Inc., is operating its entire system primarily and principally for rural electrification purposes. **BE IT FURTHER**

RESOLVED, that this permit is subject to the following conditions and such other reasonable regulations as the legislature may hereinafter prescribe: 1. The grantee shall not in any way have the exclusive right to use such highway for the construction of electricity. 2. The poles and fixtures shall be constructed so as not to prevent the public use of any road or the navigation of any stream. 3. When any highway along which such a line has been constructed shall be changed, grantee shall upon ninety (90) days notice in writing, remove such line to the highway as changed. 4. Grantee shall construct and maintain such poles, wires, and line in accordance with the national Electrical Safety Code adopted by the Bureau of Standards of the United States Department of Commerce. 5. The right-of-way permit shall be effective and in full force for a period of twenty (20) years from the date hereof. 6. That the grantee shall notify the county in writing at least thirty (30) days prior to the construction of any additional transmission or distribution lines along and on all public highways in Lawrence County, South Dakota. Passed and approved at the regular meeting of said Board held on the 10th day of July, 2012. Board of County Commissioners Lawrence County, South Dakota by: Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor.

CADILLAC RANCH:

Moved-Seconded (Sleep-Johnson) To send a letter, on behalf of the residents of Lawrence County, to the Butte County Commission, stating Lawrence County considers the Cadillac Ranch a nuisance area; and request that Butte County not renew Cadillac Ranch's alcohol license because the location is unsuitable to accommodate the license because of the impacts on neighboring residents, their property and livestock. Motion Carried.

REQUEST TO RE-DISTRICT BROWNSVILLE/ROCHFORD FIRE PROTECTION

DISTRICT: Cheryl Wolff, Landowner in the Brownsville Fire Protection District was present to request the Board re-district the Brownsville/Rochford Fire Protection Districts. Outka will work with Rob Mattox and Paul Thomson to address the correct legal description for the proposed boundary changes.

JSC COMPACT UPDATE: Kevin Thome, Pennington County Sheriff was present to update the board on JSC Compact issues. Discussion followed on the pros and cons of renewing the 2013 JSC contract.

SHERIFF: Moved-Seconded (Johnson-Sleep) to follow the Sheriff's Office recommendation and declare the two Halmar Light Bars surplus and give to the City of Whitewood. Motion Carried.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

ANNUAL REVIEWS:

CUP#172-09 GREG DITTMAN / 2nd RESIDENCE: An annual review was conducted on CUP#172-09 for Greg Dittman for a 2ND Residence. Jeff Schroeder spoke with Mr. Dittman on

6/28/2012 about CUP #172-09. The house is near completion and no complaints have been received in the past 12 months.

CUP#376 BARB MOORE/SPECIALTY RESORT: An annual review was conducted on CUP#376 Barb Moore/Specialty Resort. No complaints have been received in the past 12 months. There is still work to be completed so will be reviewed in one year.

CUP #379 JO DICKERT 2ND RESIDENCE: An annual review was held on CUP#379 for Jo Dickert 2nd Residence. Jeff Schroeder talked to Jo Dickert on 6/27/2012. They have requested to cancel Conditional Use Permit #379. Moved-Seconded (Weisenberg-Sleep) to cancel CUP#379 for Jo Dickert for a 2nd Residence. Motion Carried.

CUP#389 PATRICK AUER/GUNSMITHING: An annual review was conducted on CUP#389 Patrick Auer/Gunsmith. No complaints were received. Jeff Schroeder did an on-site with Patrick Auer on 6/27/2012. No violations were found and no complaints have been received on this Conditional Use Permit in the past 12 months. Moved-Seconded (Sleep-Johnson) CUP #389 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.

CHANGE OF ZONING #296 / LEVI HUMBRACHT: 2ND reading was held on #296 Levi Humbracht A-1 to A-2 Owner/Applicant: Levi & Katie Humbracht, Description (Location): SW1/4 NE1/4, Sec 31, T7N, R2E (West of Spearfish) Purpose: Subdivision Zoning & Acreage: A-1 – 40 ac +- . Vogt stated Humbracht's plan to plat this 40 acre tract into two, twenty acre parcels, requiring this zoning change. If approved, the property is in the Spearfish platting jurisdiction and would not come before the Board. Moved-Seconded (Flanagan-Weisenberg) to follow Planning and Zoning recommendation and approve Change of Zoning #296 / Levi Humbracht. Motion Carried.

PRELIMINARY PLAT: Moved-Seconded (Flanagan-Weisenberg) to approve the Preliminary plat for Adams, Chad/Ponderosa Land Surveys submitted for approval as an exempt plat Action Required: Lots 1A, 2A, M1, MS 1703 Sec 6-4-3 (Nevada Gulch), Purpose: Combine 2 small lots & re-plat with 2 adjacent lots into three. Zoning & Acreage: SRD - 4.8 ac +-. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the final plat for Adams, Chad/Ponderosa Land Surveys submitted for approval as an exempt plat Action Required: Lots 1A, 2A, M1, MS 1703 Sec 6-4-3 (Nevada Gulch), Purpose: Combine 2 small lots & re-plat with 2 adjacent lots into three. Zoning & Acreage: SRD - 4.8 ac +-. Motion Carried.

TEMPORARY USE PERMIT: Executive Lodging/Ernie Rupp Boulder Canyon Lot 3 Blk 1 EX H1 (.68 ac) Oak Mt. Country Estates (18-005-04) B.H.M. 4.72 +/- PF (Park Forest District) Vender Spaces for Rally. Request is to use the property for vender space during Sturgis Rally Aug 3rd thru Aug 13th, 2012. All property in the immediate vicinity is zoned PF-Park Forest District. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Ewing) to deny the request for a Temporary Use Permit for Executive Lodging/Ernie Rupp in Boulder Canyon. Motion Carried. The Board expressed concerns on traffic flow, changing the character of the area and the property is not zoned commercial.

2013 BUDGET REVIEW: The Board reviewed the 2013 Preliminary Budget.

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-\$5,566.58; Aud-\$8,078.96; Treas-\$9,885.62; Comp-\$7,841.85; States Atty-\$10,662.67; Pub Def-\$9,885.94; Gen Govt Bldg-\$6,722.96; Equal-\$11,682.27; Rod-\$7,230.28; Vso-\$1,209.75; Disp-\$12,605.50; Sher-\$36,512.39; Jail-\$21,101.99; Coroner-\$623.08; Emerg Mgnt-\$3,550.62; E911-\$1,788.04; Highway-\$37,686.74; Air-\$1,112.10; Weed-\$7,517.89; Pz-\$4,527.21; Sev Tax-\$6,669.62; **Bills:** Heberlig, Gary-\$33.74; Mowell, Richard-\$6,828.00; Schuchmann, Bernard-\$297.58; A&B Business, Inc Solutions-\$878.98; A&B Welding Supply-\$19.84; A-Z Shredding-\$8.85; Abc Business Supply Corp-\$19.49; American Tech Serv-\$4,572.00; Apex Court Reporting-\$1,466.70; At&T Mobility-\$921.64; BH Chemical Company-\$667.86; BH Collections-\$128.56; BH Federal Credit Union-\$8,368.00; BH Pioneer-\$962.73; BH Power-\$653.83; Big Sky Communications-\$88.00; Butte Electric Coop-\$459.65; Cbh Cooperative-\$34,702.30; Central Parts-\$22.73; Century Business Products-\$121.79; Centurylink-\$101.08; Certified Laboratories Div-\$275.00; Cetec Eng Services-\$4,447.16; Chris Supply Co-\$42.79; City/County Alcohol&Drug-\$700.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$23.98; Dakota Graphics-\$312.50; Dale's Tire&Retread-\$3,150.00; Deadwood, City Of-\$1,072.56; Delta Dental Of South Dakota-\$6,386.28; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$46,872.90; Dietrich, Donna-\$83.70; Diversified Collections-\$100.00; Election Sys& Software-\$1,683.70; Fastenal-\$282.07; First Stop Guns-\$375.00; Fish, Veronica-\$54.40; Great Western Tire-\$845.43; Haakon County Sheriff's Office-\$49.90; Heartland Paper Co-\$284.18; Heisler Hardware-\$195.38; High Plains Business Forms-\$334.96; Interstate Engineering-\$4,242.30; JH Hilt Engineering-\$37.50; Jacobs Precision Welding-\$861.25; Janke, Wendy-\$1,790.00; Juneks' Chrysler/Dodge-\$6.35; Kadrmas, Lee And Jackson-\$29,336.30; Karl's-\$2,401.92; Kennedy, Pier&Knoff-\$143.40; Kimball-Midwest Co-\$305.40; Knology-\$346.01; LC Conservation Dist-\$5,000.00; Lattice Incorporated-\$12.91; Lead, City Of-\$48.35; Lead-Deadwood Sanitary-\$498.41; Lee, James-\$15.00; Lester L Davis Jr Polygraph-\$400.00; Leskca-\$35,221.85; Lindstad Alignment-\$936.95; Lyle Signs-\$2,005.21; Mcpherson Propane-\$45.00; Midcontinent Communications-\$73.22; Minnwest Bank Sioux Falls-\$171.03; Mobile Electronic Service-\$1,970.60; Montana Dakota Utilities-\$1,702.19; Nelson, Tonya-\$450.00; Neve's Uniforms-\$127.90; Office Of Child Support-\$439.85; Overhead Door Company Of Rapid-\$2,599.07; Pennington Co Auditor-\$69.00; Pennington County Sts Attny-\$200.00; Quik Signs-\$17.40; Quill Corporation-\$37.47; RC Regional Hospital-\$6,178.70; Regional Health Physicians-\$73.86; Reindl, Staci-\$1,174.20; Reserve Account-\$6,000.00; Reuer, Allen-\$100.00; Rocket Lube-\$66.98; SD Assoc Of Criminal Defense-\$30.00; SD Dept Of Labor Unemployment-\$1,367.30; SD Public Assur Alliance-\$2,860.00; SD State Treasurer-\$1,441.91; Schilplin, Sara Psy D Lp-\$1,100.00; Sdrs Supplemental Retirement-\$1,139.00; Servall Towel&Linen-\$409.43; Shi International Corp-\$2,184.00; Spearfish Police Dept-\$1,615.29; Teen Court-\$7,500.00; Tigerdirect-\$1,980.47; Triple K Tire&Repair-\$22.00; Twin City Hardware&Lumber-\$359.38; Valley Auto-\$200.00; Waste Connections-\$614.91; Watertree-\$57.90; Weichmann, Cynthia M Rpr-\$27.20; West Group-\$155.50; West River International-\$126.47; Western Communication-\$871.95; Wilde & Hunt, Prof Llc-\$4,210.99; Wolf, Ione-\$14.00; Yankton County-\$103.75; Z&S Dust Control-\$76,783.99; **Witness & Jurors:** Alan, C-\$61.10; Driscoll, D-\$60.36; Greear, K-\$63.32; Jones, M-

\$61.10; Koppinger,L-\$61.10; Rachetto,C-\$52.22; Rang,C-\$59.62; Seamands,J-\$61.10; Bentley,B-\$33.32; Findley,P-\$29.62; Harris,P-\$20.00; Lawless,A-\$99.92; Papka,P-\$33.32; Tabaha,L-\$33.32; Woods,M-\$33.32

ADJOURN: 3:00 p.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 23, 2012

Robert Ewing called the special meeting of the Lawrence County Commissioners to order at 1:00 p.m. on July 23, 2012 in Deadwood City Hall, 102 Sherman St. Deadwood, SD with Commissioners Daryl Johnson and Terry Weisenberg present. Richard Sleep arrived at 1:06 p.m. Brandon Flanagan was absent. All motions were passed by unanimous vote, by all members present, unless stated otherwise.

DEADWOOD STANDARD PROJECT / CONDITIONAL USE PERMIT #411: A public hearing was held at Deadwood City Hall for the Deadwood Standard Project / Conditional Use Permit #411 (Proposed Large-Scale Mine), Location - Spearfish Canyon (VMC, L.L.C., Applicant) A Court Reporter was present and a full transcript is on file in the Auditor's Office or the Office of Planning and Zoning. The Applicant presented their proposed project for the Deadwood Standard Project. Amber Vogt, Planning and Zoning Director noted letters, emails, and phone calls received in reference to the project. Public input was voiced for and against the project and discussion followed.

Moved-Seconded (Sleep-Johnson) to postpone the Deadwood Standard Project to August 21, 2012. Motion Carried.

ADJOURN: 3:40 p.m. Moved-Seconded (Johnson-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 24, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 24, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Flanagan-Johnson) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of July 10, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Johnson-Flanagan) to approve the monthly cell phone allowance for Mike Meehan-\$50.00, effective July 16, 2012. Motion Carried.

SHERIFF: Moved-Seconded (Flanagan-Weisenberg) to approve Kesha Nelson, as a permanent full-time Sheriff Administrative Assistant G3 at a base rate of \$18.04 an hour, effective 8-8-2012; and Shelley Dragoo as a permanent full-time Criminal Analyst G3 at the base rate of \$17.73 an hour, effective 8-8-2012. Motion Carried.

The Board presented a certificate of appreciation to Sara Fitzgerald and thanked her for her years of service to Lawrence County.

FIREARMS: Moved-Seconded (Weisenberg-Johnson) to approve the purchase of the firearms for the Sheriff's Office from County funds. Motion Carried.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Weisenberg-Johnson) to approve the travel request for Timothy Hodson, Jason Fisher and Michael Meehan to attend the Annual Assessor's School in Pierre, SD September 9-14, 2012. Motion Carried.

AUTOMATIC SUPPLEMENTS:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Weisenberg) to approve the automatic supplement of \$27,000 for the Invasive Species Management - Supplies for funds received from the Bureau of Land Management. Motion Carried.

SECURE AND RURAL SCHOOL ACT: Moved-Seconded (Johnson-Weisenberg) to begin the 45 day comment period for the Secure And Rural School Act for the following: (1) to carry out

activities under the Firewise Communities program to provide homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; (2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are-(A) performed on Federal land after the date on which the use was approved under subsection (b);(B) paid for by the participating county; and (3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: The Board discussed a request to open a trench across Evans Lane. Bonnema stated his policy is not to allow open trenching across a county road and will bring the issue back to the Board after further research.

APPROACH PERMIT: Moved-Seconded (Weisenberg-Flanagan) to approve the Approach Permit for Mieke Meyer on the South side of Eden Road 0.5 miles east of I-90. Motion Carried.

COOPERATIVE FOREST SERVICE ROAD AGREEMENT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign Modification #2 to Cooperative Forest Service Road Agreement (#12-RO-11020300-022). Motion Carried.

REDWATER RIVER BRIDGE: The Board discussed the new schedule from the Department of Transportation STIP funds for the Redwater River Bridge replacement project #BRO 8041(16)01KP that was pushed back to 2015. The Board was in support of sending a letter to the Department of Transportation asking them to keep the project in 2014.

FUEL QUOTES: The following fuel quotes were submitted as of July 24, 2012: Deadwood Diesel 5500 Gallons: (prices per gallon) CBH Cooperative - \$3.287*, MG Oil - \$3.34564; Deadwood Unleaded 2900 Gallons: (prices per gallon) CBH Cooperative - \$3.369, MG Oil \$3.35245*; Spearfish Diesel 1800 Gallons: (prices per gallon) CBH Cooperative - \$3.287*, MG Oil - \$3.35564; Spearfish Unleaded 1800 Gallons: (prices per gallon) CBH Cooperative - \$3.369, MG Oil \$3.36245*. *Represents lowest quote awarded. No bid was received from Southside Cooperative, and Harms Oil Co.

SHERIFF BUSINESS:

E-911 ORDINANCE: The Board discussed the current E-911 Ordinance and the surcharge rates. Selective routing software was discussed and the Board was supportive in the Sheriff's office researching the issue further.

FIRE PROTECTION DISTRICT BOUNDARIES: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign Resolution #2012-10, A Resolution (Amending) Defining the Fire Response Boundaries. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2012-10 DEFINING THE FIRE RESPONSE BOUNDARIES:

WHEREAS, The Lawrence County Fire Advisory Board has recommended defining fire department response boundaries for Lawrence County, inclusive; and **WHEREAS,** the Lawrence County Commission recognizes the need to establish boundaries for the purpose of determining which fire department is the first initial fire responder; and

WHEREAS, a Fire Response Boundary Map will also aid fire departments in locating and arriving quickly at the scene of a fire;

NOW THEREFORE BE IT RESOLVED; that the Lawrence County Commissioners, with the advice and cooperation of the Lawrence County Fire Advisory Board, hereby establishes fire response boundaries for all fire departments located in Lawrence County and adopts the attached Lawrence County Fire Response Boundary Map legally described as follows:

The boundaries of the **Spearfish Canyon Fire** Response Area are described as: (per Fire District previously elected) Lawrence County: Sections 1-24, Township 3 North, Range 1 East; Sections 2-11 and 14-19, Township 3 North, Range 2 East; all of Township 4 North, Range 1 East (or Sections 1-36, T4N, R1E); Sections 4-9, 14-23 and 26-35, Township 4 North, Range 2 East; Sections 13-36, Township 5 North, Range 1 East; Sections 17-20, 30 and 31, Township 5 North, Range 2 East; BHM, all in Lawrence County, South Dakota.

The boundaries of the **Whitewood Fire** Response Area are defined as: (per Fire District previously elected) Lawrence County: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, in Township 7 North, Range 4 East of the B.H.M.; Sections 1 through 36, inclusive, in Township 6 North, Range 4 East of the B.H.M., including the municipality of Whitewood, South Dakota; Sections 1, 12, 13, 24, 25 and 36 in Township 6 North, Range 3 East of the B.H.M.; and Section 2, 3, and 4 in Township 5 North, Range 4 East of the B H M., all in Lawrence County, South Dakota.

The boundaries of the **Rochford Fire** Response Area within Lawrence County are defined as: (per Fire District previously elected) Lawrence County: All of Sections 25 through 36, inclusive, T3N, R1 E, All of Sections 20 through 36, inclusive, T3N, R2E; All of Sections 19 through 22 and 27 through 34, inclusive, T3N, R3E, BHM, and the **SW ¼ of Section 35 in Township 3 North, Range 3 East of the B.H.M.;** all of Sections 1 through 6, inclusive, T2N, R1-3E; All of Sections 3 through 6, inclusive, T2N, R4E; Those parts of Sections 7 through 12, inclusive, located in Lawrence County, T2N, R1-3E; Those parts of Sections 7 through 10, inclusive, located in Lawrence County, T2N, R4E, B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Spearfish Fire** Response Area are defined as: Lawrence County: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **St. Onge Fire** Response Area are defined as: Lawrence County: Sections 2 through 4 inclusive in Township 6 North, Range 3 East of the B.H.M.; Sections 1 through 36 inclusive in Township 7 North, Range 3 East of the B.H.M.; Sections 4 through 9, Sections 16

through 20, and Sections 29 through 32 inclusive in Township 7 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Sturgis Fire** Response Area within Lawrence County are defined as: Lawrence County: Sections 1, 10, 11, 12, 13, 14, NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, and the North $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, NE $\frac{1}{4}$ of Section 23, and Sections 24, 25, 36 in Township 5 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Deadwood Fire** Response Area are defined as: Lawrence County: The North $\frac{1}{2}$, the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of Section 1, and that portion of Section 2 that is East of Highway 385 in Township 4 North, Range 3 East of the B.H.M.; Sections 1, 12, 13, the North $\frac{1}{2}$ of Section 24, in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 18 inclusive, the North $\frac{1}{2}$, the SE $\frac{1}{4}$, and the east $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19, Sections 20 through 26 inclusive, the SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, and that portion of the SW $\frac{1}{4}$ that lies within Deadwood city limits, of Section 27, the North $\frac{1}{2}$ of Section 28, the NE $\frac{1}{4}$, North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, that portion of Section 34 that is inside Deadwood city limits and that portion of section 34 that is East of US Highway 385, and that portion of section 35 that is East of US Highway 385, and Section 36 in Township 5 North, Range 3 East of the B.H.M; Sections 5 through 9 inclusive, the South $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, Sections 16 through 22 inclusive, NW $\frac{1}{4}$, South $\frac{1}{2}$, of Section 23, and Sections 26 through 35 inclusive in Township 5 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Lead Fire** Response Area are defined as: Lawrence County: Sections 1, 12, 13, in Township 3 North, Range 2 East of the B.H.M.; Sections 1 through 3 inclusive and Sections 10 through 13 inclusive, and Sections 24, 25, 36 in Township 4 North, Range 2 East of the B.H.M.; Sections 21 through 23 inclusive, the South $\frac{1}{2}$ of Section 24, Sections 25 through 29 inclusive, and sections 32 through 36 inclusive, in Township 5 North, Range 2 East of the B.H.M.; SW $\frac{1}{4}$, of Section 4, Sections 5 through 9 inclusive, and Sections 16 through 18 inclusive in Township 3 North, Range 3 East of the B.H.M.; That portion of Section 2 that is West of US Highway 385, Sections 3 through 10 inclusive, the North $\frac{1}{2}$, the SW $\frac{1}{4}$, the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 11, the NW $\frac{1}{4}$ and the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 14, the North $\frac{1}{2}$ of Section 15, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, the North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 16, Sections 17 through 20 inclusive, and Sections 29 through 32 inclusive in Township 4 North, Range 3 East of the B.H.M.; the West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19, that portion of the SW $\frac{1}{4}$ of Section 27 that falls outside of Deadwood city limits, South $\frac{1}{2}$ of Section 28, the NW $\frac{1}{4}$, SW $\frac{1}{4}$, South $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, Sections 30 through 33 inclusive, and that portion of Section 34 that is outside of Deadwood city limits and west of US Highway 385, and that portion of Section 35 that is West of US Highway 385 in Township 5 North, Range 3 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Brownsville Fire** Response Area are defined as: Lawrence County: Sections 1 through 3 inclusive, the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive; and the NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 35, and all of Section 36, in Township 3 North, Range 3 East of the B.H.M.; The South $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 1, the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 11, Section 12 and Section 13, the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the South $\frac{1}{2}$ of Section 14, the South $\frac{1}{2}$ of Section 15, the South $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M. all in Lawrence County, South Dakota.

The boundaries of the **Nemo Fire** Response Area are defined as: Lawrence County: The portions of Section 1 and the portions of Section 12 that are East of US Highway 385 in Township 2 North,

Range 4 East of the B.H.M.; Sections 1, 12, 13, 24, 25, and 36 in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 6 inclusive, and that part of Section 7 lying east of Highway 385, and Sections 8 through 12 inclusive in Township 2 North, Range 5 East of the B.H.M.; Sections 1 through 36 inclusive in Township 3 North, Range 5 East of the B.H.M.; Section 36 in Township 4 North, Range 4 East of the B.H.M all in Lawrence County, South Dakota

Dated this 24th day of July, 2012. FOR THE BOARD: Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor.

HOMELAND SECURITY APPOINTMENT: Moved-Seconded (Sleep-Weisenberg) to appoint Paul Thomson, Emergency Management as Representative to Homeland Security Meetings. Motion Carried.

FIREWISE PROFESSIONAL SERVICE AGREEMENT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Modified Firewise Professional Service Agreement with Rob Mattox from \$45.00 to \$65.00 per hour. Motion Carried.

HEALTH NURSE REPORT: Carol Stutzman, County Health Nurse presented the Nurse Quarterly Report.

HISTORIC COUNTY DOCUMENTS: Deb Tridle, Treasurer discussed the Preservation of Historic County Documents in the display case on the top floor of the annex. The Board was in agreement to help in the cost of preserving the documents.

WHITEWOOD FOREST ACRES: Richard Seesz, Landowner in Whitewood Forest Acres discussed Vacating a Portion of County Right-of-Way and Surplus Vacated Portion of Roadway.

PLANNING & ZONING:

PUD AMENDMENT COZ #243-12 / APPLE SPRINGS: The Board discussed PUD Amendment on COZ #243-12, Owner/Applicant: Apple Springs Inc, Description (Location): PUD Development Plan (Boulder Canyon) Purpose: Amending the PUD to allow the use of drain fields Zoning & Acreage: SRD. Vogt updated the Board on discussions held after the last Planning and Zoning meeting. Kevin Klapprodt discussed the plans and funding for the proposed drain fields for Apple Springs. The Board expressed concerns on allowing drain fields in the area.

PLATS: Timothy Johns was present to discuss the preliminary and final plat for Jennifer Greenwood. The Board acknowledged the letter received from Johns & Kosel stating the Browns would agree to plat the remaining 35 acre parcel, upon which there is now located a guest cabin and they would do so if the plat could be approved without the implementation of a Wildfire Mitigation Plan and without any further restrictions.

Moved-Seconded (Johnson-Flanagan) to approve the Preliminary Plat, Tract A (5 Acre Tract) Location - South of Crook City Road, on Timber Ridge Lane (Jennifer Greenwood,Owner), Purpose: Plat required to obtain building permit for 5 acre tract purchased. Zoning & Acreage: PF – 4.98 ac +. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the Final Plat, Tract A (5 Acre Tract) Location - South of Crook City Road, on Timber Ridge Lane (Jennifer Greenwood,Owner), Purpose: Plat required to obtain building permit for 5 acre tract purchased. Zoning & Acreage: PF – 4.98 ac +. Motion Carried.

Moved-Seconded (Sleep-Johnson) to not require a Wildfire Mitigation Plan on the remaining 35 acres. Motion Carried.

2013 BUDGET REVIEW: The Board reviewed and set the 2013 Preliminary Budget.

BILLS:

Moved-Seconded (Weisenberg-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-\$5,566.58; Aud-\$8,078.96; Treas-\$9,885.62; Comp-\$7,841.85; States Atty-\$10,662.67; Pub Def-\$9,885.94; Gen Govt Bldg-\$6,722.96; Equal-\$11,682.27; Rod-\$7,230.28; Vso-\$1,209.75; Disp-\$12,605.50; Sher-\$36,512.39; Jail-\$21,101.99; Coroner-\$623.08; Emerg Mgmt-\$3,550.62; E911-\$1,788.04; Highway-\$37,686.74; Air-\$1,112.10; Weed-\$7,517.89; Pz-\$4,527.21; Sev Tax-\$6,669.62; **Bills:** Heberlig,Gary-\$33.74; Mowell,Richard-\$6,828.00; Schuchmann,Bernard-\$297.58; A&B Business,Inc Solutions-\$878.98; A&B Welding Supply-\$19.84; A-Z Shredding-\$8.85; Abc Business Supply Corp-\$19.49; American Tech Serv-\$4,572.00; Apex Court Reporting-\$1,466.70; At&T Mobility-\$921.64; BH Chemical Company-\$667.86; BH Collections-\$128.56; BH Federal Credit Union-\$8,368.00; BH Pioneer-\$962.73; BH Power-\$653.83; Big Sky Communications-\$88.00; Butte Electric Coop-\$459.65; Cbh Cooperative-\$34,702.30; Central Parts-\$22.73; Century Business Products-\$121.79; Centurylink-\$101.08; Certified Laboratories Div-\$275.00; Cetec Eng Services-\$4,447.16; Chris Supply Co-\$42.79; City/County Alcohol&Drug-\$700.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$23.98; Dakota Graphics-\$312.50; Dale's Tire&Retread-\$3,150.00; Deadwood, City Of-\$1,072.56; Delta Dental Of South Dakota-\$6,386.28; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$46,872.90; Dietrich,Donna-\$83.70; Diversified Collections-\$100.00; Election Sys& Software-\$1,683.70; Fastenal-\$282.07; First Stop Guns-\$375.00; Fish,Veronica-\$54.40; Great Western Tire-\$845.43; Haakon County Sheriff's Office-\$49.90; Heartland Paper Co-\$284.18; Heisler Hardware-\$195.38; High Plains Business Forms-\$334.96; Interstate Engineering-\$4,242.30; JH Hilt Engineering-\$37.50; Jacobs Precision Welding-\$861.25; Janke,Wendy-\$1,790.00; Juneks' Chrysler/Dodge-\$6.35; Kadrmas, Lee And Jackson-\$29,336.30; Karl's-\$2,401.92; Kennedy, Pier&Knoff-\$143.40; Kimball-Midwest Co-\$305.40; Knology-\$346.01; LC Conservation Dist-\$5,000.00; Lattice Incorporated-\$12.91; Lead, City Of-\$48.35; Lead-Deadwood Sanitary-\$498.41; Lee,James-\$15.00; Lester L Davis Jr Polygraph-\$400.00; Leskca-\$35,221.85; Lindstad Alignment-\$936.95; Lyle Signs-\$2,005.21; Mcpherson Propane-\$45.00; Midcontinent Communications-\$73.22; Minnwest Bank Sioux Falls-\$171.03;

Mobile Electronic Service-\$1,970.60; Montana Dakota Utilities-\$1,702.19; Nelson,Tonya-\$450.00; Neve's Uniforms-\$127.90; Office Of Child Support-\$439.85; Overhead Door Company Of Rapid-\$2,599.07; Pennington Co Auditor-\$69.00; Pennington County Sts Attny-\$200.00; Quik Signs-\$17.40; Quill Corporation-\$37.47; RC Regional Hospital-\$6,178.70; Regional Health Physicians-\$73.86; Reindl,Staci-\$1,174.20; Reserve Account-\$6,000.00; Reuer,Allen-\$100.00; Rocket Lube-\$66.98; SD Assoc Of Criminal Defense-\$30.00; SD Dept Of Labor Unemployment-\$1,367.30; SD Public Assur Alliance-\$2,860.00; SD State Treasurer-\$1,441.91; Schilplin, Sara Psy D Lp-\$1,100.00; Sdrs Supplemental Retirement-\$1,139.00; Servall Towel&Linen-\$409.43; Shi International Corp-\$2,184.00; Spearfish Police Dept-\$1,615.29; Teen Court-\$7,500.00; Tigerdirect-\$1,980.47; Triple K Tire&Repair-\$22.00; Twin City Hardware&Lumber-\$359.38; Valley Auto-\$200.00; Waste Connections-\$614.91; Watertree-\$57.90; Weichmann,Cynthia M Rpr-\$27.20; West Group-\$155.50; West River International-\$126.47; Western Communication-\$871.95; Wilde & Hunt, Prof Llc-\$4,210.99; Wolf,Ione-\$14.00; Yankton County-\$103.75; Z&S Dust Control-\$76,783.99; **Witness & Jurors:** Alan,C-\$61.10; Driscoll,D-\$60.36; Greear,K-\$63.32; Jones,M-\$61.10; Koppinger,L-\$61.10; Rchetto,C-\$52.22; Rang,C-\$59.62; Seamands,J-\$61.10; Bentley,B-\$33.32; Findley,P-\$29.62; Harris,P-\$20.00; Lawless,A-\$99.92; Papka,P-\$33.32; Tabaha,L-\$33.32; Woods,M-\$33.32

ADJOURN: 3:35 p.m. Moved-Seconded (Johnson-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 21, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 21, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Terry Weisenberg present. Brandon Flanagan participated by video conference. Flanagan was off-line at 3:32 p.m. All motions were passed by unanimous vote, by all members, unless stated otherwise.

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

MINUTES: Moved-Seconded (Weisenberg-Johnson) to approve the minutes of July 23rd & 24th, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Weisenberg) to approve Brian Lewis as permanent, Full Time, Deputy Coordinator at the base rate of \$14.23 an hour, effective 9/9/2012. Motion Carried.

AUDITOR: Moved-Seconded (Weisenberg-Flanagan) to approve Marlene Barrett as a Part-Time / Fill-In Secretary G3 at the base rate of \$15.93 an hour, effective 10-8-2012. Motion Carried.

MOUNTAIN PINE BEETLE:

Moved-Seconded (Johnson-Sleep) to approve the advertising for Mountain Pine Beetle Seasonal Employees. Motion Carried.

EQUALIZATION: Moved-Seconded (Johnson-Weisenberg) to approve Carmen Symonds as a permanent ¾ time employee effective August 26th, 2012. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Justin Harmon as a part-time fill-in Corrections Officer II G1 at the base rate of \$16.41 an hour, effective 8-6-2012. Motion Carried.

TRAVEL REQUESTS: Moved-Seconded (Johnson-Weisenberg) to approve the travel request for Richard Carlson to attend the NASA Tech II Training in Newcastle WY on September 14-16 and September 21-23, 2012. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$51,379.44; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,592.36; petty

Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$4,412,109.80, Money Market \$530,277.47; Bank Balance-\$3,781,772.77; Total \$13,532,341.84.

BOULDER CANYON ROAD DISTRICT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated And Subject To Vote Boulder Canyon Road District. Motion Carried.

ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE BOULDER CANYON ROAD DISTRICT: A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: Boulder Canyon Subdivision Lots 101 and 102 of Block 1; Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, and Common Lot of Block 2; Lots 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 314, 315, 316, 317, 319, 322, 324, 325, 326, 327, 330, 331, and DL-1 of Block 3; All Located in : SW 1/4 SW 1/4 Section 11, SE 1/4 SE 1/4 of Section 10, and the NE 1/4 NE 1/4 of Section 15, and the NW 1/4 NW 1/4 of Section 14 T5N, R4E, BHM, Lawrence County, South Dakota; *SHALL*, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Boulder Canyon Road District. DATED this 21st day of August 2012. Robert Ewing, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

RESOLUTION #12-19 LIQUOR LICENSES: Moved-Seconded (Weisenberg-Sleep) to approve the following Resolution #12-19 Liquor Licenses for 2013. Motion Carried

RESOLUTION #12-19 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 2012, whichever is less for the ensuing year, and 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, Cheyenne Crossing Store, Steel Wheel LLC / Trading Post & Campground, Barefoot Resort, Crow Peak Brewing Company LLC, Mystic Miner Resort, DST Properties / The Valley Corner Store, **DATED** at Deadwood, South Dakota, this 21st day of August, 2012. **FOR LAWRENCE COUNTY COMMISSIONERS:** Robert Ewing, Chairperson **ATTEST:** Connie Atkinson, Auditor

SEVERANCE TAX SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Johnson-Weisenberg) to set a supplemental budget hearing for September 4th, 2012 for Severance Tax \$250,000 (interest funds). Motion Carried

USFS ANNUAL WORK PLAN AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the USFS/County Annual Work Plan Agreement (MPB Mitigation) and Tree Marking Agreement (3rd Modification) 12-PA-11020308-007. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the USFS Modification of Grant Agreement 11-PA-11020308-030 Change in Funding. Motion Carried.

AIRPORT PROJECT AGREEMENTS: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the FAA Grant AIP Project 3-46-0065-020-2012 and FAA AIP Project No. 3-46-0065-013-2007, Amendment No. 1. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Johnson-Weisenberg) to declare the HP8150 Printer SN#JPDLR32198 surplus and give to the City of Whitewood. Motion Carried.

SHERIFF BUSINESS:

E911 ORDINANCE: Joe Harmon, Chief Deputy Sheriff updated the Board on E911. Harmon asked the Board to consider contracting with Tom Sandvick at the rate of \$35.00 an hour to assist with the new system. The Board will consider at the budget hearing.

DEPARTMENT OF TRANSPORTATION SAFETY GRANT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Federal Fiscal Year 2013 Highway Safety Grant. Motion Carried

NORTHERN HILLS HUMANE SOCIETY REQUEST: Moved-Seconded (Johnson-Weisenberg) to approve the payment to the Northern Hills Humane Society in the amount of \$2,500 for 2012 out of funds in the Sheriff's Budget. Motion Carried. The Board will consider the request for 2013 at the budget hearing.

HIGHWAY BUSINESS:

WHITEWOOD FEDERAL AID BRIDGE: Debra Schmidt, Whitewood City Mayor was present to ask the Board to sign the Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects. The Mayor stated it is not a request for money from the County just

asking for their support. Allan Bonnema stated he has discussed the resolution with the State and if the County signs the resolution the County would be responsible for the cost of the bridge and it is not on the County inventory. The Board reviewed the agreement signed with the City of Whitewood in 1985. Bonnema will work with the City of Whitewood and see what the County can do to support them without making a financial commitment.

UTILITY PERMITS:

MASKER PROPERTY: Moved-Seconded (Weisenberg-Sleep) to approve the Utility Permit for the Masker Property / Terrance Collins / Monty Pederson on Evans Lane for construction of water and sewer service. Motion Carried.

BLACK HILLS POWER & LIGHT: Moved-Seconded (Johnson-Sleep) to approve the Application for Occupancy on the County Right of way for Black Hills Power & Light on Maitland Road for underground facilities. Motion Carried

CENTURYLINK: Moved-Seconded (Sleep-Weisenberg) to approve the Application for Occupancy on the County Right of way for CenturyLink on Oliver St to install fiber optic cable for data transport to cell tower. Motion Carried

APPROACH PERMIT:

KARL SCHENK: Moved-Seconded (Sleep-Weisenberg) to approve the Approach Permit for Karl Schenk on Nemo Road. Motion Carried.

EVANS LANE PROJECT: Allan Bonnema, Highway Superintendent updated the Board on the Evans Lane Project and preliminary cost estimates. The estimated cost to the County is \$491,912.36. Moved-Seconded (Johnson-Weisenberg) to inform the City of Spearfish that the County is in agreement to proceed with the project as presented for the 2013 Evans Lane Project. Motion Carried.

SURPLUS PROPERTY AUCTION: Moved-Seconded (Weisenberg-Sleep) to declare the following property surplus and allow the surplus auction sale. Motion Carried. 1984 GMC truck & Utility body SN#1GDHK34W6EJ511139, 1979 T900L Ford Cab & Chasis, 3208 cat engine Allison Trans., tandem axle SN#T90LVDE7108, 14' gallon dump body, hoist & hyd system #964302, 14' Heil dump body & hoist #19841, 8' flat bed for pickup, pick up tool box, Miller portable welder, AEAD 200LE onan power #J800531908, high back air ride seat, hydraulic pump parts, hydraulic valves, 2 11' snow plows, disassembled, 12V hydraulic pump, truck fuel tanks, fill-rite fuel pumps & meters, hooks, kat tank heater, converters, alternator, starter, compressor, brake parts, lug wrench's, tires, tire chains, saws, water pump, valve & seat refacer, injector tester, torch & regulators, cordless drill, circular saw, sawsall & charger, drill, drill bit sharpener, bench vise, bumper jack, fork lift, torque wrench, solvent tank, pressure pump, 110v motor & gear box, misc. supply & parts, various size culverts, cattle guards with wings, 30+ pallets cutting edges, 10+ pallets alum signs, scrap metal, metal fence posts, used snow fence, plastic water tank, 25 steel 55gal drums with lids, 4 metal desks, 1 wood desks, 8 hi bay shop lights, 1 fiberglass topper, (fits ford pickup), 3 artificial Christmas trees.

WHARF EXPANSION D.O.T. ROAD: Bonnema discussed the Wharf Expansion and the D.O.T. road that needs to be relocated. They have asked the County to sign off on the design of the relocated road. Discussion followed on the increased traffic that will be directed onto the County Road. Bonnema and Outka will work with Wharf to see if an agreement can be reached with Wharf to cover the increased impact on the County Road.

SUPPLEMENTAL BUDGET: A public hearing was held for a supplemental budget for GENERAL FUND: INVASIVE SPECIES MANAGEMENT - \$60,000; Salary - \$18,000, OASI - \$1,000, Retirement - \$1,000, Mountain Pine Beetle - \$40,000. INSURANCE & BOND - \$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 #2012-20. Motion Carried.

RESOLUTION #12-20 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: INVASIVE SPECIES MANAGEMENT - \$60,000; Salary - \$18,000, OASI - \$1,000, Retirement - \$1,000, Mountain Pine Beetle - \$40,000. INSURANCE & BOND - \$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 21st day of August, 2012 at the hour of 9:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 21st day of August, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS. Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

DROUGHT DISASTER: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the following: Lawrence County Resolution #2012-21 A Resolution Declaring Lawrence County As A Disaster Area Owing To Drought Conditions. Motion Carried. Aye-4, Absent-Flanagan. Lawrence County Resolution 2012-21 A Resolution Declaring Lawrence County As A Disaster Area Owing To Drought Conditions: WHEREAS, the entirety of Lawrence County, a political subdivision of the State of South Dakota, has failed to receive adequate precipitation over the past twelve months; and WHEREAS, the lack of precipitation has created a state of drought; and WHEREAS, the drought condition has had a significant negative effect on the production capabilities of the agricultural industry which in turn severely effects the entire local economy; and WHEREAS, the lack of consistent precipitation has resulted in the lack of rain water runoff and therefore, caused the livestock ponds, dams and natural water holes to dry-up; and WHEREAS, the lack of dependable precipitation has resulted in record abnormally low subsoil moisture resulting in widespread crop and rangeland losses; and THEREFORE BE IT RESOLVED, that the Lawrence

County Commission declares that the current drought conditions have created a natural disaster within Lawrence County; and THEREFORE BE IT FURTHER RESOLVED, that both farmers/ranchers and local businesses may be eligible for disaster aid grants and/or low interest Economic Injury Disaster Loans from the Farm Service Agency and Small Business Administration. Dated this 21st day of August, 2012. Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

ANNUAL REVIEWS:

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

HOMESTAKE MINE / RICHMOND HILL ANNUAL REVIEWS: Mark Tieszen and Todd Deux were present for the Annual Review of Conditional Use Permit #124 and 144 for Homestake Mine and Conditional Use Permit #116, 125 & 202 for Richmond Hill.

CONDITIONAL USE PERMIT AMENDMENT #329-12 SECOND RESIDENCE / GILLIES:

A public hearing was held on CUP Amendment #329-12 Cindy Gillies to amend the present 2nd residence CUP to be used for hired hand instead of a family member, land is zoned PF. There was no public input and the hearing was closed. Planning and Zoning recommended approval of the amendment to CUP #329-12. Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit Amendment #329-12 for Cindy Gillies. Motion Carried.

CHANGE OF ZONING #243-12 & PUD #5 / APPLE SPRINGS: A Public Hearing and First Reading was held on Change of Zoning #243-12 & PUD #5 Dave Simpson / Apple Springs to allow for drain fields. Dave Simpson was available to answer questions on the proposed Change of Zoning & PUD #5 for Apple Springs. The plan includes three phases and/or four drain fields. Public input was voiced in support of the request from landowners in the development, and a representative from Dakotah Bank was also in attendance expressing support for the project. Dan Driscoll, USGS reviewed the sensitivity classifications in the area. The Public Hearing was closed and Second reading will be held on September 25, 2012.

DEADWOOD STANDARD PROJECT / CONDITIONAL USE PERMIT #411: The public hearing from July 23, 2012 was continued at Deadwood City Hall for the Deadwood Standard Project / Conditional Use Permit #411 (Proposed Large-Scale Mine), Location - Spearfish Canyon (VMC, L.L.C., Applicant) A Court Reporter was present and a full transcript is on file in the Auditor's Office or the Office of Planning and Zoning. The Applicant presented their proposed project for the Deadwood Standard Project. Amber Vogt, Planning and Zoning Director noted the number of letters, emails, and phone calls received in reference to the project. Public input was voiced for and against the project and discussion followed. Chairman Ewing closed the public hearing at 1:55 p.m.. John Frederickson, Attorney for Deadwood Standard Project offered to waive

the 45day period for the County Commissioners to make a decision on the Application for Conditional Use Permit #411.

Moved-Seconded (Johnson-Sleep) to accept the Applicants waiver of the 45 day period. Motion Carried. The Board stated they still had unanswered questions and will submit their questions to the applicant so they can get all the information needed to make a decision. Discussion followed on the County making a decision before the SD DENR completes their studies, tests and makes a recommendation.

Moved-Seconded (Weisenberg-Sleep) to not make a decision on the Deadwood Standard Project Conditional Use Permit #411 until they have a report and recommendation from the South Dakota Department of Environment and Natural Resources. Motion Carried. Aye-Johnson, Weisenberg, Sleep and Ewing. Nay-Flanagan.

FINAL PLAT / NORTHERN HILLS INDUSTRIAL PARK: Moved-Seconded (Weisenberg-Johnson) to approve the Final Plat for Northern Hills Industrial Park, LLC to create 2 new lots (7 & 8) off Hwy 34 on Sagebrush Lane, zoned C/LI. Motion Carried. 4-0. Flanagan absent.

FINAL PLAT / MYSTIC MINER: Moved-Seconded (Johnson-Weisenberg) to approve the Final Plat for Mystic Miner with the addition that the plat references the development agreement, to accept that the roads are private easements, and to approve the Development Agreement for Mystic Miner after Bruce Outka reviews and approves the Development Agreement. Motion Carried. Aye-4, Absent-Flanagan.

APPLE SPRINGS UTILITY PROJECT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Change Order for the Apple Springs Utility Project. Motion Carried. Aye-Johnson, Weisenberg, Sleep and Ewing. Absent-Flanagan.

BILLS:

Moved-Seconded (Weisenberg-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-\$11,133.16; Aud-\$15,971.67; Treas-\$19,772.82; Comp-\$15,683.67; States Atty-\$25,758.81; Pub Def-\$19,773.33; Gen Govt Bldg-\$13,445.92; Equal-\$23,176.07; Rod-\$14,462.07; Vso-\$2,419.50; Disp-\$22,889.25; Sher-\$93,502.69; Jail-\$53,087.77; Coroner-\$1,446.16; Emerg Mgnt-\$7,177.49; E911-\$3,274.68; Highway-\$75,269.68; Air-\$2,141.95; Mh Serv-\$574.00; Weed-\$18,295.23; Pz-\$9,214.42; Sev Tax-\$12,408.82; **Bills:** Dias,Gregory-\$92.50; Mowell,Richard-\$8,214.00; Schuchmann,Bernard-\$91.22; A&B Business,Inc Solutions-\$667.37; A&B Welding Supply-\$19.20; A&I Distributors-\$469.70; A&J Supply-\$76.19; A-Z Shredding-\$3.15; Abc Business Supply Corp-\$421.29; Aberdeen Llc-\$663.00; Alco Store-\$37.98; Armstrong Extinguish-\$87.00; At&T-\$67.38; At&T Mobility-\$926.37; BH Chemical Company-\$1,052.67; BH Collections-\$257.12; BH Federal Credit Union-\$15,408.00; BH Land Analysis-\$742.50; BH Pest

Control-\$190.00; BH Physcial Therapy-\$187.50; BH Pioneer-\$409.24; BH Power-\$12,124.70; BH Security&Systems-\$96.94; Ball,Megan-\$200.00; Baseco-\$1,181.44; Biegler,Greg-\$120.00; Binder,Tracy-\$20.40; Black Hills Pure-\$220.65; Bob Barker Company-\$1,093.22; Bomgaars Supply-\$1,971.71; Brownsville Fire Dept-\$8,208.98; Butler Machinery Co-\$7,038.61; Butte Electric Coop-\$35,731.54; Carls Trailer Sales-\$51.00; Carol Butzman Consulting-\$399.87; Cbh Cooperative-\$20,717.96; Central Parts-\$1,330.15; Centurion Technologies-\$62.10; Century Business Products-\$88.49; Centurylink-\$1,411.77; Cetec Eng Services-\$4,950.55; Chemical Sanitizing Sys-\$130.84; Chemsearch-\$675.12; Chris Supply Co-\$574.92; Christensen Law Office-\$633.70; Clark Printing-\$531.05; Clerk Of Courts-\$100.00; Clubhouse Hotel&Suites Pierr-\$110.00; Clinical Lab Of BH-\$3,542.00; Cody,Denise-\$45.00; Credit Collections Bureau-\$200.00; Crescent Sales-\$622.63; Custer County Sheriff Office-\$33.60; D Ware-\$1,000.00; Dakota Equipment Rental-\$15.78; Dakota Graphics-\$137.50; Dash Medical Gloves-\$64.90; Deadwood Vol Fire Dept-\$13,868.17; Deadwood,City Of-\$1,105.27; Delaware Co Sher Dept-\$60.00; Dept Of Hlth Lab Services-\$52.00; Dept Of The Treasury-\$109,771.97; Dill Law Office Pc-\$327.05; Diversified Collections-\$200.00; Eagle Aviation-\$270.00; Eb Communications-\$84.00; Ellingson,Joseph-\$737.32; Et Sports-\$477.88; Fastenal-\$65.76; Fidler-Isburg Funeral Chapel-\$345.00; First Gold Hotel-\$312.00; First Stop Guns-\$300.00; First Western Ins Deadwood-\$50.00; Fish,Veronica-\$262.80; Frederickson,John-\$246.00; Fsh Communications-\$60.00; Galls-\$421.35; Golden West Technologies-\$105.00; Great Western Tire-\$706.65; Greens Alignment-\$64.00; Green's Moving& Storage-\$4,100.00; Hamann,Chris-\$300.00; Havemeier,Leslie-\$75.40; Heartland Paper Co-\$537.01; Heisler Hardware-\$381.70; Hewlett-Packard Company-\$2,197.02; Hills Material Comp-\$326,734.83; Howell,Jack Ken-\$57.80; JH Hilt Engineering-\$3,028.00; Janke,Wendy-\$2,947.18; Kadrmas,Lee And Jackson-\$41,526.22; Kimbell's Auto Repair-\$328.06; Knecht True Value-\$1,550.15; Knology-\$1,784.67; Kosel,Joseph-\$1,664.53; LC Auditor-\$5.00; LC Sheriff-\$7.54; Lattice Incorporated-\$8.83; Lead Fire Protection District-\$19,411.75; Lead,City Of-\$73.55; Lead-Deadwood Regional Hospital-\$640.30; Lead-Deadwood Sanitary-\$520.49; Lee,James-\$15.00; Lewis&Clark Bhs-\$149.00; Lewno,Lucy-\$451.35; Leskca-\$4,211.21; Lexisnexis Risk Data Mngt-\$75.00; Lueders-\$31.56; Lycox Enterprises-\$20,545.00; Mack's Auto Body-\$262.88; Mad Manz Pizza-\$100.14; Marco-\$25.86; Metric Motors-\$443.24; Mg Oil Company-\$9,917.99; Microfilm Imaging Systems-\$755.00; Midcontinent Communications-\$34.69; Midwest Alarm Co-\$84.00; Miles,Ted-\$500.00; Montana Dakota Utilities-\$793.01; Nelson,Christy-\$450.00; Nelson,Tonya-\$2,100.00; Nemo Volunteer Fire Dept-\$2,471.57; Neve's Uniforms-\$945.45; New World Systems-\$50,593.00; Newman Traffic Signs-\$1,796.56; Office Depot-\$1,017.29; Office Of Child Support-\$1,456.62; Office Technology Supply-\$71.87; Outdoor Motor Sports-\$414.99; Pedersen Excavating-\$78,848.00; Pennington Co Auditor-\$178.00; Pennington County Sheriff-\$1,862.00; Powerplan-\$134.62; Program Works-\$240.00; Quill Corporation-\$149.67; RC Journal-\$175.50; RC Regional Hospital-\$2,431.49; Rabe Elevator-\$1,035.24; Radio Shack/Kazco-\$333.96; Radiology Associates-\$11.31; Rapid Delivery-\$33.60; Rasmussen Mechanical Serv-\$9,270.00; Regional Health-\$379.00; Regional Health Physicians-\$11.64; Reindl,Staci-\$1,007.10; Reliable-\$523.24; Reuer,Allen-\$100.00; Rochford Fire Protection Dist-\$1,339.28; Rocket Lube-\$324.44; Rushmore Safety Supplies-\$322.02; SD Emergency Mngt Association-\$620.00; SD Human Services Center-\$600.00; SD Planners Association-\$310.00; SD Public Assur Alliance-\$34,104.15; SD State Treasurer-\$14,559.73; Sacrison Paving-\$582,943.16; Scott J Odenbach-\$82.00; Sdrs Supplemental Retirement-\$889.00; Secretary Of State-\$30.00; Securus Technologies T-Netix-\$1,050.00; Semerad,Sandra-\$40.80; Servall Towel & Linen-\$949.78; Shepherd Reporting-\$55.00; Sign Express-\$15.91; Spearfish Ambulance Service-\$280.00; Spearfish Auto Supply-\$957.68; Spearfish Canyon Fire-\$5,204.16; Spearfish Fire Dept-\$55,635.15; Spearfish Motors-\$37.05; Spearfish Police Dept-\$10,978.55; St Onge Fire Dept-\$1,901.22; State Radio Communication-\$5,280.00;

Sterna,Laura-\$750.00; Sturgis Fire Department-\$6,217.30; Swanda,Karen-\$45.00; Tigerdirect-\$442.25; Top Quality Glove-\$195.00; Triple K Tire & Repair-\$337.40; Truenorth Steel-\$463.30; Twilight First Aid & Safety-\$171.65; Twin City Hardware & Lumber-\$1,001.36; Van Stratton,Michael-\$3,556.32; Verizon Wireless-\$97.04; Victims Of Violence-\$1,660.00; Warne Chemical-\$256.90; Waste Connections-\$614.91; Watertree-\$44.60; Weichmann,Cynthia-\$44.72; Wells Fargo Business Card-\$3,030.79; Wells Plumbing&Farm Supp-\$268.26; West Group-\$311.00; West River International-\$87.30; Western Communication-\$664.50; Western Sd Juvenile Serv-\$1,590.00; White Drug-\$1,314.03; White's Canyon Motors-\$720.00; White's Queen City Motors-\$355.76; White Rock Properties-\$600.00; Whitewood Fire Prot District-\$8,233.75; Wilde & Hunt, Prof-\$1,257.31; Williams Standard Serv-\$99.72; Wolf,Ione-\$8.00; Wolff's Plumbing & Heating-\$25.00; Wright Express Fsc-\$1,777.60; Yankton County-\$103.75; **Witness & Jurors:** Ellis,S-\$20.00; Huff,N-\$40.00; Jensen,T-\$71.84; Kaufmann,C-\$62.20; Kellogg,S-\$34.06; Herrick-Rough,M-\$31.10; Schmidt,B-\$33.32; Balkenhol,F-\$10.74; Aschenbrenner,D-\$104.44; Berger,D-\$122.20; Burns,R-\$52.22; Clampet,B-\$117.76; Doornink,N-\$122.20; Hofmann,S-\$126.64; Kopco,M-\$101.48; Koski,A-\$61.10; Leatherman,K-\$117.76; Lund,W-\$104.44; Mizera,K-\$122.20; Morton,J-\$52.22; Nelson,R-\$122.20; Papka,D-\$122.20; Schmidt,J-\$64.80; Taggart,M-\$104.44; Tillman,T-\$122.20; Waldrop,E-\$129.60; Williams,C-\$126.64; Abell,J-\$111.84; Aldrich,G-\$12.22; Bedford,D-\$22.58; Carpenter,N-\$21.10; Collister,W-\$107.40; Crooks,K-\$129.60; Dower,M-\$105.92; Garry,M-\$122.20; Greear,T-\$116.28; Harvey,S-\$12.22; Heckenlaible,C-\$18.88; Horton,D-\$101.48; Hulm,D-\$122.20; Kieffer,R-\$23.32; King,D-\$12.22; Kleinheksel,E-\$21.10; Larsen,N-\$21.10; Magnell,M-\$21.10; Martin,J-\$126.64; Mason,N-\$12.22; Mccarty,V-\$26.28; Munsell,R-\$21.10; Nickel,D-\$21.10; Omara,W-\$21.84; Pierce,C-\$104.44; Rang,A-\$10.74; Reader,R-\$137.00; Rosenau,N-\$137.00; Rowe,D-\$18.14; Sampson,R-\$12.22; Sandford,D-\$24.80; Shaykett,K-\$22.58; Sieveke,R-\$18.88; Summers,C-\$21.10; Thompson,D-\$119.24; Waldrop,R-\$24.80; Wheaton,K-\$21.10; Wolfe,J-\$24.80; Adams,S-\$33.32; Aimentto,J-\$33.32; Austin,A-\$154.00; Brownfield,P-\$33.32; Butcher,E-\$33.32; Carmon,L-\$22.22; Collins,K-\$33.32; Cook,S-\$31.54; Coyle,L-\$40.35; Decar,C-\$34.80; Forget,T-\$33.32; Hertel,S-\$22.22; Kerr,A-\$33.32; Marshall,G-\$20.00; Ragels,T-\$33.32; Reinhart,C-\$25.92; Sabers,B-\$31.10; Termes,W-\$32.95; Treadway,S-\$33.32; Berg,A-\$481.78; Estes,H-\$102.20; Howard,R-\$60.00; Schleusner,J-\$20.00; Ellis,C-\$274.58

ITEMS FROM COMMISSIONERS: Johnson expressed concerns that they had to have two county employees available to monitor the video conferencing program throughout the day to allow a Commissioner to participate via video and stated they need to reevaluate the use of this technology for Commissioner Meetings.

ADJOURN: 4:00 p.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 4, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 4, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of August 21, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve a classification change for Michelle Aanenson and Emily Abernathy as Dispatcher II G1 at the base rate of \$16.41, effective 9-9-2012. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve the classification change for Dawnyelle Madsen as a Corrections Officer II G1 at the base rate of \$16.41, effective 9-9-2012. Motion Carried.

MOUNTAIN PINE BEETLE: Moved-Seconded (Flanagan-Johnson) to approve the following temporary seasonal employees for the Mountain Pine Beetle Program: Recon at a base rate of \$12.10 effective 09/04/2012: Justin Bellizzi, Joey Buildt, Blade A. Cox, Tyler Faulkner, Phil Genchoff, Jeremy Lewis, Tyler Ludens, Tim Massine, Jacob McCright, Kyle Melcher, Cory Stepper, and Mark Wellman; Recon at a base rate of \$12.76 effective 08/26/2012: Dan Ames, John A. Grant, Tyson Hazledine, Brandon Ludens, Greg Meade, Juan Van Der Westhuizen and Sam Terveen; Administrators at a base rate of \$12.76 effective 08/26/2012: Richard Fairhead, Gary Heberlig, Seth Martens, Quillan McNeese, Ryan Palmer, Josh Redden and Patricia Turbiville; Administrators at a base rate of \$12.10 effective 09/04/2012: Andrew Mosher; Office/Secretary at a base rate of \$12.76 effective 08/26/2012: Laura Gehner; Tree Cutters at a rate of \$10.00 per tree effective 9-12-2012: Dustin Arndt, Brock Axthelm, Eric Baker, Justin Baker, Steve Baker, Norman Bergstrom, Chancellor Burleson, Fadi Chhaide, Brandon Clifford, Kelsey Conner, Luke Crea, John Fluekinger, James Giago, Gerry Janis, George Jeffrey, Matt Kirk, LeRoy Lanphear, Justin Lickfelt, Randall McGruder, Joey Michels, Nate Minkler, Jami Morrison, Jared Nelson, Mark Olson, Marty Pedersen, Roy Pilcher, James Pontius, Dave Rentsch, Pat Rentsch, Tracey Sandidge, Matthew Schnabel, Gregory Schoon, Nick Schultz, Dennis Vance, Josh Warne, Aaron Alpe, Adam Altergott, Joshua Ball, Paul Barnard, J.T. Belton, Jazz Beyuka, Ross Boots, Roy Boots, Ryan Corman, Wes Crider, Mike Donahue, Dan Essink, Brandon Fischer, David Frey, Colin Greenfield, Brandon Hess, Adam Humbach, Eric Lehman, Russ Linneman, Tyler Marinez, Alec Maus, Nathan Ochs, Eric Roesler, Patrick Romportl, Tom Smith, David Snelling, Steven Sprague, Keith Suemnick, Tyler Tetrault, Timothy Troxel, Garrett, Vinion, Rodney Wasche, Jake Wolff and Clay Yazzie. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Ewing) due to the increased hours required by David Heck in administering the Mountain Pine Beetle to approve a bonus for David Heck for a \$6,000 bonus per month for the next three months (September 1 thru November 30, 2012). Motion Carried.

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

ABATEMENTS:

NORDSROM'S: Moved-Seconded (Johnson-Weisenberg) to approve the abatement for a 1973 Adri Mobile Home Vin/4058II because the mobile home was destroyed on 7-19-2012. Motion Carried.

HAUSMAN: Moved-Seconded (Johnson-Flanagan) to approve the abatement for a 1977 Atlantic Mobile Home Vin/4477132306 because the taxes were collected twice. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Flanagan-Weisenberg) to approve the abatement for the State of South Dakota on parcel #26380-01134-000-00 for the years 1997-2011 because the State of South Dakota took possession of the land due to the EPA Superfund on Brohm Property. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve the abatement for the State of South Dakota on parcel #26380-01134-000-00 for the years 2012-2013 because the State of South Dakota took possession of the land due to the EPA Superfund on Brohm Property. Motion Carried.

AIRPORT HANGAR RELOCATION: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Hangar Relocation Project Change Order #1 (AIP 3-46-0065-017-2010) Leska, Inc. (contractor). Motion Carried.

AIRPORT BROWN BAG PERMIT: Moved-Seconded (Johnson-Flanagan) to approve the Brown Bag Permit for the Airport for the South Dakota Aviation Hall of Fame on September 8, 2012. Motion Carried.

AIRPORT PROJECT 3-46-0065-20-2012: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Airport Project No. 3-46-0065-20-2012 State Financial Assistance Agreement. Motion Carried.

WELFARE GUIDELINES: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2012-23 Welfare Guidelines. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2012-23 AMENDMENT #17 LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX A - ELIGIBILITY INCOME: WHEREAS, Lawrence County has adopted Welfare Guidelines for purposes of determining eligibility for assistance to indigent persons of the county pursuant SDCL Chapter 28-13; and WHEREAS, Lawrence County utilizes the federal poverty guidelines as published in the Federal Register, which are updated periodically, as eligibility standards; NOW THEREFORE BE IT RESOLVED, that the most current federal poverty guidelines as published in the Federal Register, and as the same are amended from time to time, are hereby adopted as eligibility guidelines and incorporated by this reference in the Lawrence County Welfare Guidelines. Dated this 4th day of September, 2012. FOR THE BOARD: Bob Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

HIGHWAY BUSINESS:

MT. ROOSEVELT ROAD: Allan Bonnema, Highway Superintendent discussed a request from Jeff Trouton to request maintenance on a section of Mt. Roosevelt Road. The Board was in agreement that this is a County Secondary Road and the County is not in position to improve this section of Road.

STEWART SLOPE ROAD: Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of the Highway Superintendent and approve and authorize the Chairman to sign the Joint Powers Snowplowing Agreement with the State of South Dakota Department of Transportation for the Stewart Slope Road. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of August 22, 2012: Deadwood Diesel 5000 Gallons: (prices per gallon) CBH Cooperative - \$3.615*, MG Oil - \$3.69814; Deadwood Unleaded 4500 Gallons: (prices per gallon) CBH Cooperative - \$3.425, MG Oil \$3.39125*; Spearfish Diesel 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.655*, MG Oil - \$3.70515; Spearfish Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.445, MG Oil \$3.40455*. *Represents lowest quote awarded. No bid was received from Southside Cooperative, and Harms Oil Co.

2013 BUDGET: A public hearing was held on the proposed 2013 Budget. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Flanagan) to increase the Sheriff's dog control budget by \$2,500 to cover the allocation to the N.H. Community Humane Society. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) To increase the Commissioners professional services budget by \$2,500 to participate in the Mountain Pine Beetle Coordinator with Pennington and Meade County in 2013. Motion Carried. Aye-Johnson, Weisenberg, Flanagan and Ewing. Nay-Sleep.

Moved-Seconded (Johnson-Flanagan) To increase the E911 budget by \$5,000 to cover consulting fees with Tom Sandvick at the rate of \$22.00 an hour, not to exceed \$5,000 for 2013. Motion Carried.

SEVERANCE TAX SUPPLEMENTAL BUDGET HEARING: A public hearing was held for a supplemental budget for SEVERANCE TAX - \$250,000. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the following Resolution #2012-22. Motion Carried.

RESOLUTION #12-22 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: SEVERANCE TAX (interest funds) \$250,000. 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 4th day of September, 2012 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 4th day of September, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS. Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

INVASIVE SPECIES MANAGEMENT:

2012-2013 MOUNTAIN PINE BEETLE PROGRAM: Dave Heck, Invasive Species Management was present to update the Board on the 2012-2013 Mountain Pine Beetle Program.

EXECUTIVE SESSION: 9:22 a.m. Moved-Seconded (Sleep-Weisenberg) to go into executive session with Dave Heck for personnel issues. Motion Carried. 9:40 a.m. the Board opened for regular business with no action taken.

TREASURER TRUST AGREEMENT: Moved-Seconded (Flanagan-Johnson) to follow the recommendation of the treasurer and cancel the Treasurer Trust Agreement with Herbert and Jesse Fandrich on 33 1st, Lead, SD Parcel#31180-00400-100-00

NORTHERN HILLS TEA PARTY PATRIOTS: Bill Nachatilo, Northern Hills Tea Party Patriots was present to discuss the U.N. Agenda 21 / Sustainable Development. Nachatilo asked the Board to consider adopting “A Stop Agenda 21 Resolution for Lawrence County Commission”.

AIRPORT / AMENDMENT TO AIRPORT RULES & REGULATIONS ORDINANCE: First hearing was held on the Amendment to the Airport Rules & Regulations Ordinance Section 14 “Private Hangar Construction”.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

POWDER HOUSE PASS T.I.F.D.: John Frederickson, Attorney was present to update the Board on the proposed Powder House Pass T.I.F.D.

BILLS:

Moved-Seconded (Johnson-Weisenberg) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried. **Payroll:** Comm-\$5,566.58; Aud-\$7,976.16; Treas-\$9,886.42; Comp-\$7,841.84; States Atty-\$12,493.17; Pub Def-\$9,887.87; Gen Govt Bldg-\$6,722.97; Equal-\$11,014.06; Rod-\$7,231.09; Vso-\$1,209.75; Disp-\$10,143.17; Sher-\$33,356.49; Jail-\$21,497.32; Coroner-\$23.08; Emerg Mgnt-\$3,593.97; E911-\$1,607.20; Highway-\$39,322.48; Air-\$1,344.30; Mh Serv-\$164.00; Weed-\$4,027.19; Pz-\$3,783.26; Sev Tax Mpb-\$6,050.95; **Bills:** Fisher,Jason-\$130.00; Hodson,Timothy-\$130.00; Meehan,Michael-\$130.00; American Family Life-\$3,126.99; At&T Mobility-\$824.22; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$684.00; Delta Dental Of South Dakota-\$6,192.96; Dept Of The Treasury-\$45,245.40; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,610.98; John Deere Financial-\$426.10; Knology-\$286.09; Marco-\$25.86; Montana Dakota Utilities-\$12.38; Northern Hills Rec Center-\$191.40; Office Of Child Support-\$728.31; SD Retirement System-\$80,113.86; Sdaco-\$825.00; Sdrs Supplemental Retirement-\$889.00; Wellmark Blue Cross-\$73,581.65; WSI Corp-\$195.00. Pedersen Excavating-\$20,429.60, CETEC-\$1,897.14.

ADJOURN: 10:53 a.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 25, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 25, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Weisenberg-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of September 4, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Flanagan-Sleep) to approve Rob Ruffato as a full-time permanent Squad Sergeant at the base rate of \$22.65 an hour, effective 9-9-2012. Motion Carried.

Moved-Seconded (Flanagan-Sleep) to approve Marc Crandall as a full-time permanent Corrections II G3 at the base rate of \$17.08 an hour, effective 10-3-2012. Motion Carried.

MOUNTAIN PINE BEETLE: Moved-Seconded (Weisenberg-Flanagan) to approve the following temporary seasonal employees for the Mountain Pine Beetle Program: **Tree Cutters** at a rate of \$10.00 per tree effective 9-12-2012: Robert Richards, Oatin Johnston, Craig Barta, Justin Engel, Adam Albrecht, Mike Howell, Alex Dickman, Troy Shockey and Steve Sprague; **Administrators** at a base rate of \$12.10 effective 09/04/2012: Steve Hausman, Richard Prentice, Danny Smith, Jordan Peterson, Jess Hancock, and John Hughes; **Recon** at a base rate of \$12.10 effective 09/04/2012: Elise Oren, Mark Ellefson, Martin Kafka, Edward Fluegel, Samuel Bisette, Matthew Lindgren, Brandon Stokes, Ryan Montoya, Ross Klapperich, and John Hughes. Motion Carried.

SECURE & RURAL SCHOOL ACT: Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the following Resolution of Election to Receive 2012 Secure Rural Schools and Communities Act Funding and the Allocation of Title II and Title III Project Funding for 2012. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2102-25 A RESOLUTION OF ELECTION TO RECEIVE 2012 SECURE RURAL SCHOOLS AND COMMUNITIES ACT (SRSCA) FUNDING AND THE ALLOCATION OF TITLE II AND TITLE III PROJECT FUNDING IN 2012: WHEREAS, federal law requires that each county eligible to receive 2012 SRSCA funding, shall by September 30, 2012 elect to receive SRSCA funds or elect to receive their 2012 share of the 25% Actual Forest receipts; and **WHEREAS**, federal law requires that those counties electing to receive \$100,000 or more of SRSCA funding in 2012, must elect to set aside 15% or 20% of those funds for Title II and/or Title III projects; and **WHEREAS**, federal law further

requires that each county shall designate the percentage of those project funds assigned to Title II and Title III for 2012, recognizing that a maximum of 7% can be expended for Title III; **THEREFORE, BE IT RESOLVED**, that the County Commission of Lawrence County in the State of South Dakota has taken action to make the following elections: Lawrence County elects to receive: **2012 Secure Rural Schools and Communities Act Funds**. (1) Lawrence County elects to set aside the following percentage of SRSCA funds for Title II and Title III projects in 2012: **15% of total SRSCA funding** (2) Lawrence County designates the following distribution of the SRSCA project funds set aside in Number 2 above: 15% designated for Title II. Dated this 25 day of September 2012. Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Flanagan) to approve the automatic supplement of \$3,020.00 for the Register of Deeds Repairs for funds received from other governmental agencies. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Sleep-Johnson) to approve the automatic supplement of \$81,500 for Invasive Species Management Salaries for funds received from the USDA Forest Service and the City of Deadwood; and for Mountain Pine Beetle of \$19,326.00 for funds received from the USDA Forest Service. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 31, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$29,015.75; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,342.30; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$4,412,460.91, Money Market \$530,328.32; Bank Balance-\$2,557,114.96; Total \$12,286,472.24.

2013 BUDGET:

Moved-Seconded (Flanagan-Johnson) to adjust the Intergovernmental Revenue and Cash Balance Applied in the Road and Bridge Budget by \$220,000 to reflect anticipated revenue in 2013 for the Secure and Rural School Act; and to remove the budgeted amount for expenditures \$78,000 and revenues \$82,105 in Title III. Motion Carried.

ADOPTION OF 2013 BUDGET RESOLUTION #2012-24: Moved-Seconded (Weisenberg-Ewing) to adopt the 2013 Annual Budget and approve the following Resolution #2012-24. Motion Carried. **RESOLUTION #12-24: 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, 2013 and ending December 31, 2013 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 25TH day of September, 2012 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, 2013 through December 31, 2013.

FUND	TAX LEVY IN DOLLARS	\$/s/thousand (levy)
GENERAL	8,611,761	4.416
SNOW REMOVAL	200,000	.103
HIGHWAY & BRIDGE	200,000	.103
FIRE PROTECTION	75,972	.076
TOTALS	9,087,733	4.698

DATED at Deadwood, South Dakota, this 25TH day of September 2012. LAWRENCE COUNTY COMMISSIONERS: Robert Ewing, Chairman, Daryl Johnson, Terry Weisenberg, Brandon Flanagan, and Richard Sleep. ATTEST: Connie Atkinson, Auditor.

AIRPORT PROJECT 3-46-0065-13-2007: Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the Airport Project No. 3-46-0065-13-2007 State Financial Assistance Amendment Agreement Number 713546. Motion Carried.

LOSS CONTROL AWARD: The Board recognized Paul Thomson and Rene Larson for the Loss Control Award and the County Employees for the Loss Control Achievement Award Gold and Platinum Level.

EMERGENCY MANAGEMENT AWARD: The Board recognized Ken Hawki as receiving the Emergency Manager Award.

HIGHWAY BUSINESS:

UTILITY PERMITS

BUTTE ELECTRIC: Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the Utility Permit for Butte Electric to bore under the Eden Road. Motion Carried.

MONTANA DAKOTA UTILITIES: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Utility Permit for Montana Dakota Utilities for a gas line on the Maitland Road. Motion Carried.

SD DEPARTMENT OF TRANSPORTATION REQUEST: The Board discussed a request from the SD Department of Transportation to use W. Hwy 14 as a detour. Steve Palmer was present to discuss the request from the SDDOT. The Board expressed concerns on the increased traffic on the Road, residential property in the area, safety concerns for school buses and activities at the sports complexes, and the fact that Evans Lane project may also be under construction at that time. The Board will address at a future meeting.

ASPHALT PAVING PROJECT: Allan Bonnema, Highway Superintendent updated the Board on the Asphalt Paving Project and stated he did sign Change Order #1 for the Asphalt Paving Project.

FUEL QUOTES: The following fuel quotes were submitted as of September 24, 2012: Deadwood Diesel 2850 Gallons: (prices per gallon) CBH Cooperative - \$3.699*, Deadwood Unleaded 2700 Gallons: (prices per gallon) CBH Cooperative - \$3.628*, Spearfish Diesel 1800 Gallons: (prices per gallon) CBH Cooperative - \$3.699*, Spearfish Unleaded 1000 Gallons: (prices per gallon) CBH Cooperative - \$3.628*. *Represents lowest quote awarded. No bid was received from Southside Cooperative, MG Oil, and Harms Oil Co.

AIRPORT / AMENDMENT TO AIRPORT RULES & REGULATIONS ORDINANCE: Second hearing was held on the Amendment to the Airport Rules & Regulations Ordinance Section 14 "Private Hangar Construction". Moved-Seconded (Flanagan-Johnson) to approve and adopt the Amendment To Airport Rules & Regulations Ordinance #29. Motion Carried.

HOMELAND SECURITY GRANT: Paul Thomson, Emergency Management Director was present to update the Board on the Homeland Security Grant for a Community Warning Siren for St. Onge and Spearfish. Moved-Seconded (Flanagan-Ewing) to approve the application for the grant on behalf of St. Onge and Spearfish Motion Carried.

Moved-Seconded (Flanagan-Sleep) To direct Paul Thomson to be in charge of administering the Grant and the Board will transfer the property to the respective agency after the purchase is complete. Motion Carried.

CORONER BUSINESS: Gary Gould, County Coroner was present to discuss a professional service fee to be paid to funeral homes when the bodies are taken there on an interim basis. Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of the Coroner and reimburse the funeral homes \$75.00 per incidence when the Coroner needs to use their facility. Motion Carried.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

APPLE SPRINGS: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Certificate of Final Completion for Wildberger Road Utilities at Apple Springs Subdivision, with CETEC Engineering Services and Pedersen Excavating. Motion Carried.

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 (Sleep-Johnson) to approve a one year 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.

CHANGE OF ZONING #243-12 & PUD #5 / APPLE SPRINGS: Second Reading was held on Change of Zoning #243-12 & PUD #5 Dave Simpson / Apple Springs to allow for drain fields. Dave Simpson was available to answer questions on the proposed Change of Zoning & PUD #5 for Apple Springs. Vogt reviewed the current request being considered. The Board expressed concerns that the system and cost is fair to all landowners in the area. The Board stated this development was approved with the concept that a treatment plant was completed and not a drain field. Flanagan stated he is not against a drain field as an interim until a treatment plant is put in place but there doesn't seem to be an end solution and date in site. Discussion followed on the pros and cons of approving drain fields as a temporary fix. Johnson stated he would like to help the landowners in Apple Springs but doesn't see that anyone has actually researched what else is out there for a treatment plant.

Moved-Seconded (Sleep-Weisenberg) to deny Change of Zoning #243-12 & PUD #5 Dave Simpson / Apple Springs to allow for drain fields. Aye-Johnson, Weisenberg, Sleep and Ewing. Nay-Flanagan. Motion Carried.

RECESS: 10:02 a.m. Moved-Seconded (Weisenberg-Sleep) to recess the County Commission Meeting. Motion Carried. 10:05 a.m. The Chairman called the meeting back to order.

FINAL PLAT / CHARLES BROWN: Moved-Seconded (Johnson-Flanagan) to approve the Final Plat for Charles Brown plat 35 +/- acres off Crook City Road. Tract B NW ¼ SE ¼, Sec. 1-5-3, land is zoned PF. Motion Carried.

CONDITIONAL USE PERMIT #412 / RANDY SACHAU / PERSONAL AIRSTRIP: A public hearing was held on an application for CUP #412 Randy Sachau for a Personal Use Airstrip in the A-2 District in the Crow Peak Bench Subdivision off of Moeller Road. Sachau explained his request to the Board. The airstrip would be approximately 1000 feet running from northwest to southeast. No public input was voiced and the hearing was closed. Sleep expressed concerns that the County is trying to run an airport and yet they are approving airstrips out in the County. The Board expressed concerns that someone else besides Sachau will be using the airstrip. Sachau stated

that they would have to be invited by him to use the airstrip. Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #412 for Randy Sachau for a personal use airstrip. Motion Carried. Aye-Johnson, Weisenberg, Flanagan and Ewing. Nay-Sleep.

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-\$5,566.58; Aud-\$7,986.16; Treas-\$9,886.42; Comp-\$7,841.43; States Atty-\$12,720.72; Pub Def-\$9,887.86; Gen Govt Bldg-\$6,722.98; Equal-\$11,022.55; Rod-\$7,231.07; Vso-\$1,209.75; Disp-\$11,103.34; Sher-\$34,264.44; Jial-\$20,980.59; Coroner-\$323.08; Emerg Mgmt-\$3,613.42; E911-\$1,608.17; Highway-\$37,802.13; Air-\$1,046.30; Weed-\$6,042.72; Pz-\$4,710.13; Sev Tax-\$13,066.89; **Bills:** Bonnema, Allan-\$30.00; Dragoo, Shelley-\$56.00; Ellefson, Mark-\$61.79; Gehner, Laura-\$226.44; Hausman, Steve-\$16.65; Klapperich, Ross-\$81.40; Lewis, Brian-\$28.12; Lewis, Jeremy-\$29.60; Mcgruder, Brenda-\$61.00; Melcher, Kyle-\$343.73; Mosher, Andy-\$195.36; Mowell, Richard-\$9,078.00; Sargent, Debbie-\$24.80; Schuchmann, Bernard-\$27.38; Schulz, Sherry-\$19.62; Smith, Danny-\$183.52; Terveen, Sam-\$96.20; Turbiville, Patricia-\$258.63; Whitcher, Eric-\$69.56; A&B Business, Inc Solutions-\$3,104.89; A&B Welding Supply-\$19.84; A&J Supply-\$220.79; A-Z Shredding-\$30.90; Abc Business Supply Corp-\$4,427.93; Active Data Systems-\$1,679.00; Alco Store-\$44.78; Alpine Impressions-\$75.00; American Tech Serv-\$11,620.00; Apex Court Reporting-\$3,633.40; Apex Software-\$825.00; Armstrong Extinguish-\$171.00; At&T-\$15.55; At&T Mobility-\$101.94; Audra Malcomb Consulting-\$399.87; BH Chemical Company-\$2,382.70; BH Collections-\$128.56; BH Counseling Service-\$300.00; BH Federal Credit Union-\$7,704.00; BH Pest Control-\$95.00; BH Pioneer-\$841.84; BH Power-\$12,173.44; BH Resource Conservation-\$2,500.00; BH Security & Systems-\$3,665.93; Barker, Randee-\$21.10; Best Western Plus/Ramkota Hotel-\$664.93; Best Western Ramkota Hotel-\$199.98; Biegler, Greg-\$60.00; Binder, Tracy-\$108.80; Black Hills Disposal-\$87.00; Blackburn & Stevens Prof-\$118.99; Bob Barker Company-\$361.12; Bomgaars Supply-\$194.41; Bravo Company Usa-\$2,017.90; Bullberry Systems-\$4,635.00; Butler Machinery Co-\$4,088.62; Butte Electric Coop-\$407.56; Campbell Co Sheriffs Off-\$100.00; Carol Butzman Consulting-\$218.25; Cbh Cooperative-\$20,826.25; Central Parts-\$2,210.82; Century Business Products-\$1,569.82; Centurylink-\$338.09; Ces Llc-\$350.00; Cetec Eng Services-\$4,497.14; Chemical Sanitizing Sys-\$226.12; Chemsearch-\$260.84; Chris Supply Co-\$251.71; Christensen Law Office-\$1,338.00; Clerk Of Courts-\$50.00; Cody, Denise-\$15.00; Credit Collections Bureau-\$100.00; DWare-\$50.00; Dakota Equipment Rental-\$992.86; Dakota Graphics-\$49.50; Dakota Security Systems-\$801.02; Deadwood, City Of-\$1,234.07; Dept Of Hlth Lab Services-\$206.00; Dept Of The Treasury-\$47,637.04; Dill Law Office-\$1,156.85; Diversified Collections-\$100.00; Eb Communications-\$134.00; Ecolab-\$131.20; Eke-\$3,405.78; Esri-\$4,230.00; Fastenal-\$26.48; First Stop Guns-\$375.00; Fish, Veronica-\$809.40; Frederickson, John-\$1,094.70; Fsh Communications-\$60.00; Gene's Lock Shop-\$23.25; Glenney, Tracy-\$50.00; Great Western Tire-\$3,175.90; Havemeier, Leslie-\$309.20; Heartland Paper Co-\$268.20; Heisler Hardware-\$90.84; Hewlett-Packard Company-\$3,497.75; Hills Material Comp-\$543,380.82; Howell, Jack Ken-\$64.60; Kadrmas, Lee And Jackson-\$40,871.36; Kennedy, Pier & Knoff-\$120.80; Kimball-Midwest Co-\$599.41; Kimbell's Auto Repair-\$48.80; Kinney, Matthew-\$5,491.51; Knecht True Value-\$147.35; Knology-

\$1,521.81; Koala Electric-\$1,183.80; Kosel,Joseph-\$1,598.00; Kristi Goehring-\$627.34; Lacroix Law Office-\$235.65; Language Line Services-\$105.90; Lattice Incorporated-\$4.29; Lawson Products-\$172.58; Lead,City Of-\$51.15; Lead-Deadwood Regional Hospital-\$762.11; Lead-Deadwood Sanitary-\$571.75; Lee,James-\$15.00; Lewis & Clark Bhs-\$447.00; Lewno,Lucy-\$105.45; Lexisnexis Matthew Bender-\$200.73; Lizard Tech-\$325.00; Marco-\$25.86; Mcarthur,Janet-\$150.00; Mcclure,Susan-\$350.00; Mcgas Propane-\$174.45; Mcleod's Office Supply-\$595.26; Mcpherson Propane-\$69.00; Mg Oil Company-\$18,665.18; Microfilm Imaging Systems-\$755.00; Midcontinent Communications-\$458.03; Mikelson,Gary-\$45.00; Montana Dakota Utilities-\$3,481.98; Morphotrak-\$2,275.00; Mro Corporation-\$57.70; Nebraska Salt & Grain-\$29,962.50; Neve's Uniforms-\$9,635.29; New World Systems-\$1,400.00; Northern Truck Equip-\$623.10; O'day,Valarie-\$32.40; Oestreich,Tim-\$375.00; Office Of Child Support-\$728.31; Office Technology/Supply-\$73.95; Osborn,Roxane-\$30.60; Pedersen Excavating-\$20,429.50; Pennington County Sheriff-\$344.17; Pennington County Sts Attny-\$815.00; Pitney Bowes-\$1,078.65; Program Works-\$80.00; Queen City Tire-\$12.00; Quill Corporation-\$381.91; RC Finance Office-\$1,820.00; RC Regional Hospital-\$304.77; Rabe Elevator-\$839.87; Radiology Associates-\$17.30; Rapid Delivery-\$14.40; Redwood Toxicology-\$103.50; Regional Health-\$314.51; Regional Health Physicians-\$5.00; Reindl,Staci-\$2,045.05; Reliable-\$145.38; Rocket Lube-\$359.39; SD Federal Property Agency-\$89.00; SD Human Services Center-\$600.00; SD Sheriff's Association-\$225.00; SD State Treasurer-\$1,935.16; Sacrison Paving-\$73,655.64; Sand Creek Printing-\$238.70; Schmidt Construction-\$3,600.00; Sdrs Supplemental Retirement-\$889.00; Securus Technologies T-Netix-\$1,060.00; Semerad,Sandra-\$49.00; Servall Towel & Linen-\$1,177.67; Shepherd Reporting-\$27.50; South Dakota Ltap-\$70.00; Spearfish Auto Supply-\$1,648.26; Spearfish Building Supply-\$99.15; Spearfish Electric & Heating-\$6.50; Spearfish Police Dept-\$9,989.94; Stielow,John-\$879.50; Strawn Law-\$3,105.25; Subway-\$8.00; Sundance Equipment-\$109.02; Superior Sanitation-\$385.00; Swanda,Karen-\$15.00; Thompson Publishing Group-\$228.60; Tigerdirect-\$1,024.65; Total Safety Us-\$200.20; Triple K Tire & Repair-\$1,145.48; Truenorth Steel-\$13,649.55; Twin City Hardware & Lumber-\$1,717.15; Twl Supplies-\$109.00; US Identification Manual-\$82.50; United Parcel Service-\$16.19; Valley Auto-\$55.00; Verizon Wireless-\$97.04; Victims Of Violence-\$2,115.00; Warne Chemical-\$103.58; Waste Connections-\$614.91; Watertree-\$57.90; Weichmann,Cynthia-\$47.19; Wells Fargo Business Card-\$1,782.83; West Group-\$155.50; West River International-\$1,131.94; Western Communication-\$2,680.13; Western Hills Humane Society-\$1,300.00; Western Sd Juvenile Serv-\$3,165.00; Wheeler Lumber-\$5,787.00; White's Canyon Motors-\$1,168.60; White's Queen City Motors-\$51.95; Wilde&Hunt, Prof-\$3,459.59; Wright Express-\$1,953.20; Yankton Co Sheriff-\$100.00; Yankton County-\$311.25; Zep Manufacturing-\$162.81; **Witness & Jurors:** Daum,C-\$22.22; Bender,M-\$29.25; Merrill,D-\$27.40; Martens,S-\$85.10; Keough,M-\$27.76; Herrick-Rough,M-\$31.10; Minderman,A-\$31.10; Aschenbrenner,D-\$52.22; Berger,D-\$61.10; Birk,C-\$61.10; Burns,R-\$52.22; Clampet,B-\$58.88; Doornink,N-\$61.10; Kopco,M-\$50.74; Koski,A-\$61.10; Leatherman,K-\$58.88; Lund,W-\$52.22; Mizera,K-\$61.10; Morton,J-\$52.22; Nelson,R-\$61.10; Papka,D-\$61.10; Schmidt,J-\$64.80; Taggart,M-\$52.22; Tillman,T-\$61.10; Waldrop,E-\$64.80; Williams,C-\$63.32; Aberle,J-\$12.22; Andrews,R-\$105.92; Arnio-Gillies,C-\$24.06; Auer,B-\$11.48; Backens,V-\$26.28; Benning,J-\$24.80; Berg,J-\$21.10; Blaha,M-\$21.10; Boland,D-\$21.10; Bourdeon,T-\$108.88; Bradley,A-\$22.58; Brascalla,D-\$11.48; Braun,G-\$18.50; Brownell,M-\$24.80; Burns,R-\$12.22; Bussiere,S-\$125.16; Buxton,J-\$21.10; Callaway,T-\$21.10; Campbell,S-\$12.22; Clapp,E-\$12.96; Clark,G-\$22.58; Cottrill,J-\$123.68; Crago,R-\$22.58; Croft,J-\$18.14; Dahl,E-\$21.10; Daniels,D-\$24.80; Delahoyde,B-\$21.10; Delong,R-\$21.10; Donovan,C-\$21.10; Duex,A-\$21.10; Ellerton,R-\$18.88; Emme,K-\$21.10; Fierro,T-\$104.44; Fox,C-\$10.00; Franstook,D-\$21.10; Goetz,G-\$21.10; Gonzalez,A-\$10.00; Gustafson,H-\$10.74; Hansen,C-

\$122.20; Hemeyer-Pearson,D-\$24.80; Hofer,D-\$14.44; Hogan,D-\$21.10; Kingsbury,K-\$22.58; Klein,M-\$12.96; Koerner,H-\$120.72; Kugler,T-\$28.50; Lahren,A-\$24.80; Langer,R-\$137.00; Langer,S-\$22.58; Lewis,G-\$24.06; Losey,R-\$10.74; Maher,M-\$22.58; Mckinstry,C-\$24.80; Mcnall,A-\$17.40; Meddings,R-\$12.22; Mitchell,T-\$21.10; Moore,C-\$21.10; Morrison,S-\$12.22; Nelson-Johnson,T-\$47.00; Paulson,B-\$21.10; Pluimer,J-\$24.80; Pratt,D-\$12.22; Roberts,T-\$10.74; Rogers,T-\$12.96; Rommen,T-\$129.60; Rosenberger,S-\$104.44; Routh,B-\$21.10; Runquist,S-\$12.22; Schipke,J-\$14.44; Schwindt,L-\$10.74; Selken,A-\$129.60; Shannon,J-\$21.10; Smith,J-\$122.20; Stodolski,N-\$22.58; Suchanuk,R-\$24.06; Sullivan,P-\$10.74; Sweeney,D-\$21.10; Thompson,B-\$22.58; Thomsen,C-\$12.96; Toscana,F-\$10.74; Vette,L-\$21.10; Vodicka,E-\$21.84; Wallace,R-\$119.24; Waterman,M-\$17.40; Weber,K-\$22.58; Wild-Bagley,J-\$12.96; Woodard,M-\$21.84; Yeargan-Kirby,C-\$12.22; Godvin,G-\$55.52; Ross,D-\$31.10; Ashton,C-\$21.48; Barrett,T-\$53.30; Berg,M-\$34.06; Campbell,J-\$20.00; Charles,J-\$20.00; Christianson,J-\$31.10; Glodt,G-\$33.32; Jacobs,T-\$22.22; Jobs,L-\$24.07; Keck,J-\$53.30; Kucera,C-\$21.85; Langlois,B-\$22.22; Matthew,C-\$20.74; McClure,G-\$20.74; Mcpherson,T-\$53.30; Niemeyer,J-\$22.22; Niemeyer,J-\$20.00; Rayburn,N-\$22.22; Rovere,B-\$32.95; Strong,M-\$21.48; Viereck,M-\$22.22; Williams,C-\$33.32

ADJOURN: 11:08 a.m. Moved-Seconded (Johnson-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – September 25, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 10:02 a.m. on September 25, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Daryl Johnson, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #133 / GRIFFITH: A public hearing was held on an application for Variance #133 Thomas & Nyla Griffith in Shirttail Gulch SD for a 1.25' variance to the 25' front setback. This encroachment was discovered when the property was surveyed as part of an offer to purchase, which has since been withdrawn. Vogt stated this is the most recent of many setback infringements by the builder. Vogt stated Planning and Zoning recommended approval. Moved-Seconded (Sleep-Flanagan) to follow the Planning & Zoning Staff and to approve Variance #133 for Thomas & Nyla Griffith since this request meets land hardship criteria. Motion Carried.

ADJOURN: 10:05 a.m. There being no further business it was Moved-Seconded (Flanagan-Weisenberg) to adjourn. Motion Carried.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 9, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 9, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Weisenberg-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of September 25, 2012 County Commission Meeting and September 25, 2012 Board of Adjustment Meeting. Motion Carried.

PERSONNEL:

TREASURER: Moved-Seconded (Flanagan-Johnson) to allow employees to donate sick leave to Linda Quenzer. Motion Carried.

EQUALIZATION: Moved-Seconded (Johnson-Flanagan) to approve Brett Runge as Equalization 1st Deputy G3 at the base rate of \$21.23 an hour, effective 10-8-2012 and to approve Jason Fisher as Appraiser II G1 at a base rate of \$15.28 an hour, effective 10-8-2012. Motion Carried.

MOUNTAIN PINE BEETLE: Moved-Seconded (Johnson-Flanagan) to approve the following temporary seasonal employees for the Mountain Pine Beetle Program: **Tree Cutters** at a rate of \$10.00 per tree effective 9-27-2012: Chester Turnbull; Effective 9-29-2012 Matt Fortier; Effective 10-01-2012 Alex Maus, Randy Zopp, Tell Schultz; Effective 10-2-2012: Richard Prentice, Eric Eckholm; Effective 10-09-2012 Ron Bellantino, Russell Sprague, Vernon Robertson, Aaron Prillwitz Steven Sprague; **Administrators** at a base rate of \$12.10 effective **Recon** at a base rate of \$12.10 effective Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to appoint Michael Johnson as a permanent part time Corrections Officer I G3 at the base rate of \$14.85 an hour, effective 10-1-2012, upon the completion of 40 hours of training at \$9.51 an hour. Motion Carried.

BOARD APPOINTMENTS: Moved-Seconded (Sleep-Flanagan) to appoint Allan Bonnema to the Insurance Committee. Motion Carried.

EMPLOYEE HEALTH FAIR: The County Employee Health Fair is scheduled for October 17, 2012 from 7:00 a.m. to 9:00 a.m.

AUTOMATIC SUPPLEMENTS:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Flanagan-Johnson) to approve the automatic supplement of \$100,000 for Invasive Species Management Mountain Pine Beetle for funds received from the City of Deadwood. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$67,144.54; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,350.55; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$2,412,812.06, Money Market \$530,369.00; Bank Balance-\$3,520,253.27; Total \$11,290,139.42.

4-H YOUTH PROGRAM ADVISOR PERFORMANCE ASSESSMENT: The Board discussed the Butte-Lawrence Co. 4-H Youth Program Advisor Report assessment on Betsy Burtzlaff. Sleep will report back to the Board.

HIGHWAY BUSINESS:

SD DEPARTMENT OF TRANSPORTATION W. HWY 14 DETOUR: The Board discussed a request from the SD Department of Transportation to use W. Hwy 14 as a detour. The Board expressed concerns on the increased traffic on the Road, residential property in the area, safety concerns for school buses and activities at the sports complexes, and the fact that Evans Lane project may also be under construction at that time. The Board stated they can enact weight limits and sign the Old Belle Highway to eliminate trucks trying to use road.

Moved-Seconded (Weisenberg-Ewing) to deny the request from the SD Department of Transportation to use W. Hwy 14 as an official detour. Motion Carried.

SNOW EMERGENCY PROTOCOL: The Board discussed the snow emergency protocol for the County. Moved-Seconded (Weisenberg-Johnson) to approve the Automated Notification System for notifying the County Employees of snow events and emergency operations within the County. Motion Carried.

STATE & LOCAL AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Emergency Management FFY2013 State and Local Agreement between the State of South Dakota and Lawrence County. Motion Carried.

SDSU EXTENSION: Adele Harty, Mindy Hubert and Mary Roduner, SDSU Extension were present to discuss the Extension Program. Sleep expressed concerns that information is not getting into the local communities. Hubert stated some information is available on igrow.com and is the new platform at this time.

MOUNTAIN PINE BEETLE: Dave Heck was present to update the Board on the USFS/Lawrence County Mountain Pine Beetle Program.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues.

BILLS:

Moved-Seconded (Weisenberg-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-\$5,566.58; Aud-\$7,986.16; Treas-\$9,886.44; Comp-\$7,841.84; States Atty-\$12,814.19; Pub Def-\$9,887.86; Gen Govt Bldg-\$6,433.77; Equal-\$11,034.02; Rod-\$7,121.07; Vso-\$1,209.75; Disp-\$10,390.63; Sher-\$31,624.32; Jail-\$23,265.91; Coroner-\$23.08; Emerg Mgnt-\$3,550.62; E911-\$1,639.78; Highway-\$37,556.33; Air-\$1,272.10; Mh Serv-\$82.00; Weed-\$4,921.43; Pz-\$4,388.58; Sev Tax Mpb-\$83,910.75; County Mpb-\$47,235.97; **Bills:** Bonnema, Allan-\$307.38; Fluegel,Edward-\$146.52; Grant,John-\$39.59; Green, Sheree-\$31.00; Locken, William-\$628.70; Ludens,Brandon-\$170.20; Mowell, Richard-\$9,348.00; Prentice, Richard-\$54.76; Tridle,Debora-\$57.00; American Family Life-\$3,126.99; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$675.00; Delta Dental Of South Dakota-\$6,096.30; Dept Of The Treasury-\$79,753.83; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,610.98; Northern Hills Rec Center-\$191.40; Office Of Child Support-\$839.54; Oregon Department Of Justice-\$272.67; SD Retirement System-\$51,924.08; Sdrs Supplemental Retirement-\$889.00; Wellmark Blue Cross-\$71,818.89; A&B Business,Inc Solutions-\$659.74; A&B Welding Supply-\$19.84; A-Z Shredding-\$10.20; Abc Business Supply-\$605.12; Active Data Systems-\$2,105.60; American Tech Serv-\$2,005.00; At&T Mobility-\$824.22; BH Chemical Company-\$269.76; BH Pest Control-\$95.00; BH Pioneer-\$294.65; BH Power-\$828.89; Behavior Mngt Systems-\$336.00; Benson Technical Works-\$1,668.75; Best Western Plus/Ramkota Hotel-\$284.97; Butte Electric Coop-\$385.59; Carlson,Richard-\$239.76; Cbh Cooperative-\$30,319.12; Central Parts-\$1,079.65; Century Business Products-\$49.56; Centurylink-\$2,021.11; Chris Supply Co-\$11.82; Christensen Law Office-\$674.50; City/County Alcohol & Drug-\$3,986.50; Clinical Lab Of BH-\$1,736.00; Cooper,Christian-\$300.00; Dakota Equipment Rental-\$940.50; Dataspec-\$399.00; Deadwood Development Company-\$109.81; Deadwood, City Of-\$1,113.28; Dept Of Hlth Lab Services-\$313.00; Ds Solutions-\$250.00; Ed M Feld Equip-\$52.00; Election Sys&Software-\$5,114.02; Ellingson,Joseph-\$127.57; Fasc-\$1,580.00; Fastenal-\$100.35; Federal Express Corp-\$36.40; Great Plains Chemical-\$180.00; Great Western Tire-\$663.08; Greens Alignment-\$482.88; Hartsel, Patricia J Rpr-\$44.20; Heartland Paper Co-\$538.91; Heisler Hardware-\$79.68; Hewlett-Packard Company-\$165.00; Howell,Jack Ken-\$125.80; Intoximeters-\$345.00; Jacobs Precision Welding-\$56.88; Kean,Thomas-\$500.00; Knology-\$344.85; Kosel, Joseph-\$2,608.10; LC Conservation Dist-\$5,000.00; Lead,City Of-\$69.35; Lead-Deadwood Regional Hospital-\$754.90; Lead-Deadwood Sanitary-\$527.61; Lee,James-\$15.00; Lexisnexis Matthew Bender-\$70.89; Leskca-\$4,366.75; Lueders-\$46.22; Lyle Signs-\$212.41; Mad Manz Pizza-\$89.91; Mcarthur,Janet-\$100.00; McClure,Susan-\$250.00; Mcdirt Excavation-\$2,355.00; Microfilm Imaging Systems-\$755.00; Midcontinent Communications-\$32.94; Montana Dakota Utilities-\$1,165.29; National Assoc Of

Counties-\$485.00; Nebraska Salt & Grain-\$5,050.12; Neve's Uniforms-\$176.35; Office Depot-\$149.94; Overhead Door Company Of Rapid-\$3,249.00; Pennington Co Auditor-\$371.00; Pennington County Sheriff-\$1,542.05; Pennington County Sts Attny-\$430.00; Phoenix Investigations-\$223.83; Queen City Tire-\$15.00; Quill Corporation-\$86.97; RC Finance Office-\$3,290.00; RC Regional Hospital-\$3,113.47; Rabe Elevator-\$799.88; Radiology Associates-\$187.97; Rapid Delivery-\$10.80; Rasmussen Mechanical Serv-\$223.39; Regional Health-\$212.97; Reindl,Staci-\$1,239.60; Rocket Lube-\$50.48; SD Continuing Legal Education-\$950.00; SD State Treasurer-\$4,666.10; Safety Benefits-\$130.00; Semerad,Sandra-\$152.00; Servall Towel& Linen-\$347.45; Sheraton Sf Convention Center-\$312.00; Sioux City Foundry Co Corp-\$15,292.00; Southside Service-\$20.00; Spearfish Auto Supply-\$221.23; Spearfish Electric & Heating-\$41.99; Stielow,John-\$353.06; Stoebner,Connie-\$68.00; Subway-\$12.00; Tigerdirect-\$181.56; Top Quality Glove-\$130.00; Turnkey Corrections-\$43.48; Twin City Hardware & Lumber-\$399.10; Waste Connections-\$614.91; Watertree-\$64.55; Western Communication-\$60.50; White Drug-\$2,512.64; Wilde&Hunt, Prof-\$174.45; Wright Express Fsc-\$895.54; **Witness & Jurors:** Pollreisz,L-\$21.10; Sullivan,R-\$10.74; Martin,J-\$12.22; Aschenbrenner,D-\$52.22; Berger,D-\$61.10; Clampet,B-\$58.88; Kopco,M-\$50.74; Mizera,K-\$61.10; Papka,D-\$61.10; Schmidt,J-\$64.80; Taggart,M-\$52.22; Williams,C-\$63.32; Aiken,M-\$21.10; Almanza,T-\$21.10; Anderson,L-\$20.36; Arnold,S-\$21.10; Asunskis,A-\$21.10; Beirne,K-\$196.62; Bomberg,W-\$21.10; Burns,D-\$156.66; Carter,K-\$181.08; Charlson,M-\$12.22; Daywitt,D-\$13.70; Deneui,K-\$20.36; Denker,A-\$23.32; Egemo,L-\$15.92; Hansen,D-\$26.28; Jahner,A-\$21.10; Jeffery,J-\$21.10; Johnson,D-\$23.32; Kennedy,J-\$183.30; Lauer,C-\$10.74; Mulhair,D-\$183.30; Nelson,V-\$13.70; Petz,A-\$201.06; Price,M-\$21.10; Rarick,M-\$21.10; Reimer,B-\$158.88; Riggs,N-\$21.10; Sabo,D-\$163.32; Samona,K-\$21.10; Speirs,R-\$10.74; Stevens,B-\$22.58; Stevenson,G-\$21.10; Swartz,D-\$21.10; Trezona,K-\$24.80; Wagner,A-\$18.88; Weber,E-\$20.36; Weisenberg,C-\$12.22; Wilder,C-\$181.08; Yost,D-\$13.70; Job,L-\$13.70; Adams,D-\$28.50; Hardy,C-\$152.22; King,W-\$11.48; Overland,T-\$15.18; Schneider,R-\$176.64; Tallmadge,R-\$48.84; Eaglehorse,M-\$22.22; Frasier,P-\$33.32; Gednalske,L-\$33.32; Jones,R-\$31.10; Kerber,J-\$22.22; Mckee,L-\$20.00; Mcpherson,L-\$22.22; Moyer,K-\$33.32; Royer,R-\$34.80; Sheeley,T-\$22.22

ADJOURN: 9:47 a.m. Moved-Seconded (Flanagan-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 23, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 23, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, and Terry Weisenberg present. Richard Sleep was absent.

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

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

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of October 9, 2012 County Commission Meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Flanagan) to approve Matthew McRoden as a Reserve Special Deputy II, on an as needed basis, at the base rate of \$16.80 an hour, effective 10-10-2012. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of September 30, 2012 is \$390,479.26 or 3.04%.

ORDER DECLARING BOULDER CANYON ROAD DISTRICT INCORPORATED:

Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the following ORDER DECLARING BOULDER CANYON ROAD DISTRICT INCORPORATED. Motion Carried. WHEREAS, an election was held among the registered voters in the Boulder Canyon Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on October 9, 2012. 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 Thirteen (13), together with the number of Thirteen (13) voting for and the number of Zero (0) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Boulder Canyon Subdivision Lots 101 and 102 of Block 1; Lots 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, and Common Lot of Block 2; Lots 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 314, 315, 316, 317, 319, 322, 324, 325, 326, 327, 330, 331, and DL-1 of Block 3; All Located in : SW 1/4 SW 1/4 Section 11, SE 1/4 SE 1/4 of Section 10, and the NE 1/4 NE 1/4 of Section 15, and the NW 1/4 NW 1/4 of Section 14 T5N, R4E, BHM, Lawrence County, South Dakota; WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Boulder Canyon Road District is hereby incorporated pursuant to

SDCL 31-12A. DATED this 23rd day of October, 2012. Robert Ewing, Chairperson Lawrence County Commission. ATTEST: Connie Atkinson, Auditor

CANCELED CHECK RESOLUTION #2012-26: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the following Resolution #2012-26. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2012-26 WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within one (1) year of the date upon which the check was issued, and WHEREAS, there are 33 checks totaling \$656.20 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 23rd day of October, 2012. FOR THE BOARD: Robert Ewing, Chairman. ATTEST: Connie Atkinson, Auditor

AUTOMATIC SUPPLEMENTS:

AIRPORT: Moved-Seconded (Johnson-Flanagan) to approve the automatic supplement of \$897,008.85 for Airport Capitol Improvement Project for federal funds received. Motion Carried.

USGS JOINT FUNDING AGREEMENT: Moved-Seconded (Flanagan-Weisenberg) 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.

HIGHWAY BUSINESS: Allan Bonnema, Highway Superintendent was present to discuss mowing the ditches with the continuing high fire danger. Bonnema stated it needs to be done but a concern over the recent fire has caused them to rethink the necessity. He stated they are not positive that the County mower started the recent fire but it is highly probable because they were in the area mowing. Discussion followed and Bonnema will use the weed spraying tanks in pickups to follow the mowers to check for fires.

FUEL QUOTES: The following fuel quotes were submitted as of October 15, 2012: Deadwood Diesel 1875 Gallons: (prices per gallon) CBH Cooperative - \$3.799*, Deadwood Unleaded 1600 Gallons: (prices per gallon) CBH Cooperative - \$3.504*, Spearfish Diesel 1500 Gallons: (prices per gallon) CBH Cooperative - \$3.799*, Spearfish Unleaded 700 Gallons: (prices per gallon) CBH Cooperative - \$3.504*, Spearfish Diesel 850 Gallons: (prices per gallon) CBH Cooperative - \$3.799*, *Represents lowest quote awarded. No bid was received from Southside Cooperative, MG Oil, and Harms Oil Co.

COUNTY MOUNTAIN PINE BEETLE PROGRAM: Dave Heck and Bill Coburn were present to update the Commission on the Mountain Pine Beetle Program. The Board expressed concerns that the County is currently out of dedicated funds for 2012. The impact on Tourism and long term

impacts of the Mountain Beetle were discussed. The Board will send a Letter to the Governor requesting a meeting to discuss state disaster funds. Heck stated they are seeing benefits of the Mountain Pine Beetle program and they need to continue with the program to combat the beetle. Moved-Seconded (Flanagan-Weisenberg) to set a supplemental budget on November 13th at 8:45 a.m. at the Commission Meeting for \$120,000 from the dedicated 2013 funding from Severance Tax Funds for the 2012 Severance Tax Mountain Pine Beetle Program. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to send a letter to the Governor requesting funding for the Mountain Pine Beetle Program. Motion Carried.

PLANNING & ZONING:

TAX INCREMENT FINANCE DISTRICT ORDINANCE: A public hearing and First Reading was held on the proposed Tax Increment Finance District Ordinance (T.I.F.D.) ORD 12-07. No public input was voiced and the public hearing was closed. Second reading will be held November 13th, 2012.

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 #381 TARA & ELLEN REDDICK: An annual review was held for CUP #381 Reddick second Residence. No complaints were received.

CONDITIONAL USE PERMIT #402 / NICOLE DECOOK / SECOND RESIDENCE: An annual review was held on CUP #402 Nicole DeCook for a Temporary Second Residence. No complaints were received.

ITEMS FROM COMMISSIONERS: The Board wished Richard Sleep a speedy recovery.

BILLS:

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

Payroll: Comm-\$5,566.58; Aud-\$7,986.96; Treas-\$9,889.40; Comp-\$7,841.83; States Atty-\$12,783.51; Pub Def-\$9,887.86; Gen Govt Bldg-\$6,745.28; Equal-\$11,008.91; Rod-\$7,231.07; Vso-\$1,209.75; Disp-\$10,485.69; Sher-\$34,393.54; Jail-\$23,044.16; Coroner-\$523.08; Emerg Mgmt-\$3,576.62; E911-\$1,911.40; Highway-\$37,886.38; Air-\$1,112.10; Weed-\$5,041.43; Pz-\$4,646.44; Sev Tax Mpb-\$100,240.00; County Mpb-\$39,557.44; **Bills:** Ames,Dan-\$81.40; Ellefson,Mark-\$203.50; Gehner,Laura-\$115.44; Klapperich,Ross-\$151.33; Ludens,Brandon-\$49.95; Melcher,Kyle-\$14.80; Schuchmann,Bernard-\$259.50; Smith,Danny-\$75.48; Turbiville, Patricia-\$89.86; A&B Business,Inc Solutions-\$827.77; A&B Welding Supply-\$49.46; A&I Distributors-\$3,773.70; A-Z Shredding-\$17.10; Abc Business Supply-\$380.57; Alco Store-\$22.00; Alpine Impressions-\$20.00; Armstrong Extinguish-\$150.71; At&T-\$19.27; Audra Malcomb Consulting-\$1,206.38; BH Chemical Company-\$660.65; BH Collections-\$128.56; BH Federal

Credit Union-\$7,704.00; BH Legal Professionals Assoc-\$80.00; BH Power-\$9,320.75; Binder, Tracy-\$125.80; Butler Machinery Co-\$544.10; Cbh Cooperative-\$24,109.98; Central Parts-\$854.06; Century Business Products-\$409.15; Centurylink-\$2,152.95; Certified Laboratories Div-\$181.04; Chemsearch-\$170.78; City/County Alcohol&Drug-\$1,230.00; Clerk Of Courts-\$50.00; Can Surety-\$50.00; Collections Services Center-\$304.61; Credit Collections Bureau-\$100.00; Custom Cage-\$150.00; Deadwood Development Company-\$85.67; Deadwood, City Of-\$117.00; Decastro Law Firm-\$500.20; Dept Of The Treasury-\$83,560.50; Diversified Collections-\$100.00; Division Of Corporations-\$10.00; Eb Communications-\$50.00; Eddie's Truck Sales/Serv-\$2,912.12; Eke-\$5,724.00; Esri-\$2,100.00; Fastenal-\$583.43; Fsh Communications-\$60.00; Gene's Lock Shop-\$23.25; Great Western Tire-\$787.48; Hamann, Chris-\$200.00; Havemeier, Leslie-\$50.40; Hewlett-Packard Company-\$3,162.18; High Plains Business Forms-\$1,322.69; Hills Material Comp-\$577,793.23; Interstate Engineering-\$13,449.50; Janke, Wendy-\$1,434.00; Kadrmass, Lee And Jackson-\$26,113.51; Kinney, Matthew-\$1,753.55; Knology-\$1,431.02; Kosel, Joseph-\$2,464.32; LC Treasurer-\$10.00; Lynn's Dakotamart-\$12.18; Manlove Psychiatric Group-\$3,100.00; Metric Motors-\$730.30; Montana Dakota Utilities-\$58.05; Moore Medical-\$111.99; Nebraska Salt&Grain Co-\$2,428.63; Nelson, Christy-\$300.00; Nelson, Tonya-\$600.00; Neve's Uniforms-\$239.00; Office Of Child Support-\$1,002.31; Officefurniture.Com-\$2,291.24; One Call Now-\$304.98; Oregon Department Of Justice-\$272.67; Pennington County Sheriff-\$1,675.25; Pennington County Sts Attny-\$645.00; Powerplan-\$223.13; Program Works-\$80.00; RC Finance Office-\$1,050.00; RC Regional Hospital-\$1,448.75; Redwood Toxicology Lab-\$70.00; Regional Health-\$379.00; Reindl, Staci-\$1,285.95; Reserve Account-\$5,000.00; Rocket Lube-\$140.46; Rsinet/Thomas W Nichols-\$180.00; SD Continuing Legal Education-\$200.00; SD Dept Of Labor Unemployment-\$1,191.50; Schilplin, Sara Psy-\$1,400.00; Scott J Odenbach-\$82.00; Sdrs Supplemental Retirement-\$914.00; Servall Towel & Linen-\$478.37; Silverado-\$4,706.07; Sirchie Finger Print Lab-\$53.78; Southside Service-\$140.00; Spearfish Extinguisher Service-\$35.00; Spearfish Police Dept-\$10,475.40; Subway-\$63.25; Tigerdirect-\$2,548.21; Turnkey Corrections-\$31.39; Twin City Hardware & Lumber-\$291.71; United Parcel Service-\$15.30; Verizon Wireless-\$97.17; Victims Of Violence-\$1,370.00; Washington State Support Reg-\$311.00; Wells Fargo Bank-\$46.64; Wells Fargo Business Card-\$3,960.64; West Group-\$155.50; West River International-\$269.90; Western Sd Juvenile Serv-\$2,370.00; White's Queen City Motors-\$124.85; Wilde & Hunt, Prof-\$196.40; Wolff Law Office-\$232.20; Z&S Dust Control-\$10,292.23; **Witness & Jurors:** Martens, S-\$136.16; Burns, R-\$52.22; Hofmann, S-\$63.32; Leatherman, K-\$58.88; Lund, W-\$52.22; Morton, J-\$52.22; Nelson, R-\$61.10; Waldrop, E-\$64.80; Ashton, C-\$20.74; Ashton, K-\$22.22; Burgeson, B-\$36.65; Denton, B-\$33.32; Ellenbecker, J-\$22.22; Gustafson, J-\$28.88; Hochstetler, T-\$29.62; Nelson, M-\$22.22; Olson, J-\$50.34; Sheets, D-\$21.48; Strong, J-\$22.22; Swallow, J-\$30.36; Wellman, M-\$20.00; Wickersham, T-\$33.32

ADJOURN: 9:23 a.m. Moved-Seconded (Weisenberg-Johnson) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 8, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 8, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Terry Weisenberg and Richard Sleep present.

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

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

2012 GENERAL ELECTION: Moved-Seconded (Johnson-Flanagan) to canvass the 2012 General Election Results. Motion Carried.

ADJOURN: 8:16 a.m. Moved-Seconded (Weisenberg-Johnson) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 13, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 13, 2012 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 absent.

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-Flanagan) to approve the minutes of October 23, 2012 and November 8, 2012 County Commission Meeting. Motion Carried.

TRAVEL REQUESTS:

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Rene Larson to attend the “Need of South Dakota Children in a Disaster” meeting in Sioux Falls, SD on November 27th through December 1, 2012. Motion Carried.

AUDITOR’S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Flanagan) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of October 31, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,266,349.14; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$22,135.39; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$10,913,293.83, Money Market \$530,405.33; Bank Balance-\$6,052,329.77; Total \$23,537,723.46.

SURPLUS AIRPORT PROPERTY: Moved-Seconded (Sleep-Ewing) to declare (1) Schwiess 42’x14’ bi-fold door and (1) 1-hp door operator and (5) FulFab 42’x14’ bi-fold doors and (5) 1-hp door operators surplus and allow to be sold at the next county surplus sale. Motion Carried.

WHARF – MOUNTAIN PINE BEETLE DONATION: Wharf presented the Board with a \$5,000 donation for the Mountain Pine Beetle program.

EMPLOYEE INSURANCE 2013: Greg Dias spoke on behalf of the Insurance Committee. Dias discussed the health insurance quotes received for 2013 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a 1.96% increase for insurance premiums in 2013. Dias stated the Insurance Committee also considered a Vision Plan & Flex Plan,

but based on the administrative overhead and number of employees who may opt to participate the Insurance Committee recommended not moving forward with these programs at this time.

Moved-Seconded (Weisenberg-Flanagan) To approve and authorize the Chairman to sign the contract with Wellmark for 2013. Motion Carried.

CHRISTMAS LUNCHEON: Moved-Seconded (Weisenberg-Flanagan) to allow the County Offices to close from 12:00-1:30 p.m. on December 11, 2012 for the Christmas Luncheon. Motion Carried.

HOLIDAY OFFICE CLOSING: Moved-Seconded (Weisenberg-Sleep) to acknowledge the County Office closing for Holiday's on November 22nd & 23rd, & December 24th & 25th, 2012. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Butte Electric on the Baumberger Road for construction of underground power line in section 14, T4N, R4E. Motion Carried.

APPROACH PERMIT: Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for Deborah Meyer to construct an approach to the North side of the Nemo Road. Motion Carried.

SEVERANCE TAX SUPPLEMENTAL BUDGET HEARING: A public hearing was held for a supplemental budget for SEVERANCE TAX – (interest funds) - \$120,000 and ROAD & BRIDGE – Supplies (\$300,000). 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 #2012-27. Motion Carried.

RESOLUTION #12-27 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: SEVERANCE TAX – (interest funds) - \$120,000 and ROAD & BRIDGE – Supplies - \$300,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 13th day of November, 2012 at the hour of 8:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 13th day of November, 2012. FOR THE BOARD

OF COUNTY COMMISSIONERS. Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON.
LAWRENCE COUNTY AUDITOR

AIRPORT PROJECTS: Rod Senn, Kadrmas Lee & Jackson; and Travis Lantis, Michael Rath, and Brooks Hanna, Airport Board members; and Ray Jilek, Airport Manager were present to discuss the future airport project designations and projects with the FAA/SDDOT. Michael Rath spoke for the need of Runway 5-23 (cross wind runway). Sleep expressed concerns on the need for Runway 5-23 when the location to Rapid City Regional Airport is so near. Senn stated this is not committing the County at this time and is only an indication of good faith. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Future Airport Project Designation to the FAA/SDDOT as the match money for 2013 is already budgeted. Aye-Weisenberg and Flanagan. Nay-Ewing and Sleep. Motion Failed and will be reviewed at a future meeting.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to send a letter to Bryan Walker, Executive Director for Spearfish Economic Development Corp in regards to the barbed-wire fence encroachment near False Bottom Creek Runway 8 as the fence needs to be moved approximately twenty feet. Motion Carried.

HOMELAND SECURITY GRANT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the State Homeland Security Grant Program Reimbursement Terms and Conditions Agreement for the Spearfish and St. Onge warning sirens and to allow the project to be bid. Motion Carried.

SAFETY PERFORMANCE AWARD: Paul Thomson presented the SD Safety Council for Exceptional Workplace Safety Performance Award to Lawrence County Employees.

ACQUISITION OF PROPERTY: John Fitzgerald, States Attorney; Deb Tridle, Treasurer; and Joe Harmon, Marty Goetsch, and Tavis Little Sheriff's Department were present to discuss the acquisition of property for the County. Fitzgerald stated space is a premium for the County and any real estate in close proximity to the Courthouse is essential for growth. He encouraged the County Commissioners to give some consideration in purchasing the old grocery store property. Parking concerns and location for a future location for the Jail were also voiced. Ewing stated he would be in support of discussing the issue with the City of Deadwood. Weisenberg stated he could not support pursuing the purchase of property. Moved-Seconded (Flanagan-Sleep) to authorize Bruce Outka, Brandon Flanagan and Richard Sleep to pursue talks with the City of Deadwood. Motion Carried. Aye-Flanagan, Sleep and Ewing. Nay-Weisenberg.

EQUALIZATION BUSINESS: Tim Hodson, Director of Equalization was present to discuss the current situation with vehicles for office use. Hodson asked for permission to purchase a new vehicle off State Bid using excess funds in his office due to not filling an open position. The cost of the vehicle is \$24,607. Moved-Seconded (Weisenberg-Ewing) to allow the purchase of a 2012 Chevrolet Traverse from the State Bid of \$24,607, as long as the vehicle is received and paid for in 2012. Motion Carried.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues. Change of Zoning #298, A-1 to A-2 (McGuigan Inc., Applicant); CUP #413, Allow for Co-Location on Cell Tower (Houck/Verizon, Applicants); and T.I.F.D. District #1 - Powder House Pass, Status Report. Moved-Seconded (Flanagan-Weisenberg) to accept Planning and Zonings recommendation and accept the withdrawal of TIF#1 from Powder House Pass with the amendment that the application fee will be waived if the applicant should reapply within three years. Motion Carried.

TAX INCREMENT FINANCE DISTRICT ORDINANCE: Second Reading was held on the proposed Tax Increment Finance District Ordinance (T.I.F.D.) ORD 12-07. Flanagan suggested a section be added requiring an Economic Impact and Market Analysis and feasibility study to make sure the project will be able to succeed. Moved-Seconded (Flanagan-Sleep) to postpone the proposed Ordinance #12-07 Tax Increment Financing In Lawrence County, SD. Motion Carried.

RECESS: 9:30 a.m. Moved-Seconded (Flanagan-Sleep) to recess the County Commission Meeting. Motion Carried. 9:40 a.m. The Chairman called the meeting back to order.

BILLS:

Moved-Seconded (Sleep-Flanagan) to remove the bill for Court Appointed Attorney fees for Briley Piper, payable to Steve Miller Law Offices in the amount of \$21,534.58 and to request someone from the Court System attend the next meeting and explain the charges. Motion Carried.

Moved-Seconded (Flanagan-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-\$11,133.96; Elections-\$2,333.76; Aud-\$16,450.23; Treas-\$19,693.64; Comp-\$15,683.68; States Atty-\$25,444.66; Pub Def-\$19,775.73; Gen Govt Bldg-\$13,490.72; Equal-\$22,312.71; Rod-\$14,462.15; Vso-\$2,419.47; Disp-\$21,808.97; Sher-\$66,878.89; Jail-\$43,556.05; Coroner-\$446.16; Emerg Mgnt-\$7,160.85; E911-\$3,219.20; Highway-\$75,193.67; Air-\$2,375.03; Mh Serv-\$82.00; Weed-\$9,842.86; Pz-\$9,147.40; Sev Tax Mpb-\$135,271.81; County Mpb-\$37,190.56; Bills: Atkinson,Connie-\$161.00; Baumann,Michelle-\$25.46; Bertch,Alyce-\$156.10; Bonnema,Allan-\$20.74; Caserio,Clifford-\$165.00; Fluegel,Edward-\$53.28; Melcher,Kyle-\$120.99; Mowell,Richard-\$7,620.00; Heying,Bradley-\$30.48; American Family Life-\$3,110.99; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; Clerk Of Courts-\$50.00; Collections Services Center-\$40.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$696.00; Delta Dental Of South Dakota-\$6,096.30; Dept Of The Treasury-\$68,073.64; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,605.55; Knology-\$296.56; Northern Hills Rec Center-\$191.40; Office Of Child Support-\$880.31; Oregon Department Of Justice-\$140.00; SD Retirement System-\$52,910.43; Sdrs Supplemental Retirement-\$964.00; Washington State Support Reg-\$311.00; Wellmark Blue Cross-\$72,963.21; Wyoming Child-\$40.00; Schuchmann,Bernard-\$54.76; A&B Business,Inc Solutions-\$2,118.69; A&B Welding Supply-\$56.10; A&J Supply-\$62.51; A-Z Shredding-\$5.55; Abc Business Supply-\$283.19; Active Data Systems-\$250.00; Adams,Tom-\$51.00; Aman,Barbara-\$120.00; American Tech Serv-\$5,472.00; Ammons,Sue-

\$120.00; Andersen,Norma-\$15.00; Asmussen,Patricia-\$145.00; At&T Mobility-\$1,085.31; Audra Malcomb Consulting-\$2,191.24; BH Chemical Company-\$624.01; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; BH Pioneer-\$2,091.41; BH Power-\$874.18; BH Security& Systems-\$390.00; Biegler,Greg-\$120.00; Black Hills Pure-\$397.10; Bob Barker Company-\$281.82; Brown&Saenger-\$56.78; Burleson,Anna-\$120.00; Burleson,Shari-\$100.00; Butler Machinery Co-\$446.04; Butte Electric Coop-\$481.56; Caserio,Beverly-\$165.00; Central Parts-\$1,033.03; Century Business Products-\$35.35; Centurylink-\$104.50; Chemical Sanitizing Sys-\$179.01; Christensen,Linda-\$120.00; City/County Alcohol&Drug-\$4,534.00; Clerk Of Courts-\$50.00; Clerk Of Courts-\$5.00; Cody,Denise-\$9.00; Cook,Sue-\$120.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$179.98; Dakota Fluid Power-\$87.17; Deadwood, City Of-\$992.69; Defensive Edge Training-\$1,300.00; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$72,734.29; Diversified Collections-\$100.00; Ed M Feld Equip Co-\$5.08; Endres, Loretta-\$120.00; Fastenal-\$539.12; Fish,Veronica-\$12.40; Fox&Youngberg, Pc-\$171.16; Frederickson,John-\$60.00; G&H Distributing Of Rc-\$15.88; Garlick,Dora Jean-\$120.00; Geigle, Elsie Jane-\$157.58; Genzlinger,Janeen-\$44.20; Glanzer,Cheryl-\$120.00; Great Western Tire-\$343.49; Gustafson,Arlene-\$120.00; Heartland Paper-\$957.25; Heisler Hardware-\$181.31; Highway Improvement-\$7,200.00; Hoffman, Delores-\$120.00; Hopkins,Keri-\$105.00; Hovland,Alvina-\$145.00; Howe,Marlene-\$120.00; Hughes,Linda-\$120.00; JH Hilt Engineering-\$1,896.28; Kadrmaz, Lee And Jackson-\$29,411.97; Karl's-\$2,396.92; Kellogg,Druse-\$156.10; Ken's Camper Sales-\$38.95; Keough,Marilyn-\$137.02; Kimball-Midwest Co-\$327.33; Kosel,Joseph-\$5,511.70; LC Sheriff-\$30.34; Language Line Services-\$50.11; Lead, City Of-\$51.15; Lead-Deadwood Regional Hospital-\$493.37; Lead-Deadwood Sanitary-\$461.87; Lee,James-\$15.00; Lewis&Clark-\$149.00; Lewno,Lucy-\$280.65; Little,Claudia-\$120.00; Littleton,Donna-\$120.00; Mack's Auto Body-\$108.00; Marc Mid-America Research Chem-\$166.68; Marco-\$25.86; Mattox,April-\$120.00; McClure,Susan-\$250.00; McCormick,Ron-\$145.00; Mcpherson Propane-\$119.00; Microfilm Imaging Systems-\$755.00; Midcontinent Communications-\$33.47; Midwest Alarm-\$84.00; Mikelson,Gary-\$49.95; Miller,Steve-\$21,534.58; Montana Dakota Utilities-\$2,440.30; Mundhenke,Bonnie-\$131.10; National Emergency-\$260.00; Neve's Uniforms-\$574.27; Newman Traffic Signs-\$2,110.50; Novus-\$572.00; Office Of Child Support-\$763.31; Office Technology/Supply-\$26.04; Ommen,Charlene-\$120.00; Pennington Co Auditor-\$302.00; Pheasantland Industries-\$620.18; Pisani,Susan-\$120.00; Polk,Adrian-\$956.89; Quaschnick,Elma-\$125.00; Quik Signs-\$77.80; RC Regional Hospital-\$938.12; Rabe Elevator-\$839.87; Radiology Associates-\$105.79; Rapid Delivery-\$32.40; Rear,Kay-\$100.00; Regional Health-\$379.00; Regional Health Physicians-\$274.21; Reliable-\$63.71; Robinson,Bill-\$100.00; Rocket Lube-\$79.98; Sada Systems-\$750.00; SD Assn Of Co Comm-\$3,873.58; SD Assoc Code Enforcement-\$40.00; SD Dept Of Transportation-\$28,254.91; SD State Treasurer-\$2,680.56; Schenk,Doris-\$120.00; Sdrs Supplemental Retirement-\$964.00; Secretary Of State-\$30.00; Securus Technologies T-Netix-\$1,060.00; Semerad,Sandra-\$41.80; Servall Towel&Linen-\$473.97; Seward,Sally-\$120.00; Seymour,Connie-\$156.10; Shepherd Reporting-\$41.25; Silvernail,Georgeann-\$145.00; Spearfish Auto Supply-\$912.26; Stadler Ind Service-\$264.00; Strawn Law-\$399.15; Sturdevant's Auto Parts-\$13.97; Subway-\$20.00; Swanda,Karen-\$24.00; Taylor,Jeannette-\$156.10; Tetrault,Rose Emma-\$120.00; The Blind Guy-\$776.72; Tigerdirect-\$285.00; Top Quality Glove-\$195.00; Triple K Tire&Repair-\$129.96; Twilight First Aid&Safety-\$83.10; Twin City Hardware&Lumber-\$1,216.03; United Parcel Service-\$10.23; Valley Auto-\$35.00; Waisanen,Ardath-\$120.00; Washington State Support Reg-\$311.00; Waste Connections-\$614.91; Watertree-\$44.60; Webster Parish-\$30.00; Weins,Victoria-\$1,400.00; Werlinger,Brenda-\$100.00; West River International-\$1,409.44; Western Communication-\$10,356.50; Western Sd Juvenile Serv-\$3,165.00; Wheeler Lumber-\$5,736.95; White Drug-\$2,099.92; Wright Express-\$1,279.27; Wsi Corp-\$210.00;

Wuitschick,Carol-\$120.00; Yankton Co Sheriff-\$50.00; Witness & Jurors: Bieber,L-\$22.22; Aschenbrenner,D-\$52.22; Berger,D-\$61.10; Burns,R-\$52.22; Clampet,B-\$58.88; Doornink,N-\$61.10; Hofmann,S-\$63.32; Kopco,M-\$50.74; Koski,A-\$61.10; Leatherman,K-\$58.88; Lund,W-\$52.22; Mizera,K-\$61.10; Nelson,R-\$61.10; Papka,D-\$61.10; Schmidt,J-\$64.80; Taggart,M-\$52.22; Tillman,T-\$61.10; Waldrop,E-\$64.80; Williams,C-\$63.32; Janis,M-\$106.60; Kirk,D-\$58.50; Milos,L-\$40.00; Pressley,C-\$45.18; Stott,W-\$40.00; Carr,W-\$33.32; Carrethers,J-\$28.88; Caskey,H-\$53.30; Flyte,G-\$94.00; Greeno,B-\$94.00; Jensen,S-\$33.32; Pearson,B-\$20.00; Selk,J-\$38.50; Wheeler,C-\$33.32

ADJOURN: 10:40 a.m. Moved-Seconded (Sleep-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 13, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on November 13, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Terry Weisenberg and Richard Sleep present. Daryl Johnson was absent.

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

VARIANCE #134 / JURGENS: A public hearing was held on an application for Variance #134 Brian Jurgens to allow a 5’ variance (20’ setback) of the front SW corner for residence remodel/addition and 16’ variance (9’ setback) of the front S corner for an existing garage. Vogt stated Planning and Zoning recommended approval of VAR #134 for the existing footprint of present structures but not for any additional building as this would not meet the definition of a hardship. Moved-Seconded (Flanagan-Sleep) to follow the Planning & Zoning recommendation and to approve Variance #134 for Brian Jurgens for the existing footprint of present structures but not for any additional building as this would not meet the definition of a hardship. Motion Carried.

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

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 27, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 27, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Flanagan) to approve the minutes of November 13, 2012 County Commission Meeting and Board of Adjustment Meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Flanagan-Sleep) to allow employees to donate sick leave to Patrick Johnson. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Wendy Stoneking as a permanent part-time (under 20 hours) Dispatcher I G3 at the base rate of \$14.85 an hour, effective Monday, November 26, 2012. Motion Carried.

EXECUTIVE SESSION: 8:22 a.m. Moved-Seconded (Sleep-Johnson) to go into executive session for personnel issues with Joe Harmon and Bruce Outka. Motion Carried. 8:30 a.m. the Board opened for regular business.

Moved-Seconded (Weisenberg-Ewing) to approve the hiring of Geraldine Mykleby and Sara Fitzgerald on a temporary part-time basis at \$25.00 an hour to train an employee, not to exceed \$2,000. Motion Carried.

COMMUNITY HEALTH NURSE REPORT: The Board noted the Community Health Nurse quarterly report.

4-H ADVISOR EVALUATION: The Board reviewed the 4-H Advisor Evaluation as presented by Richard Sleep. Moved-Seconded (Weisenberg-Johnson) to accept the 4-H Advisor Evaluation as presented. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Sleep-Johnson) to approve the Application for Utility Permit for Butte Electric Cooperative located on Vanocker Canyon Road in T3N, R4E, Section 4. Motion Carried.

CATTLE GUARDS: Allan Bonnema was present to discuss two cattle guards located on the Benchmark Road off of Nemo Road. Bonnema stated these guards are not being used for cattle guards and the Forest Service is in agreement to have them removed, however the landowner is not in support of removing them because they do act as speed bumps. Discussion followed that one of the guards is in need of repair and they would like to complete the removal of the guards before winter. Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and to remove the two cattle guards because they are deemed no-longer necessary for the intended purpose, contingent upon receiving a letter from the Forest Service in support of the removal of the cattle guards. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of November 21, 2012: Deadwood Diesel 2800 Gallons: (prices per gallon) CBH Cooperative - \$3.351, Southside - \$3.29*; Deadwood Unleaded 3300 Gallons: (prices per gallon) CBH Cooperative - \$3.116, Southside \$2.99*; Spearfish Diesel 2000 Gallons: (prices per gallon) CBH Cooperative - \$3.351, Southside - \$3.29*; Spearfish Unleaded 1050 Gallons: (prices per gallon) CBH Cooperative - \$3.116, Southside \$3.09*.
*Represents lowest quote awarded. No bid was received from MG Oil, and Harms Oil Co.

BUREAU OF LAND MANAGEMENT FUELS REDUCTION PROGRAM: Travis Lipp and Mike Dannenberg Representatives from Bureau of Land Management were present to discuss the Veteran's Fuel Reduction Program. Dannenberg stated they have \$62,000 available in grant funds to the County. The County would hire three to four veterans to work on a cost share basis to perform hazardous fuels reduction by thinning forest vegetation through, overstory removal, treating ladder fuels, treating surface fuels, including but not limited to cutting, chipping, piling and burning. Discussion followed on the additional cost to the County for insurances and employee expenses and possibly hiring someone to administer the plan. The Board questioned why the Bureau of Land Management wouldn't hire the employees and why it would run through the County as they don't have a fire department. Discussion followed if the program could be coordinated with the current firewise program and just require the contractors to hire the veterans, if the County should be doing the work on private lands, if this would be a good program for the taxpayers of Lawrence County, and what would be the consequence to the County if they didn't receive any private participation. No action was taken and the Board will consider and take action in December.

CORONER BUSINESS: Gary Gould, County Coroner was present to discuss certain fees associated with Coroner Operations in Lawrence County. Discussion followed on the \$75.00 per incidence when the Coroner needs to use a funeral home facility on an interim basis.

Moved-Seconded (Johnson-Flanagan) to reimburse the funeral home \$150.00 per incidence when the Coroner needs to use their facility before the body is transported to another facility. Motion Carried.

AIRPORT PROJECTS:

Rod Senn, Kadrmas Lee & Jackson; and Travis Lantis, and Brooks Hanna, Airport Board members; and Ray Jilek, Airport Manager were present to discuss the future airport project designations and projects with the FAA/SDDOT. Sleep expressed concerns on design and engineering expenses. Senn stated this is not committing the County at this time and is only an indication of good faith. Sleep stated the Airport Board needs to concentrate on getting the Airport to run in the black first. Lantis stated the economic impact statement showed the Airport had a positive impact of over 7 million dollars. Discussion followed on the economic impact in the Northern Hills from the Airport.

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Future Airport Project Designation to the FAA/SDDOT as the match money for 2013 is already budgeted. Aye-Weisenberg, Flanagan, Johnson, and Ewing. Nay-Sleep. Motion Carried.

EQUALIZATION BUSINESS:

ABATEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #32315-00900-010-00 for the City of Spearfish because the property was deeded to the City of Spearfish in December. Motion Carried.

VEHICLE PURCHASE: Tim Hodson, Director of Equalization updated the Board on the Vehicle he was trying to purchase in 2012. Hodson stated the 2012 Chevrolet Traverse is not available and requested permission to purchase a different vehicle from the state bid in 2013 and have remaining funds from his 2012 budget supplemented in 2013 to cover the cost. Moved-Seconded (Flanagan-Weisenberg) to allow the purchase of a 2013 Ford Explorer from the State Bid of \$25,452 and to consider a supplemental budget in 2013. Motion Carried.

PLANNING & ZONING:

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. Discussion followed on allowing them to feed with full carcasses.

CHANGE OF ZONING #298 / MCGUIGAN: A public hearing and First Reading was held on application for COZ #298 Michael McGuigan, McGuigan Inc to change zoning of 40 acre parcel from A-1 to A-2 to add new residence and bring property into compliance. There was no public input and the hearing was closed. Planning and Zoning recommend approval of COZ #298. Second Reading will be held in December.

CONDITIONAL USE PERMIT #413 / VELOCITEL INC: A PUBLIC HEARING was held for CUP #413 Velocitel Inc for AT&T for co-location and equipment shelter at existing tower on Lost Irishman Road outside of Lead. There was no public input and the hearing was closed. Moved-Seconded (Flanagan-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 #413. Motion Carried.

TAX INCREMENT FINANCE DISTRICT ORDINANCE: The Continued-Second Reading was held on the proposed Tax Increment Finance District Ordinance (T.I.F.D.) ORD 12-07. Discussion followed on TIF's within the County, proposed fees, disclaimers, and other concerns. No-action was taken.

PLANNING & ZONING ADMINISTRATOR OFFICIAL DESIGNATION – AMENDMENT TO RESOLUTION #2005-41: Amber Vogt, Planning and Zoning Administrator proposed an Amendment to Resolution #2005-41, A Resolution Designating the Planning and Zoning Administrator as the Administrative Official of the Lawrence County Commission to Approve Plats. Vogt recommend changing “final plats” to “plats” to keep consistent with codified laws. Discussion followed on the Commission reviewing preliminary and final plats. The Board felt they needed to see the preliminary plat and if no changes were made they wouldn't need to see the final. The Board was not in support of amending Resolution #2005-41.

RECESS: 11:00 a.m. Moved-Seconded (Weisenberg-Sleep) to recess the County Commission Meeting. Motion Carried. 11:15 a.m. The Chairman called the meeting back to order.

BILLS:

Moved-Seconded (Johnson-Ewing) to remove the bill for Court Appointed Attorney fees for Briley Piper, payable to Steve Miller Law Offices in the amount of \$21,534.58. Motion Carried.

Moved-Seconded (Flanagan-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-4 Nay-Weisenberg.

Payroll: Comm-\$11,133.96; Elections-\$2,333.76; Aud-\$16,450.23; Treas-\$19,693.64; Comp-\$15,683.68; States Atty-\$25,444.66; Pub Def-\$19,775.73; Gen Govt Bldg-\$13,490.72; Equal-\$22,312.71; Rod-\$14,462.15; Vso-\$2,419.47; Disp-\$21,808.97; Sher-\$66,878.89; Jail-\$43,556.05; Coroner-\$446.16; Emerg Mgnt-\$7,160.85; E911-\$3,219.20; Highway-\$75,193.67; Air-\$2,375.03; Mh Serv-\$82.00; Weed-\$9,842.86; Pz-\$9,147.40; Sev Tax Mpb-\$135,271.81; County Mpb-\$37,190.56; **Bills:** Atkinson,Connie-\$161.00; Baumann,Michelle-\$25.46; Bertch,Alyce-\$156.10; Bonnema,Allan-\$20.74; Caserio,Clifford-\$165.00; Fluegel,Edward-\$53.28; Melcher,Kyle-\$120.99; Mowell,Richard-\$7,620.00; Heying,Bradley-\$30.48; American Family Life-\$3,110.99; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; Clerk Of Courts-\$50.00; Collections Services Center-\$40.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$696.00; Delta Dental Of South Dakota-\$6,096.30; Dept Of The Treasury-\$68,073.64; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,605.55; Knology-\$296.56; Northern Hills Rec Center-\$191.40; Office Of Child Support-\$880.31; Oregon Department Of Justice-\$140.00; SD Retirement System-\$52,910.43; Sdrs Supplemental Retirement-\$964.00; Washington State Support Reg-\$311.00; Wellmark Blue Cross-\$72,963.21; Wyoming Child-\$40.00; Schuchmann,Bernard-\$54.76; A&B Business,Inc Solutions-\$2,118.69; A&B Welding Supply-\$56.10; A&J Supply-\$62.51; A-Z Shredding-\$5.55; Abc Business Supply-\$283.19; Active Data Systems-\$250.00;

Adams, Tom-\$51.00; Aman, Barbara-\$120.00; American Tech Serv-\$5,472.00; Ammons, Sue-\$120.00; Andersen, Norma-\$15.00; Asmussen, Patricia-\$145.00; At&T Mobility-\$1,085.31; Audra Malcomb Consulting-\$2,191.24; BH Chemical Company-\$624.01; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; BH Pioneer-\$2,091.41; BH Power-\$874.18; BH Security& Systems-\$390.00; Biegler, Greg-\$120.00; Black Hills Pure-\$397.10; Bob Barker Company-\$281.82; Brown&Saenger-\$56.78; Burlison, Anna-\$120.00; Burlison, Shari-\$100.00; Butler Machinery Co-\$446.04; Butte Electric Coop-\$481.56; Caserio, Beverly-\$165.00; Central Parts-\$1,033.03; Century Business Products-\$35.35; Centurylink-\$104.50; Chemical Sanitizing Sys-\$179.01; Christensen, Linda-\$120.00; City/County Alcohol&Drug-\$4,534.00; Clerk Of Courts-\$50.00; Clerk Of Courts-\$5.00; Cody, Denise-\$9.00; Cook, Sue-\$120.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$179.98; Dakota Fluid Power-\$87.17; Deadwood, City Of-\$992.69; Defensive Edge Training-\$1,300.00; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$72,734.29; Diversified Collections-\$100.00; Ed M Feld Equip Co-\$5.08; Endres, Loretta-\$120.00; Fastenal-\$539.12; Fish, Veronica-\$12.40; Fox&Youngberg, Pc-\$171.16; Frederickson, John-\$60.00; G&H Distributing Of Rc-\$15.88; Garlick, Dora Jean-\$120.00; Geigle, Elsie Jane-\$157.58; Genzlinger, Janeen-\$44.20; Glanzer, Cheryl-\$120.00; Great Western Tire-\$343.49; Gustafson, Arlene-\$120.00; Heartland Paper-\$957.25; Heisler Hardware-\$181.31; Highway Improvement-\$7,200.00; Hoffman, Delores-\$120.00; Hopkins, Keri-\$105.00; Hovland, Alvina-\$145.00; Howe, Marlene-\$120.00; Hughes, Linda-\$120.00; JH Hilt Engineering-\$1,896.28; Kadrmaz, Lee And Jackson-\$29,411.97; Karl's-\$2,396.92; Kellogg, Druse-\$156.10; Ken's Camper Sales-\$38.95; Keough, Marilyn-\$137.02; Kimball-Midwest Co-\$327.33; Kosel, Joseph-\$5,511.70; LC Sheriff-\$30.34; Language Line Services-\$50.11; Lead, City Of-\$51.15; Lead-Deadwood Regional Hospital-\$493.37; Lead-Deadwood Sanitary-\$461.87; Lee, James-\$15.00; Lewis&Clark-\$149.00; Lewno, Lucy-\$280.65; Little, Claudia-\$120.00; Littleton, Donna-\$120.00; Mack's Auto Body-\$108.00; Marc Mid-America Research Chem-\$166.68; Marco-\$25.86; Mattox, April-\$120.00; McClure, Susan-\$250.00; McCormick, Ron-\$145.00; Mcpherson Propane-\$119.00; Microfilm Imaging Systems-\$755.00; Midcontinent Communications-\$33.47; Midwest Alarm-\$84.00; Mikelson, Gary-\$49.95; Miller, Steve-\$21,534.58; Montana Dakota Utilities-\$2,440.30; Mundhenke, Bonnie-\$131.10; National Emergency-\$260.00; Neve's Uniforms-\$574.27; Newman Traffic Signs-\$2,110.50; Novus-\$572.00; Office Of Child Support-\$763.31; Office Technology/Supply-\$26.04; Ommen, Charlene-\$120.00; Pennington Co Auditor-\$302.00; Pheasantland Industries-\$620.18; Pisani, Susan-\$120.00; Polk, Adrian-\$956.89; Quaschnick, Elma-\$125.00; Quik Signs-\$77.80; RC Regional Hospital-\$938.12; Rabe Elevator-\$839.87; Radiology Associates-\$105.79; Rapid Delivery-\$32.40; Rear, Kay-\$100.00; Regional Health-\$379.00; Regional Health Physicians-\$274.21; Reliable-\$63.71; Robinson, Bill-\$100.00; Rocket Lube-\$79.98; Sada Systems-\$750.00; SD Assn Of Co Comm-\$3,873.58; SD Assoc Code Enforcement-\$40.00; SD Dept Of Transportation-\$28,254.91; SD State Treasurer-\$2,680.56; Schenk, Doris-\$120.00; Sdrs Supplemental Retirement-\$964.00; Secretary Of State-\$30.00; Securus Technologies T-Netix-\$1,060.00; Semerad, Sandra-\$41.80; Servall Towel&Linen-\$473.97; Seward, Sally-\$120.00; Seymour, Connie-\$156.10; Shepherd Reporting-\$41.25; Silvernail, Georgeann-\$145.00; Spearfish Auto Supply-\$912.26; Stadler Ind Service-\$264.00; Strawn Law-\$399.15; Sturdevant's Auto Parts-\$13.97; Subway-\$20.00; Swanda, Karen-\$24.00; Taylor, Jeannette-\$156.10; Tetrault, Rose Emma-\$120.00; The Blind Guy-\$776.72; Tigerdirect-\$285.00; Top Quality Glove-\$195.00; Triple K Tire&Repair-\$129.96; Twilight First Aid&Safety-\$83.10; Twin City Hardware&Lumber-\$1,216.03; United Parcel Service-\$10.23; Valley Auto-\$35.00; Waisanen, Ardath-\$120.00; Washington State Support Reg-\$311.00; Waste Connections-\$614.91; Watertree-\$44.60; Webster Parish-\$30.00; Weins, Victoria-\$1,400.00; Werlinger, Brenda-\$100.00; West River International-\$1,409.44; Western Communication-\$10,356.50; Western Sd Juvenile Serv-\$3,165.00; Wheeler

Lumber-\$5,736.95; White Drug-\$2,099.92; Wright Express-\$1,279.27; Wsi Corp-\$210.00; Wuitschick,Carol-\$120.00; Yankton Co Sheriff-\$50.00; **Witness & Jurors:** Bieber,L-\$22.22; Aschenbrenner,D-\$52.22; Berger,D-\$61.10; Burns,R-\$52.22; Clampet,B-\$58.88; Doornink,N-\$61.10; Hofmann,S-\$63.32; Kopco,M-\$50.74; Koski,A-\$61.10; Leatherman,K-\$58.88; Lund,W-\$52.22; Mizera,K-\$61.10; Nelson,R-\$61.10; Papka,D-\$61.10; Schmidt,J-\$64.80; Taggart,M-\$52.22; Tillman,T-\$61.10; Waldrop,E-\$64.80; Williams,C-\$63.32; Janis,M-\$106.60; Kirk,D-\$58.50; Milos,L-\$40.00; Pressley,C-\$45.18; Stott,W-\$40.00; Carr,W-\$33.32; Carrethers,J-\$28.88; Caskey,H-\$53.30; Flyte,G-\$94.00; Greeno,B-\$94.00; Jensen,S-\$33.32; Pearson,B-\$20.00; Selk,J-\$38.50; Wheeler,C-\$33.32

Mike Pisciotta, Court Administrator was present to answer questions and concerns on the Steve Miller Law Office bill presented for payment. The Board expressed concerns on the burden it has, and continues to have, on taxpayers in Lawrence County. Pisciotta stated after discussing the issue with the Judge the average cost for a case similar to this could be 2 million dollars. He stated the Judge reviews the bills to make sure the charges are reasonable. Moved-Seconded (Flanagan-Weisenberg) to approve the bill for Court Appointed Attorney fees for Briley Piper, payable to Steve Miller Law Offices in the amount of \$21,534.58. Aye-4 Nay-Ewing.

ADJOURN: 11:25 a.m. Moved-Seconded (Weisenberg-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 27, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 11:00 a.m. on November 27, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Terry Weisenberg and Richard Sleep present.

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

SPRINKLER SYSTEM / GOLDCORP/WHARF: A public hearing was held on an appeal of administrative decision to require sprinkler system (Goldcorp/Wharf, Inc., Appellant). Appellant stated it would be adverse to the safety of employees to put in a sprinkler system because of the hazardous materials being stored. No public input was voiced. Moved-Seconded (Johnson-Weisenberg) upon review of the information received on the building and proposed use of the building any type of fire suppression system that involves the use of water would not be safe as water can react violently with acid in certain situations; and because the material stored in the tanks is not flammable nor will any flammables be stored within the building itself at any time; and the building construction materials are also non-flammable, consisting primarily of concrete, metal and masonry blocks; four inches of rigid insulation and prefinished siding will not be installed; the building will be constructed as a stand-alone building with appropriate fire wall design; the building is equipped with an industrial fire alarm system and a plant operator on site 24 hours a day 365 days a year, to waive the requirement for a sprinkler system for Goldcorp/Wharf, Inc., Appellant. Motion Carried.

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

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 11, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 11, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Flanagan-Sleep) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of November 27, 2012 County Commission Meeting and Board of Adjustment Meeting. Motion Carried.

PERSONNEL:

SHERIFF:

Moved-Seconded (Weisenberg-Sleep) to approve Kesha Nelson as a full-time Criminal Analyst G3 at the base rate of \$17.73 an hour, effective 12-2-2012; and to approve Shelly Drago as a full-time Administrative Assistant at the base rate of \$18.04 an hour, effective 12-2-2012. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve Kathleen Wainman as part-time (under 20) Guard/Transport at the base rate of \$12.59 an hour, effective 11-28-2012. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Sue Kellogg as a Corrections Officer II G3 at the base rate of \$17.08 an hour, effective 12-1-2012 when needed. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Andrew Iverson as a Dispatcher II G3 at the base rate of \$17.08 an hour, effective 12-16-2012. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve Michael Johnson, Justin Harmon, and Dawnyelle Madsen as Correctional Officer II G3 at the base rate of \$17.08 an hour, effective 12-16-2012

STATES ATTORNEY: Moved-Seconded (Weisenberg-Flanagan) to approve the donation of Sick Leave to Kristan Alfson for a maximum of 32 hours. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Johnson-Flanagan) to approve the Classification of Jeff Schroeder as a Planning & Zoning Deputy G3 at the base rate of \$18.04 an hour, effective 12-30-2012. Motion Carried.

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, 2012 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-

\$84,019.48; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$8,791.32; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$6,413,614.89, Money Market \$530,456.19; Bank Balance-\$4,154,953.80; Total \$15,945,045.68.

2013 COMMISSION MEETINGS: Moved-Seconded (Weisenberg-Sleep) to set the 2013 County Commissioners Meeting Dates for January 2 & 14, February 19, March 19, April 9 & 23, May 14 & 28, June 11, & 25, July 9 & 23, August 13, September 3 & 24, October 8 & 22, November 12 & 26, December 10 & 31. Motion Carried

AUTOMATIC SUPPLEMENTS:

REGISTER OF DEEDS: Moved-Seconded (Johnson-Flanagan) to approve the automatic supplement of \$1,428.10 for the Register of Deeds Supplies for grant funds received. Motion Carried

SECRETARY OF STATE AGREEMENT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman and Auditor to sign the Sub-Agreement with the South Dakota Secretary of State. Motion Carried.

2013 AMBULANCE CONTRACTS: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Spearfish and Lead/Deadwood Ambulance Contracts for 2013. Motion Carried.

2013 STATE / COUNTY COMMUNITY HEALTH NURSE AGREEMENT: Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the 2013 State/County Community Health Nurse Agreement. Motion Carried.

AIRPORT FENCE RELOCATION: Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the letter to the City of Spearfish for the Airport Fence Relocation at B.H. Airport/Clyde Ice Field. Motion Carried.

HIGHWAY BUSINESS: Allan Bonnema, Highway Superintendent updated the Board on the County Roads and classifications. Bonnema is currently reviewing and will report back to the Board.

APPROACH PERMIT: Moved-Seconded (Weisenberg-Ewing) to approve the approach permit for Joe Jorgensen & Jim Benning (Wagonbox Dev. Co) to construct an approach to the west side of McGuigan Road. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Flanagan-Weisenberg) to approve the Application for Utility Permit for Nicholas Hoffman from the McGuigan Road box culvert at Higgins Gulch to 200' south of the box culver. Motion Carried.

HIGHWAY EQUIPMENT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the purchase from the Sanborn County Bid for one 2013-2014 New Plow Truck Chasis from Sheehan Mack for \$104,848. Motion Carried.

MOUNTAIN PINE BEETLE UPDATE: Dave Heck updated the Board on the progress made in 2012 for the Mountain Pine Beetle Project.

EXECUTIVE SESSION: 8:59 a.m. Moved-Seconded (Flanagan-Sleep) to go into executive session for personnel issues with Dave Heck and Bruce Outka. Motion Carried. 9:32 a.m. the Board opened for regular business.

2013 LIQUOR LICENSE RENEWALS: Moved-Seconded (Weisenberg-Flanagan) to renew the following liquor licenses for 2013. Motion Carried. **PACKAGE LIQUOR - OFF SALE LICENSE:** LARRY KAISER, Nemo Mercantile, Tract 3 of the un-platted portion of Nemo Placer Mineral Survey 1368, located in the NE1/4 of Section 27, T3N, R5E., **LONNY & SUSAN SMITH (ST.ONGE BAR & GRILL)**, Lots 1 & 2, Block 8, Section 23, T7N, R3E, St.Onge. **RETAIL OR RETAIL AND SUNDAY ON-SALE LICENSE:** **CHOPHOUSE INC., SPEARFISH CHOPHOUSE & WHISKEY BAR:** Lot 3B of tract A of the SW1/4SW1/4 S14 T6N R2E BHM., **LEAD COUNTRY CLUB, INC.**, Lead, SD, H.E.S. 42, S31, T4, R3., **VEZARO INC., GUADALAJARA MEXICAN RESTAURANT**, Spearfish, SD, Lot 3 Northwest of City on Hwy. 14, Subdivision of NW1/4NW1/4, S3, T6N, R 2E, B.H.M., **SPEARFISH CANYON RESORTS LLC**, Spearfish Canyon, SD, A Portion of the Little Spearfish Placer, M.S. 953 Located in the NE1/4 OF S36, T5N, R1E, B.H.M., **MYSTIC MINER F&B LLC**, **MINE SHAFT TAVERN**, Lead, SD, Mineral 1208 thru 1216; M.S. 1210 Connecting, Havana Lodes #1-10., **BLACK HILLS CHAIRLIFT CO.INC.**, (Dark Horse Saloon) Lead, SD, Section 1-2-11 & 12, T4N, R2E, B.H.M., **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., 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, JOHNSON FAMILY RESTAURANT: The Pub'n Grub., 21403 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM..

2012 PRE-DISASTER MITIGATION PLAN: Paul Thomson, Emergency Management Director was present to discuss the revised 2012 Pre-Disaster Mitigation Plan. Moved-Seconded (Weisenberg-Flanagan) to adopt and authorize the Chairman to sign the 2012 Pre-Disaster Mitigation Plan Resolution #2012-28. Motion Carried.

LAWRENCE COUNTY RESOLUTION 2012-28 A RESOLUTION ADOPTING THE AMENDED LAWRENCE COUNTY PRE-DISASTER MITIGATION PLAN: WHEREAS, the Lawrence County Commission adopted a Pre-Disaster Mitigation Plan (the "Plan") in 2005; **WHEREAS,** from time to time it is necessary to review and update the Plan as circumstances and conditions change; and **WHEREAS,** the Lawrence County Office of Emergency Management ("Emergency Management") has undertaken such a review of the Plan; and **WHEREAS,** based upon its review, Emergency Management has recommended certain revisions to the Plan as necessary and appropriate; and **THEREFORE BE IT RESOLVED,** that the Lawrence County Board of County Commissioners does hereby adopt the 2012 Lawrence County Pre-Disaster Mitigation Plan which shall supercede and replace any prior versions of the Plan; Dated this 11th day of December, 2012. Bob Ewing, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

HOMELAND SECURITY GRANT: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the State Homeland Security Grant 2010 reallocation funding for mobile radios. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the grant for trauma Kits for law enforcement. Motion Carried.

TREASURER'S TRUST AGREEMENT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Treasurer's Trust Agreement with Jenny Murray on 16 W. Hill St, Lead. Motion Carried.

BUREAU OF LAND MANAGEMENT FUELS REDUCTION PROGRAM: Travis Lipp and Rob Mattox were present to discuss the Veteran's Hazardous Fuels Reduction Program. Lipp stated since this is a work training program it would be exempt from unemployment benefits. Moved by Sleep to deny the program as presented. Motion Died due to a lack of a second. Discussion followed to contract with the Brownsville Fire Department or another Fire Department to get the full benefits of the program. Moved-Seconded (Johnson-Weisenberg) to approve the Veteran's Hazardous Fuels Reduction Program, contingent upon an agreement with one of the Lawrence County Fire Departments to administer the program and hire the employees, and Lawrence County will reimburse the Department. Motion Carried.

4-H YOUTH PROGRAM: Betsy Burtzlaff, Butte/Lawrence County 4-H Youth Advisor and Ken Hanson, Butte County Commissioner were present to discuss the 4-H Youth Program.

EXECUTIVE SESSION: 11:20 a.m. Moved-Seconded (Johnson-Sleep) to go into executive session for personnel issues with Betsy Burtzlaff, Ken Hanson and Bruce Outka. Motion Carried. 11:52 a.m. the Board opened for regular business

PLANNING & ZONING:

CHANGE OF ZONING #298 / MCGUIGAN: Second Reading was held on application for COZ #298 Michael McGuigan, McGuigan Inc to change zoning of 40 acre parcel from A-1 to A-2 to add new residence and bring property into compliance. Moved-Seconded (Flanagan-Sleep) follow Planning and Zoning recommendation and approve COZ #298 for Michael McGuigan. Motion Carried.

RECESS: 9:30 a.m. Moved-Seconded (Weisenberg-Johnson) to recess the County Commission Meeting. Motion Carried. 9:45 a.m. The Chairman called the meeting back to order.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #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. Moved-Seconded (Flanagan-Weisenberg) to conduct another review in six months or upon change of ownership on Conditional Use Permit #205. Motion Carried.

TAX INCREMENT FINANCE DISTRICT ORDINANCE: The Continued-Second Reading was held on the proposed Tax Increment Finance District Ordinance (T.I.F.D.) ORD 12-07. Discussion followed on TIF's within the County, proposed fees, disclaimers, and other concerns. Moved-Seconded (Flanagan-Weisenberg) to adopt with revisions the Tax Increment Finance District Ordinance #12-07 Tax Increment Financing In Lawrence County, South Dakota. Motion Carried.

PLANNING & ZONING UPDATE: Amber Vogt, Planning and Zoning Administrator updated the Board on Subdivision Ordinance/Fire Plans; Exempt Plats; and Buffer Areas Adjacent to Personal Use Airstrips.

BUILDING INSPECTOR: The Board discussed having a Building Inspector in Lawrence County. Representatives from the City of Spearfish and Lead were present to offer support of a Lawrence County building inspector. The Board was in agreement to start additional training for Jeff Schroeder in preparation of becoming a building inspector in the future.

MYSTIC MINER AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Development Agreement implementing COZ #287 for Westridge Development of Mystic Miners Subdivision Agreement. Motion Carried.

PLATS:

RANDY WHEATON: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Preliminary Plat, Lots 1 and 2 of Minnesota Lode (Location: S6,T2N,R4E) (Randy Wheaton, Owner). Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Final Plat, Lots 1 and 2 of Minnesota Lode (Location: S6,T2N,R4E) (Randy Wheaton, Owner). Motion Carried.

MIX / BEHRMAN: Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Preliminary Plat of Lot Line Adjustment - Lots 5A and 5B (Location: Storey Lane Subdivision) (Lorna Mix and Gary Behrman, Owners). Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the Final Plat of Lot Line Adjustment - Lots 5A and 5B (Location: Storey Lane Subdivision) (Lorna Mix and Gary Behrman, Owners). Motion Carried.

BILLS:

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

Payroll: Comm-\$5,567.38; Aud-\$8,123.38; Treas-\$9,896.82; Comp-\$7,845.04; States Atty-\$12,505.27; Pub Def-\$9,887.86; Gen Govt Bldg-\$6,988.56; Equal-\$11,087.97; Rod-\$7,231.07; Vso-\$1,209.75; Disp-\$14,368.36; Sher-\$37,668.11; Jail-\$28,146.63; Coroner-\$223.08; Emerg Mgmt-\$3,643.52; E911-\$1,609.60; Highway-\$36,624.49; Air-\$1,013.40; Mh Serv-\$328.00; Weed-\$1,921.43; Pz-\$4,528.01; Sev Tax Mpb-\$12,890.00; County Mpb-\$9,902.39; **Bills:** Larson,P. Rene-\$379.20; Mcgruder,Brenda-\$35.00; Mowell,Richard-\$8,580.00; Schuchmann,Bernard-\$45.76; A&B Business,Inc Solutions-\$285.10; A&B Welding Supply-\$89.64; A&J Supply-\$131.99; Abc Business Supply-\$520.70; Aberdeen Llc-\$3,496.00; Active Data Systems-\$1,110.49; At&T Mobility-\$970.57; Autozone-\$654.16; BH Chemical Company-\$839.35; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; BH Land Analysis-\$5,822.50; BH Pest Control-\$95.00; BH Pioneer-\$388.43; BH Power-\$1,039.32; Bartel,Bill-\$400.00; Best Western Ramkota Hotel-\$79.00; Biegler,Greg-\$60.00; Big Sky Communications-\$234.00; Black Hills Disposal-\$87.00; Bomgaars Supply-\$29.99; Butler Machinery Co-\$236.98; Butte Electric Coop-\$563.71; Campbell Co Sheriffs Off-\$50.00; Central Parts-\$14,693.45; Century Business Products-\$497.09; Centurylink-\$218.87; Chris Supply Co-\$109.02; Christensen Law Office-\$670.25; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$3,747.00; Community Health Services-\$1,160.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$822.89; Dakota Graphics-\$182.50; Dakota Security Systems-\$975.91; Datec-\$529.56; Deadwood,City Of-\$792.02; Dept Of Hlth Lab Services-\$105.00; Dept Of The Treasury-\$52,308.21; Diversified Collections-\$100.00; Eb Communications-\$84.00; Election Sys&Software-\$2,452.07; Ellingson,Joseph-\$430.56; Fastenal-\$40.56; Fidler-Isburg Funeral

Chapel-\$1,515.00; First Gold Hotel-\$52.00; Fish,Veronica-\$157.00; Frederickson,John-\$123.00; Great Western Tire-\$838.33; Havemeier,Leslie-\$39.80; Heisler Hardware-\$211.15; Hewlett-Packard Company-\$198.52; Hills Material Comp-\$27,747.82; Hogsett,Tammara-\$28.00; Holiday Inn City Centre-\$100.00; Inland Truck Parts-\$1,020.11; Juneks' Chrysler/Dodge-\$92.55; Kadrmass, Lee And Jackson-\$18,979.41; Knecht True Value-\$39.93; Kosel,Joseph-\$2,602.77; L-3 Communications-\$50,000.00; LC Assessor-\$15.00; LC Auditor-\$31.00; LC Sheriff-\$164.79; Language Line Services-\$261.03; Lead,City Of-\$45.75; Lead-Deadwood Regional Hospital-\$357.34; Lead-Deadwood Sanitary-\$354.69; Lee,James-\$15.00; Lueders-\$17.98; Lyle Signs-\$133.41; M&T Fire & Safety-\$13.43; Marco-\$257.05; McClure,Susan-\$400.00; Midcontinent Communications-\$33.70; Mineral Palace Hotel-\$144.00; Montana Dakota Utilities-\$3,471.92; Nelson,Tonya-\$750.00; Northwest Pipe Fitt-\$533.88; Office Of Child Support-\$728.31; Office Technology/Supply-\$773.24; Pennington Co Auditor-\$41.00; Pennington County Sts Attny-\$430.00; Polk,Adrian-\$84.00; Program Works-\$51.00; Quik Signs-\$180.00; Rabe Elevator-\$839.87; Radio Shack/Kazco-\$387.95; Radiology Associates-\$23.69; Rapid Delivery-\$12.00; Regional Health-\$379.00; Reliable-\$67.49; Rocket Lube-\$111.47; SD Dept Of Transportation-\$300.00; SD Federal Property Agency-\$200.00; SD Sheriff's Association-\$1,072.91; SD State Treasurer-\$13,181.35; Schreiber, Brad-\$101.85; SD States Attorney Assoc-\$1,373.00; Sdrs Supplemental Retirement-\$964.00; Semerad,Sandra-\$809.40; Servall Towel &Linen-\$487.88; Sikich Llp-\$1,282.00; Southside Oil Co-\$30,518.60; Spearfish Auto Supply-\$1,547.65; Spearfish Husky-\$24.00; Spearfish Police Dept-\$10,637.25; State Bar Of South Dakota-\$2,905.00; Sterna,Laura-\$750.00; Stretch's Glass&Mirror-\$907.08; Sturdevant's Auto Parts-\$164.90; Stutsman County Sheriff-\$20.00; Tigerdirect-\$868.40; Triple K Tire&Repair-\$592.91; Turbiville Industrial Electric-\$484.36; Turnkey Corrections-\$21.00; Twin City Hardware &Lumber-\$310.66; Valley Auto-\$80.00; Vinson,Chris-\$42.00; Washington State Support Reg-\$94.36; Waste Connections-\$614.91; Watertree-\$57.90; West Group-\$1,207.28; West River International-\$1,496.80; Western Communication-\$135.50; Western SD Juvenile Serv-\$9,195.00; White's Canyon Motors-\$29.99; White's Queen City Motors-\$98.86; Wilde&Hunt, Prof-\$2,482.40; Wolf,Ione-\$18.00; Wright Express-\$1,253.56; Yankton County-\$103.75; **Witness & Jurors:** Keough,M-\$67.76; Sargent,D-\$24.80; Schulz,S-19.62; Waisanen,D-\$20.00; Mattson,R-\$156.66; Balkenhol,F-\$10.74; Barker,R-\$82.20; Martin,J-\$12.22; Pollreisz,L-\$21.10; Wright,S-\$22.22; Sullivan,R-\$10.74; Adams,S-\$18.88; Arehart,J-\$21.10; Chipman,K-\$12.96; Colling,C-\$28.50; Cox,C-\$21.10; Dar,S-\$24.80; Guettler,A-\$17.40; Havens,B-\$21.84; Hill,J-\$183.30; Hoard,C-\$24.80; Hourigan,S-\$21.10; Jacobs,M-\$21.10; Karlson,J-\$187.74; Lambert,T-\$21.10; Langer,J-\$183.30; Mccargish,K-\$13.70; McClaskey,B-\$21.84; Mcinerney,C-\$183.30; Minderman, A-\$21.10; Nelson,R-\$10.74; Nielsen,T-\$24.80; Parks,R-\$194.40; Poling,D-\$10.74; Reeves,S-\$10.74; Salcone,P-\$29.24; Schmidt,B-\$22.58; Tallmage,C-\$12.22; Thoresen,D-\$21.10; Torgerson, J-\$21.10; Trewhella,M-\$10.74; Birk,C-\$11.10; Burns,R-\$52.22; Doornink,N-\$61.10; Hofmann,S-\$63.32; Koski,A-\$61.10; Leatherman,K-\$58.88; Lund,W-\$52.22; Morton,J-\$52.22; Nelson,R-\$61.10; Tillman,T-\$61.10; Waldrop,E-\$64.80; Aiken,M-\$21.10; Anderson,L-\$20.36; Arnold,S-\$21.10; Asunskis,A-\$21.10; Beirne,K-\$25.54; Belmontes,P-\$10.74; Botkin,E-\$22.58; Burns,D-\$12.22; Charlson,M-\$12.22; Daywitt,D-\$13.70; Deneui,K-\$20.36; Denker,A-\$23.32; Egemo,L-\$15.92; Gaffrey,R-\$57.40; Gray,J-\$21.10; Hansen,D-\$26.28; Jahner,A-\$21.10; Jeffery,J-\$21.10; Johnson,D-\$44.42; Kennedy,J-\$61.10; Mulhair,D-\$21.10; Nelson,V-\$13.70; Petz,A-\$67.02; Price,M-\$61.10; Reimer,B-\$52.96; Riggs,N-\$61.10; Sabo,D-\$14.44; Samona,K-\$61.10; Speirs,R-\$10.74; Stevens,B-\$22.58; Stevenson,G-\$61.10; Swartz,D-\$21.10; Trezona,K-\$24.80; Wagner,A-\$18.88; Weisenberg,C-\$52.22; Wilder,C-\$60.36; Abell,J-\$15.92; Aldrich,G-\$12.22; Bedford,D-\$22.58; Carpenter,N-\$21.10; Collister,W-\$13.70; Garry,M-\$183.30; Harvey,S-\$12.22; Heckenlaible,C-\$18.88; Horton,D-\$10.74; Hulm,D-\$21.10; Kieffer,R-\$23.32; King,D-\$12.22; Kleinheksel,E-

\$21.10; Larsen,N-\$21.10; Martin,J-\$189.96; Mason,N-\$12.22; Mccarty,V-\$198.84; Munsell,R-\$21.10; Nickel,D-\$183.30; Omara,W-\$21.84; Pierce,C-\$12.22; Rang,A-\$152.22; Reader,R-\$28.50; Rosenau,N-\$28.50; Rowe,D-\$174.42; Sandford,D-\$24.80; Shaykett,K-\$22.58; Sieveke,R-\$18.88; Summers,C-\$21.10; Thompson,D-\$19.62; Waldrop,R-\$194.40; Wheaton,K-\$21.10; Wolfe,J-\$24.80; Aberle,J-\$12.22; Andrews,R-\$65.92; Arnio-Gillies,C-\$24.06; Auer,B-\$102.96; Backens,V-\$26.28; Berg,J-\$21.10; Blaha,M-\$42.20; Boland,D-\$42.20; Bourdeon,T-\$68.88; Bradley,A-\$62.58; Brasgalla,D-\$62.96; Braun,G-\$28.50; Brownell,M-\$24.80; Burns,R-\$24.44; Bussiere,S-\$45.16; Callaway,T-\$21.10; Campbell,S-\$12.22; Clark,G-\$85.16; Cottrill,J-\$43.68; Crago,R-\$85.16; Croft,J-\$58.14; Dahl,E-\$21.10; Daniels,D-\$64.80; Delahoyde,B-\$61.10; Donovan,C-\$82.20; Duex,A-\$61.10; Ellerton,R-\$18.88; Emme,K-\$21.10; Fierro,T-\$12.22; Fox,C-\$42.20; Franstook,D-\$21.10; Goetz,G-\$21.10; Gustafson,H-\$61.48; Hansen,C-\$21.10; Hofer,D-\$14.44; Hogan,D-\$42.20; Kingsbury,K-\$45.16; Klein,M-\$12.96; Koerner,H-\$60.36; Kugler,T-\$57.00; Lahren,A-\$49.60; Langer,R-\$28.50; Lewis,G-\$88.12; Losey,R-\$50.74; Maher,M-\$62.58; Mcnall,A-\$34.80; Meddings,R-\$24.44; Mitchell,T-\$21.10; Morrison,S-\$24.44; Pluimer,J-\$49.60; Roberts,T-\$50.74; Rogers,T-\$25.92; Rommen,T-\$24.80; Rosenberger,S-\$52.22; Routh,B-\$21.10; Runquist,S-\$64.44; Schipke,J-\$108.88; Schwindt,L-\$61.48; Selken,A-\$49.60; Shannon,J-\$21.10; Smith,J-\$21.10; Stodolski,N-\$22.58; Suchanuk,R-\$64.06; Sullivan,P-\$61.48; Thomsen,C-\$12.96; Toscana,F-\$61.48; Vodicka,E-\$21.84; Wallace,R-\$19.62; Waterman,M-\$34.80; Weber,K-\$45.16; Wild-Bagley,J-\$52.96; Woodard,M-\$21.84; Christianson,J-\$21.10; Job,L-\$13.70; Adams,D-\$28.50; Hardy,C-\$10.74; King,W-\$51.48; Overland,T-\$15.18; Schneider,R-\$18.88; Tallmadge,R-\$16.28; Calabro,G-\$25.92; Christianson,A-\$82.20; Crago,R-\$49.60; Gaffrey,M-\$74.80; Lavoy,P-\$61.10; Morford,S-\$89.60; Ostert,C-\$85.16; Fejfar,P-\$21.84; Fremont,D-\$19.62; Hauff,S-\$28.50; Hofer,T-\$21.10; Kahler,D-\$10.74; Meyer,T-\$21.10; Neumeyer,B-\$10.74; Wangen,T-\$21.10; York,D-\$12.96; Sanders,M-\$196.62; Braun,M-\$24.80; Charter,J-\$22.58; Fuller,J-\$10.74; Rasmussen,A-\$18.14; Anderson,D-\$20.74; Atchison,B-\$21.85; Bracha,M-\$22.22; Bruguier,N-\$160.60; Gullede,E-\$22.22; Hunsley,J-\$32.58; Johnston,J-\$33.32; Killoren,K-\$33.32; Kimler,J-\$21.48; Kirby,K-\$21.11; Knapp,T-\$33.32; Nixon,S-\$22.22; Reed,A-\$22.22; Samek,C-\$31.10; Sanford,T-\$20.00; Strickland,T-\$20.00; Sumners,J-\$32.58; Woodard,C-\$20.00; Yellow Earring,S-\$29.62; Bamsey,R-\$17.40; Thompson,K-\$13.70; Tyler,M-\$22.58; Waterson,P-\$19.62; Eastwood,B-\$67.02

ADJOURN: 11:55 a.m. Moved-Seconded (Flanagan-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – December 11, 2012

Chairperson Robert Ewing called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on December 11, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #135 / ROWE RESIDENCE: A public hearing was held on Variance #135 (Applicant, Administration), 19' Variance to the 25' Setback on the North Side of Pole Building, and a 9' Variance to the 25' Setback on the West Side of Pole Building (Location: Pete Rowe Residence on Airport Road). No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Sleep) to follow Planning and Zoning recommendation and approve the Administrative Variance #135 for Pete Rowe. Motion Carried.

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

Date Approved

Robert Ewing, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 27, 2012

Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 27, 2012 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, 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 (Johnson-Flanagan) to approve the agenda as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of December 11, 2012 County Commission Meeting and Board of Adjustment Meeting. Motion Carried.

TRAVEL REQUESTS:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve the travel request for Dave Heck to attend the 2013 NDWCA Annual Meeting and Conference in Bismarck ND on January 7-10, 2013. Motion Carried.

PERSONNEL:

INFORMATION SYSTEMS & TECHNOLOGY: Moved-Seconded (Flanagan-Ewing) to approve Rick Wisser as Information Systems Tech G3 at the base rate of \$21.30 an hour, effective December 30, 2012. Motion Carried.

TREASURER: Moved-Seconded (Flanagan-Johnson) to approve Linda Quenzer as an Accounting Clerk G2 at the base rate of \$13.83 an hour, effective January 14, 2013. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Weisenberg-Flanagan) To approve Kelby Latuseck as a permanent $\frac{3}{4}$ time Maintenance Worker I G3 at the base rate of \$13.08 an hour, effective January 2nd, 2013. Motion Carried.

BLACK HILLS AIRPORT CHANGE ORDER: Moved-Seconded (Flanagan-Johnson) to approve the Change Order #1 for a Box Culvert/Parallel Taxiway Project (A.I.P. #3-46-0065-017-2010 & 019-2011). Motion Carried.

2013 EXTENSION AGREEMENT: Moved-Seconded (Sleep-Weisenberg) to ask that the 2013 SDSU Butte/Lawrence County Extension Agreement to be modified to resemble the 2012 Agreement. Motion Carried.

Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign the revised 2013 SDSU Butte/Lawrence County Extension Agreement. Motion Carried.

BOARD MEETINGS: Moved-Seconded (Weisenberg-Sleep) to change the County Commission meetings in October to the 1st & 22nd, 2013. Motion Carried.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of December 19, 2012: Deadwood Diesel 2388 Gallons: (prices per gallon) CBH Cooperative - \$3.104*, Southside - \$3.199; Deadwood Unleaded 2277 Gallons: (prices per gallon) CBH Cooperative - \$2.709*, Southside \$2.876; Spearfish Diesel 2600 Gallons: (prices per gallon) CBH Cooperative - \$3.104*, Southside - \$3.199; Spearfish Unleaded 700 Gallons: (prices per gallon) CBH Cooperative - \$2.709*, Southside \$2.876. *Represents lowest quote awarded. No bid was received from MG Oil, and Harms Oil Co.

ABATEMENT:

Moved-Seconded (Flanagan-Sleep) to approve the abatement for Mobile Home Parcel #60153 on a 1985 Liberty Mobile Home Vin#06L18554 because the mobile home was taxed twice. Motion Carried.

LITTLE SPEARFISH CONSERVATION & HISTORIC PRESERVATION ASSOCIATION:

Mark T. Anderson was present to discuss and ask the Board to reconsider Promissory Note #2 for the Headwaters of Little Spearfish Creek. History of the Promissory Notes were reviewed and Anderson stated the Trust is having difficulty raising money from those persons or organizations who are interested in protecting the waters of Little Spearfish Creek. Moved-Seconded (Weisenberg-Flanagan) to deny the request to forgive or renegotiate the Promissory Note #2 for the Little Spearfish Conservation & Historic Preservation Association. Motion Carried.

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for GENERAL FUND: States Attorney – Salary \$28,000, Insurance - \$260,000, Mountain Pine Beetle - \$4,700, Airport – Capital Improvements - \$150,000. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2012-30. Motion Carried.

RESOLUTION #12-30 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2012, 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 2012, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: States Attorney – Salary \$28,000, Insurance - \$260,000, Mountain Pine Beetle - \$4,700, Airport – Capital Improvements - \$150,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 27th day of December, 2012 at the hour of 9:30 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, 2012. FOR THE BOARD OF COUNTY COMMISSIONERS. Robert Ewing, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

BUREAU OF LAND MANAGEMENT FUELS REDUCTION PROGRAM: Rob Mattox was present and stated the Brownsville Fire Department is willing to host the program. Moved-Seconded (Johnson-Weisenberg) to enter into agreement with the Brownsville Fire Department to participate in the Veterans Hazardous Fuels Reduction Program. Motion Carried.

PLANNING & ZONING UPDATE:

PERSONAL USE AIRSTRIPS: The Board discussed a proposed Ordinance change to incorporate a 500' Buffer Zone Requirement for personal use airstrips. Randy Sachau expressed his concerns on the proposed change stating the County would be eliminating many of the existing airstrips with the proposed buffer zone. Discussion followed on public safety and the affects on neighboring property owners. The Board will consider the issue again in 2013.

BILLS:

Moved-Seconded (Weisenberg-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-\$5,567.38; Aud-\$7,977.77; Treas-\$9,896.82; Comp-\$7,845.03; States Atty-\$12,317.17; Pub Def-\$9,887.86; Gen Govt Bldg-\$7,014.88; Equal-\$11,265.80; Deeds-\$7,234.27; Vso-\$1,209.75; Disp-\$11,719.23; Sher-\$35,627.26; Jail-\$22,807.94; Coroner-\$223.08; E911-\$1,609.60; Highway-\$37,241.92; Air-\$1,272.22; Mh Serv-\$1,230.00; Weed-\$2,121.43; Pz-\$4,758.02; County Mpb-\$10,682.29; **Bills:** Atkinson,Connie-\$35.00; Brady,Thomas-\$59.20; Coburn,William-\$47.36; Cortez,Frank-\$32.28; Deibert,Randy-\$77.70; Fitzgerald,John-\$284.90; Golay,Robert-\$55.50; Hanna,Brooks-\$88.80; Lantis,Travis-\$88.80; Locken,William-\$238.28; Mickelson,Craig-\$47.36; O'dea,Marty-\$71.04; Rath,Michael-\$122.10; Schenk,Travis-\$47.36; Tysdal,Richard-\$71.04; A&B Business,Inc Solutions-\$23,636.10; A&B Welding Supply-\$113.80; A&J Supply-\$29.98; A-Z Shredding-\$24.15; Abc Business Supply Corp-\$1,223.95; American Family Life-\$3,189.69; Apco International-\$598.00; At&T-\$14.02; Audra Malcomb Consulting-\$671.59; BH Chemical Company-\$309.39; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; BH Occupational Medicine Corp-\$381.56; BH Pioneer-\$550.44; BH Power-\$9,807.84; BH Security & Systems-\$96.94; BH Travel Agency-\$844.40; Ball,Megan-\$400.00; Best Western Plus/Ramkota Hotel-\$239.97; Biegler,Greg-\$120.00; Binder,Tracy-\$37.40; Black Hills Pure-\$122.40; Bob Barker Company-\$698.36; Boise County Sheriff Dept-\$60.00; Bomgaars Supply-\$8.99; Brevik Law Office Prof-\$198.00; Butler Machinery Co-\$274.57; Canyon County Sheriff Dept-\$50.00; Cbh Cooperative-\$23,243.25; Central Parts-\$91.19; Century Business Products-\$426.34; Centurylink-\$1,919.41; Christensen Law Office-\$1,267.50; City/County Alcohol&Drug-\$5,727.74; Clerk Of Courts-\$50.00; Cna Surety-\$100.00; Cody,Denise-\$15.00; Credit Collections Bureau-\$100.00; Crescent Sales-\$334.95; Crop Production Services-\$15,444.00; Dakota Equipment

Rental-\$1,402.06; Dakota Graphics-\$106.00; Dakota Security Systems-\$3,930.73; Datec-\$530.00; Deadwood Mountain Grand-\$99.00; Deadwood Recreation Center-\$681.00; Delta Dental Of South Dakota-\$6,531.00; Dept Of The Treasury-\$46,973.14; Diversified Collections-\$100.00; Eagle Aviation-\$770.20; Ean Holdings-\$340.00; Eddie's Truck Sales/Serv-\$17.09; Ertz, Dewey J,Ed-\$585.00; Farrell,Lorae-\$37.40; Fastenal-\$97.42; Fish,Veronica-\$8.40; Flat Earth Art-\$2,345.00; Frederickson,John R-\$164.00; Fsh Communications-\$60.00; Great Western Tire-\$43.68; Grimm's Pump Service-\$157.90; Hall,Mike-\$400.00; Haltiner,Herbert-\$500.00; Hamann,Chris-\$100.00; Hartford-Priority Accounts-\$1,662.03; Havemeier,Leslie-\$78.20; Heartland Paper Co-\$1,817.34; Henry Schein-\$110.14; Hewlett-Packard Company-\$11,652.70; Hills Material Comp-\$598,774.71; Jacobs Precision Welding-\$105.00; Janke,Wendy-\$1,378.00; Janz,Donald A Ph.D-\$425.00; Kimball-Midwest Co-\$208.80; Kinney,Matthew-\$475.70; Knecht True Value-\$299.96; Knology-\$1,423.83; Koll,Amy-\$100.00; Kosel,Joseph-\$6,743.02; LC Assessor-\$11.95; Labcorp Of America Holdings-\$25.00; Lattice Incorporated-\$3.88; Lewis & Clark-\$212.00; Lewno,Lucy-\$150.45; Lexisnexis Matthew Bender-\$84.89; Lexisnexis Risk Data Mgnt-\$150.00; Lizard Tech-\$500.00; M&T Fire&Safety-\$298.74; Mad Manz Pizza-\$145.00; Main Fox 8707 Llc-\$500.00; Marco-\$33.62; Marshall&Swift/Boeckh-\$6,970.15; Megas Propane-\$447.15; Mcleod's Office Supply-\$898.00; Microfilm Imaging Systems-\$580.00; Mitchell,George-\$400.00; Montana Dakota Utilities-\$354.49; Motorola Solutions-\$1,104.00; Nasppg Insurance Services-\$2,718.00; Nelson,Christy-\$29.62; Neve's Uniforms-\$152.40; Northern Hills Rec Center-\$206.80; Novus-\$314.00; Office Depot-\$179.96; Office Of Child Support-\$728.31; Pennington County Sheriff-\$991.65; Pennington County Sts Attny-\$860.00; Pheasantland Industries-\$184.30; Pitney Bowes-\$1,078.65; Pizza Lab-\$98.50; Quill Corporation-\$1,463.39; RC Finance Office-\$1,435.00; RC Regional Hospital-\$2,692.00; Rasmussen Mechanical Serv-\$494.88; Redwood Toxicology Lab-\$119.99; Regional Health-\$1,415.97; Regional Health Physicians-\$25.00; Regional Home Medical Equip-\$27.69; Reindl,Staci-\$3,587.65; Reliable-\$20.99; Reliance Telephone-\$3,919.00; Rocket Lube-\$80.46; Ru2 Systems-\$770.20; Sada Systems-\$3,931.40; SD Human Services Center-\$94.00; SD Law Review-\$33.02; SD Municipal League-\$259,251.00; SD Retirement System-\$52,704.83; Schreiber,Brad-\$173.20; Sdrs Supplemental Retirement-\$964.00; Semerad,Sandra-\$64.60; Servall Towel&Linen-\$731.84; Shepherd Reporting-\$55.00; Silverado-\$702.00; Southside Service-\$40.00; Spearfish Police Dept-\$10,654.91; Spearfish Regional Hospital-\$459.91; Stadler Ind Service-\$99.00; Strawn Law-\$910.20; Stretch's Glass&Mirror-\$776.04; Sturdevant's Auto Parts-\$71.92; Superior Sanitation-\$275.00; Swanda,Karen-\$15.00; Swisher-\$82.67; Tigerdirect-\$495.77; Triple K Tire&Repair-\$1,934.64; Twin City Hardware &Lumber-\$1,555.72; United Parcel Service-\$127.15; Verizon Wireless-\$95.02; Victims Of Violence-\$365.00; Vinson,Chris-\$336.00; Washington State Support Reg-\$94.36; Waytek-\$2,600.00; Wellmark Blue Cross-\$76,320.98; Wells Fargo Business Card-\$3,748.60; West River International-\$545.87; Western Communication-\$31,156.00; White Drug-\$2,781.99; White's Canyon Motors-\$5,057.57; Williams Standard Serv-\$46.57; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Waisanen,D-\$20.00; Donahue,M-\$33.32; Bieber,L-\$22.22; Berger,D-\$61.10; Clampet,B-\$58.88; Kopco,M-\$50.74; Mizera,K-\$61.10; Papka,D-\$61.10; Schmidt,J-\$64.80; Taggart,M-\$52.22; Williams,C-\$63.32; Langlois,B-\$60.00; Baumann,C-\$31.10; Crowley,D-\$31.10; Langlois,G-\$68.88; Thomason,K-\$44.44; Thomason,K-\$51.10; Anderson,R-\$22.22; Berg,R-\$22.22; Brown,K-\$23.70; Kensmoe,J-\$33.32; Krohn,C-\$22.22; Reinert,J-\$33.32; Sty,M-\$25.55; Wellmon,C-\$23.70; Wells,A-\$114.72; Wilson,B-\$31.10; Gollither,D-\$33.32

ADJOURN: 10:08 a.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

ROBERT EWING, Chairman

ATTEST:

Connie Atkinson, Auditor