

LAWRENCE COUNTY COMMISSIONERS MEETING – January 2, 2013

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 2, 2013 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-Ewing) to approve the agenda as amended. Motion Carried.

2013 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Johnson-Sleep) to appoint Commissioner Flanagan as the Chairperson of the Lawrence County Commissioners for 2013. Motion Carried.

VICE-CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Sleep as the Vice-Chairperson of the Lawrence County Commissioners for 2013. Motion Carried.

BOARD OF ADJUSTMENTS: Moved-Seconded (Weisenberg-Sleep) to appoint Daryl Johnson, Bob Ewing, Brandon Flanagan, Richard Sleep, and Terry W. Weisenberg as the Board of Adjustment for 2013. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Weisenberg-Johnson) to designate the B.H. Pioneer as the legal newspapers for 2013. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Ewing-Sleep) To restate the full time positions in the Lawrence County Sheriff's office for 2013 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-Weisenberg) to set the 2013 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-Sleep) to approve the minutes of December 27, 2012 County Commission meeting. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

AIRPORT BOARD: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Johnson as representative for 2013. Motion Carried.

Moved-Seconded (Johnson-Ewing) to appoint Commissioner Sleep as alternate for 2013. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to appoint Travis Lantis for a five-year term to end 1-2018. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to appoint Jim Seward to fill the term of Bob Golay for a term to end 1-2014. Motion Carried.

ENVIRONMENTAL REVIEW / AG COMMITTEE: Moved-Seconded (Sleep-Weisenberg) to appoint Douglas Pavel to the AG Committee for a three year term to expire 1-2016. Motion Carried.

ENVIRONMENTAL REVIEW / TIMBER COMMITTEE: Moved-Seconded (Ewing-Sleep) To appoint Bill Coburn, Paul Schipke and Mike Whalen to the Timber Committee for a three year term to expire 1-2016. Motion Carried

ENVIRONMENTAL REVIEW / WILDLIFE, RECREATION & TOURISM COMMITTEE: Moved-Seconded (Sleep-Weisenberg) To appoint Eric Hunt and Barbara Jean Atchison to the Wildlife, Recreation & Tourism Committee for a three year term to expire 1-2016, and to appoint Jeff Schroeder to the Wildlife, Recreation & Tourism Committee to fill the term of Scott Odenbach for a term to expire 1-2015. Motion Carried.

ENVIRONMENTAL REVIEW / CUSTOM, CULTURE & ECONOMIC PLAN COMMITTEE: Moved-Seconded (Weisenberg-Sleep) 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 1-2014. Motion Carried

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Sleep-Johnson) to appoint Commissioner Ewing for 2013. Motion Carried.

FAIR BOARD: Moved-Seconded (Ewing-Flanagan) To appoint Commissioner Sleep to the Fair Board for 2013. Motion Carried.

Moved-Seconded (Sleep-Weisenberg) to appoint Susan Pisani for a (3) year term to expire 1-2016. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Johnson-Sleep) to appoint Brian Dean to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2017. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Flanagan for 2013. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Johnson-Weisenberg) To appoint Commissioner Ewing for 2013. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) To appoint Commissioner Sleep as Alternate for 2013. Motion Carried.

Moved-Seconded (Ewing-Sleep) To appoint Gerry Bennett to the Invasive Species Management Board District #3, and to appoint John Hauge to the Invasive Species Management Board District #5. Motion Carried.

MENTAL ILLNESS BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Barbara Hansen and Paul Thomson to the Board of Mental Illness for a three year term to expire 1-2016. Motion Carried.

MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE: Moved-Seconded (Weisenberg-Johnson) To appoint Dave Heck, Miranda Boenisch, Bill Coburn, Rob Mattox and Bob Ewing to the Mountain Pine Beetle Plan Advisory Committee for 1 year to expire 12-31-2013. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Weisenberg-Flanagan) to appoint Commissioner Ewing and to appoint Commissioner Sleep as the alternate for 2013. Motion Carried.

Moved-Seconded (Sleep-Ewing) To appoint Marty O'Dea and Travis Schenk to the Planning and Zoning Board for a five year term to expire 1-2018. Aye-Sleep and Ewing. Nay-Johnson, Weisenberg and Flanagan. Motion Failed. The Board discussed the need to have new appointments to County Boards.

Moved-Seconded (Weisenberg-Sleep) to appoint Travis Schenk to the Planning and Zoning Board for a five year term to expire 1-2018. Motion Carried. Aye-Weisenberg, Ewing, Sleep and Flanagan. Nay-Johnson.

Moved-Seconded (Weisenberg-Flanagan) To appoint Julie Stone to the Planning and Zoning Board for a five year term to expire 1-2018. Motion Carried.

The Board thanked Marty O'Dea for his years of service to the Lawrence County Planning and Zoning Board.

PUBLIC DEFENDER: Moved-Seconded (Johnson-Sleep) To appoint Commissioner Ewing, and Commissioner Weisenberg for 2013. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) To appoint Teri Royer to the Public Defender Board for 2013. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Johnson-Weisenberg) to appoint Commissioner Flanagan as Representative and Commissioner Sleep as Alternate for 2013. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Ewing-Sleep) to appoint Commissioner Flanagan, Commissioner Weisenberg, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2013. Motion Carried.

WESTERN SD JUVENILE SERVICES CENTER COMPACT: Moved-Seconded (Johnson-Ewing) To appoint Commissioner Sleep to a three-year term to expire 1-2016. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Sleep for 2013. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Johnson to the Spearfish Economic Development Board for 2013 and Commissioner Sleep as the alternate for 2013. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES: Moved-Seconded (Weisenberg-Ewing) to appoint Chairperson Flanagan, and Emergency Management Director, Paul Thomson for 2013. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Ewing-Johnson) to appoint Commissioner Weisenberg to the Multiple Use Committee for 2013. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Johnson-Sleep) to appoint Ida Marie Snorteland for 2013. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Sleep-Johnson) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2013. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Ewing-Sleep) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2013. Motion Carried.

SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER: Moved-Seconded (Weisenberg-Johnson) to adopt the special rule of order requiring three members approval to pass a motion for 2013, and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

2013 WAGES & SCALES: Moved-Seconded (Weisenberg-Ewing) to accept the following 2013 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 December 30, 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.

2013 CELL PHONE PER DIEM:

Bruce Outka-75.00; Greg Dias-75.00; Randy McGruder-75.00; Rick Wisser-75.00; Allan Bonnema-75.00; Steve Ryan-50.00; Bob McCormick-50.00; Norm Burleson-50.00; Rick Frerichs-50.00; Tim Agena-50.00; Connie Atkinson-75.00; Brenda McGruder-\$50.00 Deb Tridle-75.00; Sheree Green-75.00; Amber Vogt-60.00; Jeff Schroeder-50.00; Paul Thomson-136.00; Rene' Larson-68.00; Jason Fischer-\$50.00; Mike Meehan-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; Paul Hansen-126.00; Marty Goetsch-126.00; Tavis Little-126.00; Nathaniel Davis-\$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; and Gary Gould-50.00.

2013 WAGES (per SDCL 6-1-10): Commissioners: Brandon Flanagan-12,468.33; Ewing, Bob-12,468.33; Richard Sleep-12,468.33; Johnson, Daryl-12,468.33; Weisenberg, Terry-12,468.33; Outka, Bruce-89,063.15. Auditor: Atkinson, Connie-64,934.07; McGruder, Brenda-20.66; Mattox, Robin-16.50; Nelson, Melody-17.33; Sargent, Debbie-16.74. Treasurer: Tridle, Debora-59,948.85; Adams, Julia-16.50; Atkinson, Sally-18.54; Brownlow, Carleen-16.55; Haupt, Janice-17.46; Marshall, Laurie-16.50; Quenzer, Linda-13.83. Information System & Technology: Dias, Gregory-74,806.20; Leatherman, Debra-17.38; McGruder, Randall-24.66; Wisser, Ricky-21.87. States Attorney: Fitzgerald, John-79,260.99; Alfson, Kristan-15.04; Baumann, Michelle-20.96; Lopez, Amber-61,445.42; Silvernail, Janice-17.69; Stoflet, Margie-18.35; Harvey, Brenda-54,632.37. Public Defender: Whitcher, Eric-67,634.62; Pike, Matthew-\$55,808.21; Schuchmann, Bernard-52,457.00; Smith, Molly-21.39; Turnbow, Jamie-\$20.02. Maintenance: Frerichs, Richard-25.64; Carr, Zoe-14.81; Agena, Timothy-21.34; Lee, Laura-12.50; Latuseck, Kelby-13.08; Mattson, Robert-12.30. Director of Equalization: Hodson, Timothy-51,331.20; Bridenstine, Nancy-17.62; Carrico, Linda-17.70; Fisher, Jason-15.85; Meehan, Michael-14.79; Runge, Brett-21.88; Symonds, Carmen-19.18; Woodle, Sharon-17.98. Register of Deeds: Green Sheree-56,991.65; Carr, Marie-13.83; Feterl, Florence-17.02; Hansen, Davida-18.33; Podoll, Keri-16.56. Veterans Service Officer: Locken, William-32,676.42. Sheriff: Mowell, Richard-70,376.12; Harmon, Joe-62,046.81; E-911-Black, Sue-20.69; Aanenson, Michelle-16.98; Abernathy, Emily-16.98; Greeley, Laurie-17.73; Hamilton, Marian-18.45; Iverson, Andrew-17.65; Schumacher, Kristy-17.65; Steffen, Peggy-17.71; Stoneking, Wendy-15.42; White, Richard-17.89; Davis, Nathaniel-21.89; Dean, Brian-25.47; Derby, Tommie II-22.56; Dragoo, Shelley-18.67; Fitzgerald, Sara-25.00; Gabriel, Larry-19.90; Goetsch, Martin-24.25; Hagerty, Richard-19.22; Jansevics, Jake-15.10; Johnson, Patrick-22.56; Kellogg, Susan-16.70;

Leveque, Victor-23.28; Little, Tavis-23.90; Mccroden, Matthew-17.37; Mellaragno, Anthony-17.37; Mykleby, Geraldine-25.00; Nelson, Kesha-18.38; Rakow, Julie-16.82; Ruffatto, Robert-23.28; Schleep, Neil-20.80; Symonds, Matthew-17.37; Thompson, Colin-17.37; Tkach, Katherine-22.56; Utecht, Jerome-15.10; Wainman, John Jr-17.37; Walker, John-17.37; Allen, Dawn-18.42; Antar, Nadim III-17.65; Berndt, Wendy-17.73; Brennan, Seth-22.80; Cortez, Frank-18.33; Crandall, Marc-17.65; Culver, Kim-17.89; Hagerty, Sharon-13.16; Hansen, Paul-24.18; Harmon, Justin-17.65; Harter, Ralph-16.98; Johnson, Michael-17.65; Kampa, Kerry-17.65; Kellogg, Susan-17.85; Kotak, Joe-16.98; Madsen, Dawnyelle-17.65; Mehia, Felix-18.33; Melaragno, Ellen-13.16; Merwin, Megan-17.65; Nash, Christina-17.65; Rosenau, Randall-17.37; Thompson, Renee-13.16; Wainman, John-13.16; Wainman, Kathleen-13.16; Walker, Misti-17.37/13.16; Coroner: Gould, Gary-100.00 call & Spec Dep-17.37; Isburg, Damon-100.00 call; Pedneau, Darin-100.00 call. Emergency Management: Thomson, Paul-58,706.84; Larson, Renee-\$17.04. Highway: Bonnema, Allan-70,185.60; Bey, John-25.76; Bohlmann, Chad-20.54; Burlson, Norman-21.05; Eide, Curtis-21.66; Engel, Paul-20.74; Grenstiner, Edwin-22.02; Harper, Jeffrey-20.62; Heying, Bradley-21.11; Holen, Gerald-20.54; Hudson, Robert-20.54; Larimore, Mark-20.60; Maxwell, Matthew-20.54; McCormick, Robert-26.12; Patino, Mark-20.80; Ryan, Steve-25.96; Sheeler, Daniel-20.54; Silvernail, Dennis-21.62; Skavang, Robert-20.54; Vandenberg, Maria-16.76; Waisanen, Jimmy-20.54; Wright, Bonnie-20.38. Airport: Harmon, James-17.57; Randy Diebert-40.00 meeting, Jim Seward-40.00 meeting; Hanna, Brooks-40.00 meeting; Lantis, Travis-40.00 meeting; Rath, Michael-40.00 meeting. Mental Health Board: Johns, Timothy-\$84.00; Strawn, Eric-84.00. Invasive Species Management: Heck, David-50,584.23; Lewis, Brian-14.80; Hauge, John-40.00 meeting; Ridley, Clint-40.00 meeting; Schneider, Shad-40.00 meeting; Kyle Vavruska-40.00 meeting; Whalen-40.00 meeting; Seasonal Invasive Species Employees- Soderstrom-12.67; Tyson, Chase-12.67; Buildt, Joey-12.67; Faulkner, Tyler-12.67; Fluegel, Edward-12.67; Grant, John-13.33; Hazledine, Tyson-13.33; Heberlig, Gary-13.33; Ludens, Tyler-12.67; Martens, Seth-13.33; Mosher, Andrew-12.67; Palmer, Ryan-13.33; Smith, Danny-12.67; Turbiville, Patricia-13.33. Planning&Zoning: Vogt, Amber-50,539.09; Schulz, Sherryl-16.89; Schroeder, Jeffery-18.61; Brady, Thomas-40.00 meeting; Coburn, William-40.00 meeting; Mickelson, Criag-40.00 meeting; Stone, Julie-40.00 meeting; Schenk, Travis-40.00 meeting; Tysdal, Richard-40.00 meeting.

<i>NEWLY ELECTED BASE</i>	<i>2013 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 #13-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Johnson-Weisenberg) to approve the following Resolution #2013-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2013-01 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 2nd day of January 2013. For the Board, Brandon Flanagan, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #13-02 POLLING PLACES & PRECINCTS: Moved-Seconded

(Weisenberg-Sleep) to approve the following resolution setting the polling places and precincts in 2013. 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 2ⁿ day of January 2013. For the Board, Brandon Flanagan Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #13-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded

(Weisenberg-Flanagan) to approve the following Resolution #13-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 13-03 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 2013: 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 2013. Dated this 2nd day of January 2013. For the Board of County Commissioners: Brandon Flanagan, Chairperson 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, 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, Richard Carlson, Steven Hanson, Chris Huhnerkoch, Gary Lillehaug, Rob Mattox, William McFarling, Raymond Millard, Fred Raubach, Kay Rear, Daniel Regan, Sharon Sanchez, Robert Siedschlaw, Bob Ewing, Jeff Schroeder, Rick Wisser, Ashana Baumberger, Mike Stahl, Jamey Tollefson, Melanie Tollefson, Paul Hover, William Hover, Arlando Lillehaug, Lynn Davis and Jason Rath. **Nemo:** Janna Bechard, Jeff Bechard, Kelsey Chaloupka, Virginia Clark, Jeane Henrichsen, Justin Henrichsen, Bradley J. Hershey, Jerry Hood, Patrica Hood, Larry Marquette, Greg Nepstad, Vince Pfeifle, Larry Rhodes, Chad Solaas, Cindy Solaas, and Kathy Stygles.

2013 FAIR AGREEMENT: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the 2013 Fair Agreement with Butte County. Motion Carried.

ORDINANCE #2013-1 / AIRPORT BOARD MEMBERSHIP: First Reading was held on the proposed Ordinance #2013-1 An Amended Ordinance Providing for the Airport Board Membership (increase Board Membership from 6 to 7 Members to Include an Appointee from the Spearfish City Council).

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Joe Leveque to attend the Crisis/Hostage negotiation training in Camp Dodge, Iowa on February 10-16, 2013. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Johnson) to approve Neil Schlepp as a part-time temporary as need Deputy 2 G1, at the base rate of \$21.89 an hour, effective December 30, 2012. Motion Carried.

INVASIVE SPECIES MANAGEMENT / FIRE WISE / MOUNTAIN PINE BEETLE:

Moved-Seconded (Ewing-Weisenberg) To approve and authorize the hiring of the following individuals as temporary seasonal Recon effective 01/14/2013 at the base rate of \$13.33 an hour: Joey Buildt, Tyler Faulkner, Edward Fluegel, John Grant, Tyson Hazeldine, Gary Heberling, Tyler Ludens, Seth Martens, Andrew Mosher, Danny Smith and Patricia Turbiville. Motion Carried.

Dave Heck received support from the Commission to assist the Wyoming efforts in the Pine Beetle fight. Heck will be utilizing his earned vacation time for time absent in Lawrence County.

RESOLUTION 2013-4 - 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 2013-4 - Notice Of Intent To Enter Into Leases For County Owned Airport Hangers, Bare Land Sites For Private Hangar Construction And Haying. Motion Carried.

RESOLUTION #2013-04 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 2013; 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 2ND day of January, 2013, 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 2ND day of January, 2013. FOR THE BOARD: Brandon Flanagan, Chairman. ATTEST: Connie Atkinson, AUDITOR

TOUR JAIL FACILITY: The Board toured the Jail facility.

ADJOURN: 9:57 a.m. Moved-Seconded (Johnson-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 14, 2013

Chairman Brandon Flanagan 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 14, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Robert Ewing, Daryl Johnson, Richard Sleep, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of January 2, 2013 County Commission meeting. Motion Carried.

TRAVEL REQUESTS:

HIGHWAY: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Allan Bonnema to attend the 2013 NACE Annual Meeting & Technical Conference in Des Moines, Iowa on April 20-26, 2013. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve Mike Meehan as an Appraiser II G1 at the base rate of \$15.85 an hour, effective January 14, 2013. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Wendy Stoneking as a part-time Corrections Officer I G3 at the base rate of \$15.42 an hour, effective January 10, 2013. Motion Carried.

Moved-Seconded (Ewing-Sleep) to approve Nathaniel Davis as a Deputy II G3 at the base rate of \$22.56 an hour, effective January 13, 2013. 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 December 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)-\$83,307.05; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$7,476.03; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,914,279.46, Money Market \$530,501.24; Bank Balance-\$4,084,763.91; Total \$13,373,537.69.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2011 taxes levied for in 2012 was \$33,963,639.14 and the total unpaid as of 12-31-12 was \$262,518.50 which represents a .77% delinquency. Moved-Seconded (Ewing-Sleep) to accept the Delinquent Taxes Report of 2012 levied and unpaid taxes as reported by the Auditor. Motion carried.

ORDINANCE #2013-1 / AIRPORT BOARD MEMBERSHIP: Second Reading was held on the proposed Ordinance #2013-1 An Amended Ordinance Providing for the Airport Board Membership (increase Board Membership from 6 to 7 Members to Include an Appointee from the Spearfish City Council). Moved-Seconded (Ewing-Weisenberg) to approve and adopt Ordinance #2013-1 An Amended Ordinance Providing for the Airport Board Membership. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to appoint Don Aaker as the City of Spearfish Representative to the Airport Board for 2013. Motion Carried.

AIRPORT AGREEMENT: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the SDDOT (Aeronautics Division) State Financial Assistance Agreement (Project No. 2011 Pavement Maintenance/3-46-4600-016-2011). Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Amendment No. 2 to Agreement for Professional Services with KLJ Engineering (Engineering Design Services For Runway 13-31 Parallel Taxiway To Include Taxiway, Hangar, Relocations, Apron Improvements, Fueling System Relocation, Taxiway Lighting System) AIP No. 3-46-0065-016-2010 & 17-2010. (Agreement for Design Services for New Fuel Farm). Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the SLA Quarterly Activity Agreement for the Emergency Management Department. Motion Carried.

SHERIFF BUSINESS:

VEHICLE BIDS: Moved-Seconded (Ewing-Weisenberg) to set the bid opening for 3 Sheriff's Office vehicles for February 19, 2013 at 8:15 a.m. Motion Carried. The Board stated they would like to see the specs on the vehicle prior to advertising.

SURPLUS PROPERTY: Moved-Seconded (Johnson-Weisenberg) to declare the Hobart LX Series Dishwasher model #LX30H - tag#03862 as surplus and allow it to be sold to the Victoria Assisted Living Facility at the value of \$250.00 with the stipulation that the Facility pick up the dishwasher. Motion Carried.

ABATEMENT:

BISSON: Moved-Seconded (Weisenberg-Sleep) to approve the Abatement for Barbara Bisson on the 1973 Redman Mobile Home VIN/GC230346 because it was tore down in February 2012. Motion Carried.

HIGHWAY BUSINESS:

USFS FOREST ROAD & TRAILS ACT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the USFS Forest Road & Trails Act: (Maitland Road Safety Improvement Project). Motion Carried. The project will be funded 100% with State Safety Funds and scheduled to be completed in 2014, approximate cost is \$320,000.

TABERT/WINTER APPROACH PERMIT: Moved-Seconded (Weisenberg-Sleep) to approve the Approach Permit for Rick Tabert and David Winter on the left/north side of two-bit road, located approximately 1.5 miles up Golden Hills Subdivision Lot 6. Motion Carried.

DEPARTMENT OF TRANSPORTATION FUNDING AGREEMENT: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the State of South Dakota Department of Transportation Funding Exchange Agreement for 2013 (STP Funds). Motion Carried.

HIGHWAY SUPPLIES BID OPENING: Moved-Seconded (Ewing-Sleep) to set a bid opening for March 19, 2013 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

NURSE QUARTERLY REPORT: Denise Rosenberger, Community Health Nurse was present and reviewed the quarterly report.

BUREAU OF LAND MANAGEMENT FUELS REDUCTION PROGRAM: Rob Mattox was present and stated the Brownsville Fire Department is willing to host the program but would not be liable for collecting the funds from the landowners because they could not accept the liability if someone didn't pay. The Board discussed the risks and insurance liabilities involved in the program. Moved-Seconded (Sleep-Ewing) to not proceed with the Bureau of Land Management Fuels Reduction Program because at this time the risks and liabilities outweigh the benefits. Motion Carried.

BLACK HILLS CENTRAL RESERVATIONS: Susan Edwards was present on behalf of Black Hills Central Reservations to thank the Board for their support and for the loan from the

Mining Severance Tax Funds. Edwards presented the Board with a check paying off the loan early that was originally due in 2016.

MOUNTAIN PINE BEETLE: Bill Coburn was present to discuss the use of bark peeling equipment as part of the Mountain Pine Beetle Program. Discussion followed on the infested trees in the County. Moved-Seconded (Johnson-Ewing) to have Bruce Outka draft a letter, for Chairman Flanagan to sign, and send to the Forest Service requesting an amendment to the Participating Agreement to use bark peeling equipment on Forest Service Land in the fight against the Mountain Pine Beetle. Motion Carried.

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

PRELIMINARY & FINAL PLAT / REXCO / CHRISTIANSEN: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Preliminary Plat, TractA-1A & Tract A-1B, Located: S21, T6N, R4E/Adjacent to Hills Product Group (Rexco, LLC/Jim Christiansen, Owner). Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Final Plat, TractA-1A & Tract A-1B, Located: S21, T6N, R4E/Adjacent to Hills Product Group (Rexco, LLC/Jim Christiansen, Owner). Motion Carried.

CONDITIONAL USE PERMIT #205: John T. Beatty, Jr., General Manager of Tinton Partners was present to inform the Board that they did not have a current lease with Tinton Enterprises in regards to Conditional Use Permit # 205, Tinton Mine. Beatty stated they are currently working on a new lease holder and will keep the Board updated.

T.I.F.D. REVIEW COMMITTEE: Moved-Seconded (Johnson-Ewing) to appoint Richard Sleep and Terry Weisenberg County Commissioners and P & Z Members Tom Brady and Julie Stone to T.I.F.D. Review Committee. Motion Carried.

PERSONAL USE AIRSTRIPS: The Board discussed a proposed Ordinance change to incorporate a 500' Buffer Zone Requirement for personal use airstrips. Johnson stated he felt 10 acres is too small of an area for a personal use airstrip and should only be allowed in A1 districts and should have a 500' Buffer from neighboring property lines. Discussion followed on HES and Park Forest Districts. The Board was in agreement to begin the process to add a 500 foot buffer and a public hearing will be scheduled. The Board stated that any conditional use permits already issued (Randy Sachau CUP#412) would be grandfathered in.

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-\$5,568.38; Aud-\$7,987.76; Treas-\$9,896.82; Comp-\$7,845.03; States Atty-\$11,969.88; Pub Def-\$9,887.86; Gen Govt Bldg-\$6,975.27; Equal-\$11,256.64; Rod-\$7,243.08; Vso-\$1,209.75; Disp-\$15,115.62; Sher-\$35,845.74; Jail-\$27,171.56; Coroner-\$323.08; Emerg Mngt-\$3,568.64; E911-\$1,609.60; Highway-\$36,887.12; Air-\$1,163.75; Weed-\$3,561.43; Pz-\$4,528.01; **Bills:** McCormick,Robert-\$33.71; Mowell,Richard-\$7,836.00; A&B Business,Inc Solutions-\$1,193.13; A&B Welding Supply-\$67.96; A-Z Shredding-\$25.05; Abc Business Supply Corp-\$647.21; Aberdeen Llc-\$5,374.00; Alco Store-\$18.49; American Planning Assoc-\$100.00; At&T Mobility-\$828.21; BH Chemical Company-\$721.94; BH Collections-\$128.56; BH Federal Credit Union-\$7,704.00; BH Pest Control-\$95.00; BH Pioneer-\$709.63; BH Power-\$2,944.25; BH Regional Multiple-\$100.00; BH Windshield Repair-\$60.00; Behavior Mngt Systems-\$24,097.00; Butler Machinery Co-\$121.86; Butte Electric Coop-\$514.61; Central Parts-\$1,246.62; Century Business Products-\$62.68; Centurylink-\$2,082.67; Chris Supply Co-\$379.78; Christensen Law Office-\$264.00; City/County Alcohol&Drug-\$2,093.50; Clerk Of Courts-\$50.00; Cody,Denise-\$15.00; Credit Collections Bureau-\$100.00; DWare-\$1,470.00; Dakota Equipment Rental-\$24.98; Dale's Tire&Retread-\$600.00; Deadwood, City Of-\$784.87; Dept Of The Treasury-\$59,689.24; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$479.63; Election Sys&Software-\$6,060.00; Ertz,Dewey J-\$195.00; Esri-\$400.00; Fidler-Isburg Funeral Chapel-\$900.00; Fish, Veronica-\$110.20; Genpro Power Systems-\$769.91; Godfrey's Brake Serv-\$168.75; Great Plains Chemical-\$180.00; Heartland Paper Co-\$121.30; Heisler Hardware-\$15.06; Hewlett-Packard Company-\$279.00; International Code Council-\$125.00; Jacobs Precision Welding-\$105.00; Jacobsen Ford-Mercury-\$153.07; Kadrmas, Lee And Jackson-\$11,618.09; Knology-\$289.73; LC Conservation Dist-\$5,000.00; LC Sheriff-\$309.33; Lead, City Of-\$45.75; Lead-Deadwood Regional Hospital-\$308.67; Lead-Deadwood Sanitary-\$351.39; Lee,James-\$15.00; Lewno, Lucy-\$150.45; Lexisnexis Risk Data Mngt-\$75.00; Mad Manz Pizza-\$42.50; Manlove Psychiatric Group-\$700.00; Mcclure, Susan-\$550.00; Mid States Organized-\$150.00; Midcontinent Communications-\$33.44; Montana Dakota Utilities-\$5,472.95; Motorola Solutions-\$1,164.00; Mro Corporation-\$26.15; NH Alcohol&Drug Services-\$10,000.00; Nasppg Insurance Services-\$8.26; Nelson,Christy-\$150.00; Nelson,Tonya-\$500.00; Neve's Uniforms-\$109.80; Newman Traffic Signs-\$254.92; Northern Hills Casa-\$7,500.00; Northern Hills Dental-\$937.00; Northwest Pipe Fitt-\$360.05; Office Of Child Support-\$728.31; Okuson,Tara-\$500.00; Pennington Co Auditor-\$343.00; Pennington County Sheriff-\$1,687.65; Pennington County Sts Attny-\$645.00; Phoenix Investigations-\$28.51; Pizza Lab-\$132.90; Program Works-\$630.00; Project Livesaver-\$164.72; RC Journal-\$210.60; RC Medical Center-\$140.00; RC Regional Hospital-\$2,798.75; Radio Shack/Kazco-\$59.98; Rapid Delivery-\$21.60; Regional Health Physicians-\$190.02; Reindl,Staci-\$805.00; Reliable-\$35.57; Rocket Lube-\$62.99; SD Association Of County-\$225.00; SD Building Officials Assoc-\$50.00; SD Dept Of Labor Unemployment-\$976.18; SD Emergency Mngt Association-\$90.00; SD Public Assur Alliance-\$129,574.99; SD State Treasurer-\$1,725.42; Sada System-\$35.00; Sand Creek Printing-\$238.70; Schilplin,Sara Psy-\$1,100.00; Sdaco-\$2,211.79; Sdsu Extension-\$5,437.00; Secretary Of State-\$60.00; Semerad, Sandra-\$51.00; Servall Towel&Linen-\$492.44; Spearfish Auto Supply-\$1,031.87; Spearfish Husky-\$121.00; Sturdevant's Auto Parts-\$41.09;

Subway-\$64.00; Swanda,Karen-\$15.00; Tigerdirect-\$499.99; Triple K Tire& Repair-\$79.96; Turnkey Corrections-\$21.15; Twin City Hardware&Lumber-\$465.88; Waste Connections-\$614.91; Watertree-\$44.60; Wells Fargo Business Card-\$708.74; West Group-\$163.28; West River International-\$3,921.75; Western Communication-\$60.50; Western Planning Resources-\$210.00; Western Sd Juvenile Serv-\$16,965.00; Wex Bank-\$1,585.90; White's Canyon Motors-\$284.67; White's Queen City Motors-\$745.06; Wilde&Hunt, Prof. Llc-\$689.15; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Barrett,K-\$60.36; Buckmaster,C-\$10.74; Burriss,N-\$22.58; Coons,J-\$12.22; Cota,R-\$28.50; Crowser,C-\$21.10; Didier,N-\$20.36; Eller,A-\$21.84; Gerry,N-\$61.84; Golinvaux,N-\$21.10; Hafner,J-\$61.10; Hansen,S-\$52.22; Hayward,I-\$12.22; Hupp,T-\$60.36; Hill,M-\$21.10; Ingalls,M-\$21.10; Janke,W-\$23.70; Johnson,M-\$24.80; Karas,L-\$21.10; Loup,D-\$62.58; Martin,G-\$21.10; Miles,T-\$62.58; Mills,J-\$24.80; Mitchell,W-\$10.74; Myers,A-\$21.10; Norman,D-\$21.10; Rafferty,B-\$21.10; Sandford,D-\$61.10; Sandy,D-\$63.32; Savage,M-\$10.74; Schaff,B-\$18.88; Schroeder,L-\$60.36; Schumacher,M-\$21.10; Smith,A-\$19.62; Young,G-\$21.10; Chongchua,A-\$22.22; Pressley,C-\$22.22; Ridgeway,A-\$49.60; Roemer,M-\$20.37; Brown,B-\$20.74; Kerr,A-\$33.32

ADJOURN: 10:25 a.m. Moved-Seconded (Ewing-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 4, 2013

Vice-Chairman Richard Sleep 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 4, 2013 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 conference call and Bob Ewing was absent.

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

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

8:01 a.m. EXECUTIVE SESSION: Moved-Seconded (Johnson-Sleep) to go into executive session for Contractual Matters pursuant to SDCL 1-25-2 (3). Motion Carried. 8:41 a.m. the Board opened for regular business.

Moved-Seconded (Flanagan-Johnson) To offer \$500,000 for the old Deckers property in the City of Deadwood, contingent upon satisfactory discussion with the City and approval by the County on the exact property boundaries. Aye: Johnson & Flanagan. Nay: Weisenberg & Sleep. Motion Failed. The Board noted that Ewing sent a letter in support of making an offer on the property. Weisenberg stated he felt it was a gross misuse of taxpayer's funds and was not in support of competing with private enterprise.

ADJOURN: 8:48 a.m. Moved-Seconded (Weisenberg-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 19, 2013

Chairman Brandon Flanagan 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 19, 2013 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. Robert Ewing was absent.

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 January 14, 2013 County Commission meeting and the special meeting of February 4, 2013. Motion Carried.

TRAVEL REQUESTS:

PLANNING & ZONING: Moved-Seconded (Johnson-Weisenberg) to approve the travel request for Amber Vogt to attend the 2013 Western Planners in South Lake Tahoe, NV on October 11-16, 2013. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Johnson) to approve Daniel Morgan as a temporary part-time (under 20) Special Deputy at the base rate of \$17.37 an hour, effective February 19, 2013. Motion Carried.

EXECUTIVE SESSION: 8:25 a.m. Moved-Seconded (Sleep-Johnson) to go into executive session for personnel issues with Joe Harmon, Chief Deputy Sheriff. Motion Carried. 8:34 a.m. the Board opened for regular business.

Moved-Seconded (Weisenberg-Flanagan) To accept the letter of Resignation from Joe Harmon and Rick Hagerty effective June 15th, 2013; and to allow the advertisement for two uniformed officer positions. Motion Carried. The Board thanked Harmon and Hagerty for their dedicated service in law enforcement and wished them the best in their retirement.

AIRPORT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Final Review and Acceptance for Taxiway Project A.I.P. 3-46-0065-017-2010 & 019-2011. 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 January 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)-\$109,749.67; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,855.47; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,914,900.18, Money Market \$530,552.11; Bank Balance-\$4,704,036.02; Total \$14,014,303.45.

TRANSFER OF FUNDS:

Moved-Seconded (Weisenberg-Johnson) to approve the annual budgeted transfer of \$1,095,000 from General Fund to Road & Bridge Fund and to transfer \$139,893 from General Fund to Emergency & Disaster Fund. Motion Carried.

COMBINED ELECTION AGREEMENTS: Moved-Seconded (Johnson-Weisenberg) to cancel all combined election agreements with the Butte School District (9-1), Meade School District (46-1), Spearfish School District (40-2), and the City of Spearfish. Motion Carried. Requests were previously received from the City of Spearfish and Spearfish School district to cancel their combined election agreements.

AMENDED HANGAR LEASE: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Amendment to Lease Agreement with Duane K. Berke. Motion Carried.

VOLUNTEER FIRE FIGHTER: Moved-Seconded (Weisenberg-Sleep) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. **Brownsville:** Brett Winsell and Dennis Winsell.

EXTENSION OFFICE RECORDS: Moved-Seconded (Johnson-Sleep) to approve the transfer of Extension Office Records to Case Library for cataloging and scanning. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Flanagan) to declare the wood bench surplus and give to the City of Deadwood. Motion Carried.

SHERIFF BUSINESS:

VEHICLE BID OPENING: Moved-Seconded (Weisenberg-Flanagan) to accept the only bid received from Whites Queen City for three (3) 2013 Chevy Tahoe's - \$29,391 per vehicle; and to declare surplus and trade in the 2008 Dodge Durango VIN: 1D8HB48278F129082 with 90,000 miles; 2008 Dodge Durango VIN: 1D8HB48298F129083 with 137,000 miles; and the 2009

Chevy Tahoe VIN: 1GNFK03019R195722 with 132,000 miles (trade in allowance \$19,00); Grand total \$69,173. Motion Carried.

EQUITABLE SHARING AGREEMENTS: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the Equitable Sharing Agreement and Certification and the Amended Equitable Sharing Agreement and Certification with the Department of Justice. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of February 5, 2013: Deadwood Diesel 6500 Gallons: (prices per gallon) CBH Cooperative - \$3.428*; Deadwood Unleaded 3700 Gallons: (prices per gallon) CBH Cooperative - \$2.956*, Spearfish Diesel 3200 Gallons: (prices per gallon) CBH Cooperative - \$3.428*, Spearfish Unleaded 950 Gallons: (prices per gallon) CBH Cooperative - \$2.956*. *Represents lowest quote awarded. No bid was received from Southside, MG Oil, and Harms Oil Co.

DEPARTMENT OF TRANSPORTATION 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 (SWAP) for 2013. Motion Carried.

DEPARTMENT OF TRANSPORTATION STRIPING AGREEMENT: Moved-Seconded (Weisenberg-Johnson) 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 for 2013. Motion Carried.

HIGHWAY – CULVERT BIDS: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from TrueNorth Steel for 2013. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

SPRING LOAD LIMIT: Allan Bonnema updated the Board on what the spring load limits on County roads are and stated they will be implemented when necessary.

EVANS LANE PROJECT: Bonnema updated the Board on the Evans Lane Project and encroachment issues that have been identified.

OLD BELLE HIGHWAY OVERLAY PROJECT: Allan Bonnema recommended the Old Belle Highway 2" overlay project from Ward Avenue to Redwater, the estimated cost is

\$650,000. The Board discussed if there would be a shortfall in funds if the Evans Lane Project came in over estimated costs.

Moved-Seconded (Johnson-Weisenberg) to hire Interstate Engineering to start the process of preparing bid specs on the Old Belle Highway Project, contingent upon the bids on the Evans Lane Project are within estimated amounts. Motion Carried.

WESTERN HILLS HUMANE SOCIETY: Char Bergum was present on behalf of the Western Hills Humane Society. Weisenberg requested an operating budget from the Western Hills Humane Society. Bergum requested payment for a \$1,300 bill covering the 2nd half of payment for 2012 and also an allocation of \$3,000 for 2013. Harmon stated he did submit for payment of an allocation to the Western Hills Humane Society for \$2,000 and it was approved in the bills today. The Board was in agreement that if the \$500 is left in dog control at the end of 2013 it can be sent to the Western Hills Humane Society, contingent upon a bill being received prior to December 15th, 2013. The Board reminded Bergum that they would need to send in an allocation request in May to be included in the 2014 County Budget.

EMERGENCY MANGEMENT: Paul Thomson, Emergency Management Director was present to update the Board on the Elected Officials Briefing for Emergency Management and the 2012 Safety Synopsis.

NORTHERN HILLS ALLIANCE: Kayla Klein, Director of Northern Hills Alliance for Children and Nyla Griffith were present to provide a program update.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #414 / COMMUNICATIONS TOWER: A public hearing was held on CUP# 414 - Cell Tower/Shelter, Location: Merritt Estes Road/Hwy 385 (Hohn/Velocitel, Applicants) 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, Conditional Use Permit #414 Cell Tower/Shelter for Velocitel. Motion Carried.

CONDITIONAL USE PERMIT #415 / COMMUNICATIONS TOWER: A public hearing was held on C.U.P. #415 - Cell Tower/Shelter, Location: Mystic Hills/Custer Peak Road (Mystic Hills/Velocitel, Applicants) No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #415 Cell Tower/Shelter for Velocitel. Motion Carried.

CONDITIONAL USE PERMIT #416 / SECOND RESIDENCE: A public hearing was held on C.U.P. #416 - Temporary Second Residence, Location: Exit #2 Spearfish (Sherrie Anderson, Applicant) No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-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 #416 temporary second residence for Anderson. Motion Carried.

ORDINANCE #13-02 / RE-ADOPTION OF ZONING MAP: First Reading & a Public Hearing was held on proposed ORD #13-02 A Resolution Providing for Re-Adoption of Zoning Map. No public input was voiced and the hearing was closed.

ANNUAL REVIEWS:

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. Moved-Seconded (Johnson-Sleep) CUP #356 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

CONDITIONAL USE PERMIT #395 / BLACK HILLS OFF-ROAD RENTALS: An annual review was held on Conditional Use Permit #395 –Black Hills Off-Road Rentals/Curtis and Danette Bauer located on Custer Peak Road. No complaints were received. Moved-Seconded (Johnson-Sleep) CUP #395 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

ITEMS FROM COMMISSIONERS:

MEMORIAL: Moved-Seconded (Weisenberg-Flanagan) to give a \$100 memorial in honor of Bruce Outka's father from the Commissioners budget. 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-\$11,860.37; Aud-\$10,267.77; Treas-\$17,453.98; Comp-\$15,741.33; States Atty-\$23,824.04; Pub Def-\$20,640.74; Gen Govt Bldg-\$13,496.77; Equal-\$22,801.35; Rod-\$12,023.11; Vso-\$2,660.70; Disp-\$28,143.92; Sher-\$66,584.57; Jail-\$50,556.04; Coroner-\$770.21; Emerg Mgnt-\$6,963.59; E911-\$3,504.96; Highway-\$76,329.38; Air-\$2,307.78; Mh Serv-\$1,144.28; Weed-\$17,722.99; Pz-\$9,731.68; **Bills:** Allen,Dawn-\$85.73; Dragoo,Shelley-

\$24.00; Heck,David-\$120.00; Larson,Rene'-\$21.00; Mowell,Richard-\$8,310.00; Schuchmann,Bernard-\$325.00; Steffen,Peggy-\$63.00; Thomson,Paul-\$10.00; A&B Business, Inc Solutions-\$1,854.47; A&B Welding Supply-\$56.74; A&I Distributors-\$2,260.59; A&J Supply-\$446.99; American Family Life-\$3,189.68; BH Collections-\$385.68; BH Federal Credit Union-\$15,508.00; Clerk Of Courts-\$100.00; Credit Collections Bureau-\$200.00; Deadwood Recreation Center-\$666.00; Delta Dental Of South Dakota-\$6,493.20; Dept Of The Treasury-\$155,535.43; Diversified Collections-\$200.00; Fsh Communications-\$60.00; Hartford-Priority Accounts-\$1,671.60; Knology-\$1,986.69; Language Line Services-\$100.07; Megas Propane-\$452.48; Montana Dakota Utilities-\$6,941.54; National Assoc Legal Assistant-\$125.00; Northern Hills Rec Center-\$206.80; Office Of Child Support-\$1,456.62; SD Retirement System-\$80,139.71; Sdrs Supplemental Retirement-\$1,978.01; Thompson Publishing Group-\$429.00; United Parcel Service-\$16.80; Verizon Wireless-\$94.95; Washington State Support Reg-\$311.00; Wellmark Blue Cross-\$75,784.80; A-Z Shredding-\$72.60; Abc Business Supply-\$7,155.02; Air Connection-\$3,327.64; Andersen,Norma-\$15.00; Armstrong Extinguish-\$1,279.00; At&T-\$39.86; At&T Mobility-\$946.95; Audra Malcomb Consulting-\$1,669.78; BH Chemical Company-\$587.87; BH Council Of Local Govt-\$6,265.00; BH Land Analysis-\$1,982.50; BH Pest Control-\$95.00; BH Pioneer-\$722.69; BH Power-\$18,481.15; BH Resource Conservation-\$100.00; BH Windshield Repair-\$200.00; Biegler,Greg-\$120.00; Binder,Tracy-\$170.00; Bob Barker Company-\$745.01; Brown&Saenger-\$272.39; Butler Machinery Co-\$923.34; Butte Electric Coop-\$726.63; Butte-Lawrence Co Fair-\$10,000.00; Campbell Co Sheriffs Off-\$50.00; Cascade County Constable-\$60.00; Cbh Cooperative-\$46,969.58; Cdw Government-\$12,905.40; Central Parts-\$2,229.88; Century Business Products-\$1,004.19; Centurylink-\$2,192.11; Chris Supply Co-\$100.20; Christensen Law Office-\$1,292.90; City/County Alcohol&Drug-\$4,834.50; Clinical Lab Of BH-\$2,247.50; Cooks Correctional-\$232.10; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$683.04; Dakota Graphics-\$35.00; Deadwood Carnegie Library-\$91,801.00; Deadwood, City Of-\$803.29; Diversified Collections-\$100.00; Eagle Aviation-\$21.96; Ellingson,Joseph-\$2,102.03; Fastenal-\$62.70; Federal Express Corp-\$18.36; First Western Ins Deadwood-\$1,420.00; Fish,Veronica-\$65.00; Franks,Ronald D Md-\$900.00; Frederickson,John R-\$235.20; Fsh Communications-\$60.00; Galls-\$912.73; Gene's Lock Shop-\$554.98; Golden West Technologies-\$237.50; Grace Balloch Mem Library-\$230,421.00; Great Western Tire-\$992.73; Grey Law Office Prof-\$12,392.80; Grimm's Pump Service-\$195.90; Hamann,Chris-\$100.00; Havemeier,Leslie-\$19.00; Heartland Paper Co-\$968.24; Heisler Hardware-\$181.56; Hill,Maury-\$61.10; Hills Material Comp-\$31,619.15; Ibm Corporation-\$1,679.00; Inland Truck Parts-\$50.88; Ironhorse Inn-\$400.00; J&J Truck&Auto Body-\$3,841.27; Jacobs Precision Welding-\$45.00; Kadrmas, Lee And Jackson-\$742.66; Kimball-Midwest Co-\$391.20; Kosel,Joseph-\$4,651.35; LC Auditor-\$66.00; LC Emerg Mgnt-\$48.70; L-3 Communications-\$465.00; Language Line Services-\$153.44; Lattice Incorporated-\$1.94; Lawson Products-\$681.49; Lead, City Of-\$108,796.95; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional Hospital-\$579.04; Lead-Deadwood Sanitary-\$358.73; Lee,James-\$15.00; Lewis&Clark Bhs-\$298.00; Lewno,Lucy-\$148.71; Lexisnexis Risk Data Mgnt-\$75.00; Lizard Tech-\$585.00; Lycox Enterprises-\$20,545.00; Lyle Signs-\$133.03; Manlove Psychiatric Group-\$1,300.00; Marco-\$33.62; McClure,Susan-\$200.00; Mckercher,Scott-\$3,600.00; Midcontinent Communications-\$33.53; Midwest Alarm Co-\$84.00; Miller,Steve-\$3,954.58; Montana Dakota Utilities-\$1,407.96; Mutchler,Tricia-\$100.80; National Assoc Of Criminal-\$129.00; National Assoc Of Co Engineers-\$550.00; National Sheriff's Assoc-\$100.00; Nelson,Christy-\$200.00; Nelson,Tonya-

\$400.00; Neve's Uniforms-\$1,054.80; Newman Traffic Signs-\$178.23; Northern Hills Dental-\$1,796.00; Office Depot-\$1,763.30; Office Of Child Support-\$728.31; Outdoor Motor Sports-\$819.80; P.I.E-\$206.35; Pennington Co Auditor-\$140.00; Pennington County Sheriff-\$2,513.25; Pennington County Sts Attny-\$860.00; Phoenix Investigations-\$57.02; Pitney Bowes-\$350.45; Pizza Lab-\$64.68; Pmb 0112-\$222.93; Prairie Hills Transit-\$7,500.00; Quill Corporation-\$311.08; RC Finance Office-\$2,205.00; RC Regional Hospital-\$4,602.51; Rabe Elevator-\$1,721.74; Radio Shack/Kazco-\$205.44; Rapid Delivery-\$46.20; Rasmussen Mechanical Serv-\$9,430.65; Regional Health-\$644.80; Regional Health Physicians-\$87.43; Reserve Account-\$12,000.00; Rocket Lube-\$168.96; Rsinet/Thomas W Nichols-\$180.00; SD Airport Conference-\$60.00; SD Association Of County-\$80.00; SD Building Officials Assoc-\$75.00; SD Dept Of Transportation-\$4,543.83; SD State Treasurer-\$14,871.07; Sada Systems-\$35.00; Sdrs Supplemental Retirement-\$964.00; Secretary Of State-\$60.00; Securus Technologies T-Netix-\$1,075.00; Semerad,Sandra-\$184.60; Servall Towel&Linen-\$1,224.28; Sheridan County Sher Office-\$19.00; Silverado-\$441.00; Southside Service-\$61.40; Spearfish Alt/Starter Rebuild-\$155.00; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$664.12; Spearfish Husky-\$97.00; Spearfish Police Dept-\$21,133.82; Spearfish Senior Citizens-\$2,000.00; State Radio Communication-\$5,280.00; Strawn Law PC-\$1,125.20; Stretch's Glass& Mirror-\$49.99; Subway-\$63.75; Swanda,Karen-\$15.00; Swisher Hygiene/Css-\$4,821.12; Teen Court-\$7,500.00; Tigerdirect-\$1,164.30; Triple K Tire&Repair-\$1,038.93; Turnkey Corrections-\$191.22; Twilight First Aid&Safety-\$106.20; Twin City Hardware&Lumber-\$2,060.95; Twin City Senior Citizens-\$2,000.00; United Parcel Service-\$46.64; Verizon Wireless-\$94.95; Victims Of Violence-\$930.00; Washington State Support Reg-\$311.00; Waste Connections-\$645.70; Watertree-\$37.95; Weed&Pest Conference-\$190.00; Wells Fargo Bank-\$52.78; Wells Fargo Business Card-\$3,156.89; West Group-\$1,343.28; West River International-\$468.00; Western Communication-\$398.73; Western Hills Humane Society-\$2,000.00; Western Sd Juvenile Serv-\$10,575.00; Western State Fire Protection-\$545.00; Wex Bank-\$1,123.07; White Drug-\$1,994.53; White's Queen City Motors-\$76.58; Whitewood Library-\$61,320.00; Whitewood Senior Citizens-\$1,000.00; Yankton Co Sheriff-\$50.00; Yankton County-\$103.75; **Witness & Jurors:** Barrett,K-\$60.36; Didier,N-\$60.36; Adams,T-\$18.88; Gerry,N-\$61.84; Golinvaux, N-\$61.10; Hafner,J-\$61.10; Hansen,S-\$52.22; Hupp,T-\$60.36; Loup,D-\$62.58; Martin, G-\$61.10; Miles,T-\$88.87; Norman,D-\$61.10; Rafferty,B-\$61.10; Sandford,D-\$61.10; Sandy,D-\$63.32; Schroeder,L-\$60.36; Smith,A-\$59.62; Young,G-\$61.10; Baird,C-\$13.70; Bechen,R-\$17.40; Betten,S-\$22.58; Bigney,J-\$10.74; Bradley,M-\$22.58; Brenneisen,D-\$21.10; Canfield,J-\$21.10; Clark,I-\$23.32; Cockrum,W-\$21.10; Corrick,C-\$26.28; Dikoff,G-\$64.80; Eldeen,E-\$24.80; Fisher,M-\$21.10; Galinat,P-\$61.84; Grodzin,B-\$13.70; Harsh,L-\$72.20; Helmer,M-\$28.50; Huffman,J-\$58.88; Iverson,C-\$27.02; Jensen,R-\$16.66; Johnson,E-\$18.88; Key,J-\$21.10; Kirkeby,L-\$10.74; Kvanvig,S-\$60.36; Mcconnell,S-\$17.40; Mcguire,T-\$16.66; Meyer,C-\$58.88; Monahan,D-\$24.80; Moss,G-\$52.22; Norton,A-\$50.74; Ochsner,R-\$21.10; Oedekoven,D-\$24.80; Parker,M-\$21.10; Patterson,D-\$17.40; Pearson,C-\$21.10; Powell,T-\$24.06; Quaschnick-Adams,C-\$53.70; Renner,G-\$21.10; Ryman,A-\$59.62; Schafer,B-\$24.80; Schroeder,L-\$20.36; Shay,D-\$22.58; Silva,E-\$61.10; Sirofchuck,P-\$61.10; Sulentic-Morcom,C-\$24.80; Thompson,J-\$21.10; Walsh,J-\$25.54; Lutz,C-\$21.10; Ringstmeyer,M-\$21.10; Andersen,T-\$22.22; Fredericksen,K-\$22.22; Marcoe,Z-\$31.10; Vrem,A-\$94.00; Bates,J-\$22.22; Cain,F-\$20.00; Colson-Fillmore,K-\$38.50; Crowley,A-\$31.10; Donald,S-\$22.59; Ellenbecker,J-\$22.59; Ford,C-\$29.25; Fuka,J-\$31.10; Heilman,J-\$34.06; Hicks,S-\$20.00; Johnson,M-\$20.00; Kane,D-\$53.30; Kent,M-\$20.00; Ladson,T-\$31.10; Lawler,J-\$29.62; Murra,A-\$22.22; Murra,L-

\$22.22; Nickerson,E-\$20.00; Nelson,M-\$22.22; Pankonin,P-\$34.06; Patek,J-\$33.32; Pray,R-\$20.00; Schleusner,J-\$33.32; Strong,J-\$23.18; Vinkemulder,K-\$120.64

ADJOURN: 10:46 a.m. Moved-Seconded (Weisenberg-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 19, 2013

Chairman Brandon Flanagan 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 19, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Robert Ewing, and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of February 19, 2013 County Commission meeting. Motion Carried.

TRAVEL REQUESTS:

SEARCH & RESCUE: Moved-Seconded (Weisenberg-Johnson) to approve the travel request for Richard Carlson to attend the NASAR Search and Rescue – SAR Tech II Training and Examination in Big Timber, MT on April 5th through the 7th, 2013. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Mary Abell as a permanent full-time correctional Officer I G3 at the base rate of \$15.42 an hour, effective March 5, 2013, upon completion of 40 hours of training at \$10.08 an hour. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Stacey Scherer as a temporary part-time (under 20) correctional Officer I G3 at the base rate of \$15.42 an hour, effective March 19, 2013, upon completion of 40 hours of training at \$10.08 an hour. Motion Carried.

Sheriff Rick Mowell informed the Board that they will miss Chief Deputy Joe Harman and thanked him for his dedicated service to the County. Mowell stated he will be appointing Captain Brian Dean as the new Chief Deputy, effective June 15, 2013.

HIGHWAY: Moved-Seconded (Johnson-Ewing) to accept the resignation of Matt Maxwell and to authorize the advertisement for a full-time for Heavy Equipment Operator. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Flanagan) to approve the step raise for Jason Fisher as an Appraiser II G2 at the base rate of \$16.19 an hour, effective April 7, 2013. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of February 28, 2013 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)-\$161,223.40; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,855.47; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Savings \$3,915,209.04, Money Market \$530,592.81; Bank Balance-\$4,677,271.34; Total \$14,041,970.24.

AUTOMATIC SUPPLEMENTS:

24/7 PBT: Moved-Seconded (Weisenberg-Ewing) to approve the automatic supplement of \$16,571.00 for the 24/7 PBT Salaries for grant funds received. Motion Carried

LEAD FIRE PROTECTION DISTRICT:

Moved-Seconded (Weisenberg-Johnson) To follow the recommendation of the Lead Fire Protection District Board and appoint Rene Larson to the Lead Fire Protection District Board to fill the remaining term of Les Roselles (one year). Motion Carried.

SHERIFF:

US FOREST SERVICE CAMPGROUND AGREEMENT: Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Agreement 09-LE-11020300-006 for 2013. Motion Carried

911: Rick Mowell, Sheriff updated the Board on the 911 system and incoming calls into the County.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of March 11, 2013: Deadwood Diesel 5100 Gallons: (prices per gallon) CBH Cooperative - \$3.584, MG Oil - \$3.51064*; Deadwood Unleaded 2900: (prices per gallon) CBH Cooperative - \$3.274, MG Oil - \$3.26995*; Spearfish Diesel 2100 Gallons: (prices per gallon) CBH Cooperative - \$3.584, MG Oil - \$3.52444*; Spearfish Unleaded 850 Gallons: (prices per gallon) CBH Cooperative - \$3.274, MG Oil - \$3.27075*; Whitewood Diesel 800 Gallons: CBH Cooperative - \$3.584, MG Oil - \$3.51064* . *Represents lowest quote awarded. No bid was received from Southside and Harms Oil Co.

EVANS LANE: Allan Bonnema, Highway Superintendent updated the Board on the Evans Lane Project Bids. The low bidder was Hills Materials with a Total Base Bid of \$1,807,058.05: Schedule 1 (Hillsview) \$872,489.54; Schedule 2 (Evans Lane) \$667,707.30; Schedule 3 (Evans

Lane Water) \$266,861.21. Lawrence County's cost share would be \$333,853.65, cost share of design engineering \$28,000, cost share of construction engineering \$20,518, with a total estimated Lawrence County Cost Share of \$382,371.65.

Moved-Seconded (Ewing-Johnson) to concur with the City of Spearfish decision to award the project to the low bidder of Hills Materials for the Evans Lane Project. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to concur with the City of Spearfish to accept the proposal of FMG Engineering for engineering costs on the Evans Lane Project at 40%. Motion Carried.

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: Moved-Seconded (Weisenberg-Ewing) to accept the only bid from Z&S Dust Control at \$135.25 per ton and \$12.00 per ton application, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

HOT MIX ASPHALT: Sacrison Paving-\$no price at Exit 8 Plant; Hills Materials - \$57.10 at Centennial Quarry Plant. Moved-Seconded (Weisenberg-Sleep) to accept the only bid received from Hills Materials and allow the Chairman to sign the contract. Motion Carried.

COLD MIX ASPHALT: Hills Materials - \$97.00. Moved-Seconded (Ewing-Sleep) to accept the only bid received from Hills Material at \$97.00 from the Centennial Pit and allow the Chairman to sign the contract. Motion Carried.

GRAVEL SURFACING AGGREGATE: Hills Material: ¾" gravel surfacing-\$8.35; 1" gravel base-\$7.50; ¾"; clean rock-\$12.65; ½" clean rock-no bid; 1" clean rock-\$10.50; gravel base-\$8.90; Loading-included. 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-\$12.00; All prices include loading. Moved-Seconded (Ewing-Weisenberg) 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 - \$bid rejected because of irregularity. Hills Material - \$266.50 per ton layed in place. Moved-Seconded (Weisenberg-Flanagan) to accept the bid from Hills Material at \$266.50 per ton layed in place and allow the Chairman to sign the Contract. Motion Carried.

GRAVEL BID ADVERTISEMENT: Moved-Seconded (Johnson-Ewing) to set a bid opening for May 14th at 8:30 a.m. for the crushing and stockpiling of 40,000 tons of gravel. Motion Carried.

COOPERATIVE FOREST ROAD AGREEMENT & ROAD PROJECT AGREEMENT:

Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the Cooperative Forest Road Agreement and Road Project Agreement #12-RO-11020300-022 modification #4 with the USDA Forest Service. Motion Carried

OLD BELLE HIGHWAY OVERLAY PROJECT: Moved-Seconded (Ewing-Weisenberg) to set the bid opening for the Old Belle Highway Project for April 9th at 8:30 a.m. Motion Carried.

RANGELAND FIRE PROTECTION AGREEMENT: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the State/County Rangeland Fire Protection Agreement. Motion Carried.

Moved-Seconded (Johnson-Ewing) to designate Chairman and Vice Chairman of the County Commission, and Paul Thomson, as the person authorized to request assistance. Motion Carried.

ALCOHOLIC BEVERAGE TRANSFERS: A public hearing was held on the following applications to transfer Alcoholic Beverage Licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve the following transfers of Alcoholic Beverage Licenses. Motion Carried. Class - Retail (On-Off-Sale) Wine: Previous License: Steel Wheel Trade Post & Campground: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County, SD. Transfer To: Wichterman And Sons Inc: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM, Lawrence County, SD. Class-Retail (On-Off Sale) Malt Beverage: Previous License: Hidden Valley Campground: Lot G1A Rev HES 297 SEC 18 & 19 T4N R4E BHM. Transfer To: Wichterman And Sons Inc: Lot G1A Rev HES 297 SEC 18 & 19 T4N R4E BHM. Class-Retail (On-Off Sale) Malt Beverage: Previous License: Steel Wheel Convenience Store: Tract D revised, formerly Tract D of HES 297, Sections 18 & 19 R4E T4N, 21399 US Hwy 385, Deadwood. Transfer To: Wichterman and Sons Inc: Tract D revised, formerly Tract D of HES 297, Sections 18 & 19 R4E T4N, 21399 US Hwy 385, Deadwood.

MOUNTAIN PINE BEETLE: Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the Forestry Grant Application for the Mountain Pine Beetle Funding Grant through the State of South Dakota Division of Resource Conservation, as the County will have enough soft funds as matching funds and will not require any additional funds from the County Severance Tax. Motion Carried.

STATES ATTORNEY

PERSONNEL: Moved-Seconded (Weisenberg-Ewing) to allow the States Attorney to contract with Mikayla Gallager at the rate of \$15.00 an hour to work as an independent contractor on an as needed basis. Motion Carried. Aye-Weisenberg, Ewing and Flanagan. Nay-Johnson and

Sleep. Johnson and Sleep raised concerns on the amount paid to the individual and stated the County has employees who have worked here for many years and don't make that wage.

Moved-Seconded (Ewing-Flanagan) to reconsider the motion to approve contracting with Mikayla Gallagher. Motion Carried. Aye: Johnson, Ewing, Sleep and Flanagan. Nay: Weisenberg. Johnson expressed concerns this wage would be equivalent to a full time county employee who is required to have training and certification.

Moved-Seconded (Ewing-Johnson) to rescind the motion to approve Mikayla Gallagher at the rate of \$15.00 an hour to work as an independent contractor on an as needed basis until further information is received. Motion Carried.

TREASURER INVESTMENT REPORT: Deb Tridle presented the Investment Report for Lawrence County.

TREASURER TRUST AGREEMENT: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the Treasurer Trust Agreement with Paula S. Tyler on a 1996 Homark Royal Mobile Home. Motion Carried.

EQUALIZATION:

ABATEMENT / HAAK: Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of the Director of Equalization and approve the abatement on parcel #20010-00602-072-64 for Lyle Haak for taxes payable in 2013. Motion Carried.

ABATEMENT / THOMPSON: Moved-Seconded (Johnson-Sleep) to follow the recommendation of the Director of Equalization and approve the abatement on parcel #32570-02000-100-00 for Elsie Thompson for taxes payable in 2013. Motion Carried.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #417 / KISSACK: A public hearing was held on CUP #417 - Don & Laura Kissack for a Temporary 2nd Residence for a Hired Hand/Daughters on approx. 320 ac +/- (80 in Lawrence County and 240 in Butte County), located off of Creekside Loop/Old Belle Road; NW 1/4 SW 1/4 Section 4, T7N, R2E. There was no public input 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, Conditional Use Permit CUP #417 Don & Laura Kissack . Motion Carried.

ORDINANCE #13-01 / PERSONAL USE AIRSTRIPS: 1st Reading and a Public Hearing was held on proposed ORD #13-01 An Ordinance Amending the Lawrence County Zoning Ordinance, Amendments and Additions Thereto / Personal Use Airstrips. Charles Nicholas and John Niehaus spoke in favor of the proposed Ordinance #13-01 requiring a 500 ft buffer zone. The public hearing was closed.

CONDITIONAL USE PERMIT #238-13 / NIEHAUS: A public hearing was held on Amendment to CUP # 238-13 Johnny Niehaus, Lot 1 of Niehaus Subdivision formerly Tracts B1-A & B1-B Revised part of NE1/4 NW1/4 Section 4, T6N, R2E, zoned SRD 3.74 +- acres. This requested amendment to CUP #238 will allow expansion of the existing manufacturing facility building, and change legal description of original. There was no public input and the hearing was closed. Moved-Seconded (Sleep-Ewing) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit CUP #238.-13 Johnny Niehaus. Motion Carried. Aye-4. Johnson was absent during the vote.

ORDINANCE #13-02 / RE-ADOPTION OF ZONING MAP: Second Reading was held on proposed ORD #13-02 A Resolution Providing for Re-Adoption of Zoning Map. Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign Planning & Zoning Ordinance #13-02 A Resolution Providing for Re-Adoption of Zoning Map. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2013-02: A RESOLUTION ADOPTING THE UPDATED OFFICIAL ZONING MAP OF LAWRENCE COUNTY. WHEREAS, SDCL CH 11-2 provides for comprehensive planning and zoning of counties; and WHEREAS, SDCL CH 11-2-1 (9) defines "Zoning map, [as] the map that delineates the extent of each district or zone established in the zoning ordinance; and WHEREAS, the original Zoning Map was adopted by the Lawrence County Board of County Commissioners as a part of Zoning Ordinance Number 1 on June 17, 1975; and WHEREAS, owing to the number of changes and additions to zoning district boundaries since the adoption of the original Zoning Map, the Lawrence County Board of Commissioners adopted a revised Zoning Map on June 13, 2006, pursuant to Resolution #2006-20; and WHEREAS, again owing to the number of changes and additions to zoning district boundaries since June 13, 2006, (COZ #251- #298) the Lawrence County Board of County Commissioners, upon the approval and recommendation of the Lawrence County Planning and Zoning Commission, again deems it necessary and proper to adopt a further revised Zoning Map; Therefore, Be It Resolved, pursuant to SDCL Ch. 11-2 and the Lawrence County Zoning Ordinance Adopted on November 2, 2009, specifically, Chapter 4, Article 1, the attached revised Zoning Map is hereby adopted and replaces and supersedes all prior maps and revisions. Richard Tysdal, Lawrence County Planning and Zoning Chairman, Date: 01/03/2013. ATTEST: Sherryl Schulz, Notary. Brandon Flanagan, Lawrence County Commission Chairman, Date: 03/19/2013. ATTEST: Connie A. Atkinson, Auditor. Bruce Outka, Deputy State's Attorney

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.

Payment: Comm-\$11,714.26; Aud-\$16,500.75; Treas-\$20,575.12; Comp-\$16,187.67; States Atty-\$24,202.58; Pub Def-\$20,156.38; Gen Govt Bldg-\$15,746.56; Equal-\$23,627.88; Rod-\$14,966.83; Vso-\$2,510.70; Disp-\$24,941.06; Sher-\$68,895.48; 44,702.30; Coroner-\$1,196.80; 24/7-\$773.72; Emerg Mgnt-\$7,383.16; E911-\$3,310.40; Highway-\$80,653.39; Air-\$2,613.12; Mh Ser-\$1,680.00; Weed-\$25,991.99; Pz-\$9,827.60; **Bills:** Fitzgerald,John-\$185.00; Heberlig,Gary-\$96.98; Heck,David-\$275.60; McCormick,Robert-\$14.45; Mowell,Richard-\$7,320.00; Smith,Danny-\$63.03; Turbiville,Patricia-\$18.98; Outka,Bruce-\$100.00; American Family Life-\$3,328.45; At&T Mobility-\$825.17; BH Collections-\$128.56; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$687.00; Delta Dental Of South Dakota-\$6,498.72; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,674.94; Knology-\$1,491.94; Marco-\$33.62; Montana Dakota Utilities-\$5,930.34; Northern Hills Rec Center-\$206.80; Office Of Child Support-\$728.31; SD Assn Of Co Comm-\$300.00; SD Retirement System-\$52,138.33; United Parcel Service-\$17.12; Wellmark Blue Cross-\$77,335.30; A&B Business,Inc Solutions-\$1,803.64; A&B Welding Supply-\$19.84; A&J Supply-\$143.78; A-Z Shredding-\$75.90; Abc Business Supply-\$13,338.66; Alpine Impressions-\$40.00; American Legion Post 31-\$75.00; At&T Mobility-\$60.26; Audra Malcomb Consulting-\$2,464.60; BH Chemical Company-\$227.01; BH Federal Credit Union-\$15,508.00; BH Pest Control-\$95.00; BH Pioneer-\$115.30; BH Power-\$11,521.87; BH Windshield Repair-\$125.00; Banks,Bridgette-\$22.50; Binder,Tracy-\$40.80; Black Hills Disposal-\$87.00; Bob Barker Company-\$514.59; Brown&Saenger-\$255.00; Butler Machinery Co-\$2,229.43; Butte Electric Coop-\$773.67; Campbell Co Sheriffs Off-\$100.00; Central Parts-\$1,068.68; Century Business Products-\$173.93; Centurylink-\$2,136.59; Christensen Law Office-\$982.75; City/County Alcohol&Drug-\$2,703.00; Clark Printing-\$159.30; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$3,265.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$131.40; Deadwood Development Company-\$91.42; Deadwood,City Of-\$874.48; Dept Of Hlth Lab Services-\$449.00; Dept Of The Treasury-\$104,613.11; Diversified Collections-\$100.00; Dukes County Civil-\$75.00; Eaton Corporation-\$2,119.99; Ecolab-\$135.00; Ed Roehr Safety Products-\$146.55; Eddie's Truck Sales/Serv-\$27.72; Ellingson,Joseph-\$4,036.78; Fastenal-\$349.93; Federal Express Corp-\$84.00; Fish,Veronica-\$1,193.60; Frederickson,John-\$295.20; Fsh Communications-\$60.00; Glenney,Tracy-\$200.00; Godfrey's Brake Serv-\$410.11; Graybar-\$347.46; Great Western Tire-\$51.54; Hamann,Chris-\$300.00; Havemeier,Leslie-\$255.00; Heartland Paper Co-\$784.74; Heisler Hardware-\$171.82; Hosmer,David M Law Office-\$156.30; Inland Truck Parts-\$124.80; Intoximeters-\$1,000.00; Jacobs Precision Welding-\$257.44; Janke,Wendy-\$1,096.00; Jefferson Co Sheriff Office-\$14.25; Kadrmas,Lee And Jackson-\$8,139.09; Kappedal,Jean Rpr,Crr-\$5.60; Kimbell's Auto Repair-\$507.04; Kinney,Matthew-\$410.00; Knecht True Value-\$28.26; Koala Electric-\$5,620.17; Koll,Amy-\$100.00; Kosel,Joseph-\$5,277.08; LC Treasurer-\$10.00; Lamb Motor Company-\$25,572.00; Language Line Services-\$34.81; Lawson Products-\$335.39; Lead,City Of-\$62.55; Lead-Deadwood Regional Hospital-\$737.66; Lead-Deadwood Sanitary-\$393.67; Lee,James-\$15.00; Lewis&Clark Bhs-\$298.00; Lewno,Lucy-\$148.71; Lexisnexis Risk Data Mgnt-\$75.00; Lynn's Dakotamart-\$22.97; Main Fox 8707-\$400.00; Mcarthur,Janet-\$50.00; McClure,Susan-\$100.00; Mcleod's Office Supply-\$434.17; Mg Oil Company-\$37,578.58; Midcontinent Communications-\$33.39; Montana Dakota Utilities-\$1,504.49; Moore Medical-\$297.12; Mutchler,Tricia-\$39.24; NH Training Center-\$2,500.00; Nelson,Tonya-\$22.22; Office Depot-\$1,366.52; Office Of Child

Support-\$728.31; Pcs Mobile-\$165.00; Pennington Co Auditor-\$266.00; Pioneer Bank And Trust-\$26.96; Pitney Bowes-\$826.14; Postmaster,Deadwood-\$78.00; Powerplan-\$948.65; Queen City Tire-\$13.00; RC Finance Office-\$1,155.00; RC Regional Hospital-\$5,392.68; Radio Shack/Kazco-\$24.98; Rapid Delivery-\$32.40; Rapid Reporting-\$53.20; Rapid Transcript-\$336.00; Rasmussen Mechanical Serv-\$299.41; Regional Health-\$758.00; Regional Health Physicians-\$171.53; Reh fuss,Cathryn-\$15.00; Reindl,Staci-\$1,329.40; Reserve Account-\$10,000.00; Rocket Lube-\$160.96; SD Aao-\$575.00; SD Assn Of Co Comm-\$2,595.00; SD Assoc Code Enforcement-\$140.00; SD State Treasurer-\$1,381.91; Sada Systems-\$35.00; Sdrs Supplemental Retirement-\$1,978.00; Securus Technologies T-Netix-\$1,060.00; Semerad,Sandra-\$2,956.00; Servall Towel&Linen-\$492.44; Shepherd Reporting-\$55.00; Shreves,Brian-\$292.32; Sign Express-\$439.23; Sirchie Finger Print Lab-\$125.00; Southside Oil Co-\$85.39; Southside Service-\$1,095.00; Span Publishing-\$152.10; Spearfish Alt/Starter Rebuild-\$158.00; Spearfish Auto Supply-\$431.57; Spearfish Police Dept-\$10,589.10; Stadler Ind Service-\$329.00; Stielow,John-\$513.00; Sturdevant's Auto Parts-\$816.71; Subway-\$8.00; Summit Signs & Supply-\$90.00; Swanda,Karen-\$15.00; Tigerdirect-\$2,752.11; Titan Machinery Construct Div-\$188.92; Top Quality Glove-\$195.00; Triple K Tire&Repair-\$719.94; Truenorth Steel-\$26,521.52; Turbiville Industrial Electric-\$231.08; Twin City Hardware & Lumber-\$852.53; Verizon Wireless-\$94.95; Victims Of Violence-\$765.00; Washington State Support-\$622.00; Waste Connections-\$645.70; Watertree-\$44.60; Weber,Myron-\$2,400.00; Wellmark Blue Cross-\$250.00; Wells Fargo Business Card-\$2,739.44; West Group-Thomas Reuters-\$163.28; West River International-\$23.06; Western Communication-\$120.50; Western Sd Juvenile Serv-\$4,455.00; Wex Bank-\$946.73; White Drug-\$1,310.26; White's Canyon Motors-\$87.10; White's Queen City Motors-\$99.99; Wilde&Hunt,Prof-\$1,390.20; Yankton Co Sheriff-\$25.00; Yankton County-\$420.00; **Witness & Jurors:** Adams,T-\$18.88; Barrett,K-\$60.36; Didier,N-\$60.36; Gerry,N-\$123.68; Golinvaux,N-\$61.10; Hafner,J-\$122.20; Hansen,S-\$104.44; Hill,M-\$61.10; Hupp,T-\$120.72; Johnson,M-\$64.80; Loup,D-\$125.16; Martin,G-\$61.10; Miles,T-\$125.16; Myers,A-\$61.10; Norman,D-\$61.10; Rafferty,B-\$61.10; Sandford,D-\$122.20; Sandy,D-\$126.64; Schroeder,L-\$120.72; Smith,A-\$59.62; Engle,T-\$42.20; Findley,P-\$31.10; Garrison,V-\$22.22; Jagow,L-\$31.10; Ayala,D-\$23.70; Biou,J-\$22.22; Cooper,P-\$31.10; Eid,C-\$33.32; Eulo,G-\$22.22; Evans,M-\$22.22; Fager,J-\$101.40; Fager,T-\$20.00; Fox,J-\$30.73; Kruse,L-\$34.80; Ramirez,A-\$38.50; Rummell,F-\$27.40; Ruth,W-\$21.11; Smith-Bryan,C-\$31.10; Sobieck,L-\$89.56; South,C-\$99.92

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

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 9, 2013

Chairman Brandon Flanagan 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 9, 2013 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. Robert Ewing was absent.

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-Flanagan) to approve the minutes of March 19, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Johnson-Sleep) to approve Mikayla Gallager as a temporary part-time employee effective April 9, 2013 through May 31, 2013 at the base rate of \$9.00 an hour. Motion Carried.

SHERIFF:

Moved-Seconded (Johnson-Sleep) to allow employees to donate leave to Wendy Berndt upon the exhaustion of the employee's accumulated vacation time, "comp. time" and sick leave. Motion Carried.

Moved-Seconded (Sleep-Johnson) to approve Brian Dean as the permanent full-time Sheriff Chief Deputy at the base salary of \$60,861.21, effective May 15, 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Paul Hanson as a permanent full-time Captain G3 at the base rate of \$24.90, effective May 15, 2013. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve Martin Goetsch as a permanent full-time Lieutenant G3 at the base rate of \$24.18, effective May 15, 2013. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve Joe Leveque as a permanent full-time Detective G3 at the base rate of \$23.45, effective May 15, 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Pat Johnson as a permanent full-time Sergeant G3 at the base rate of \$23.22, effective May 15, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Katie Tkach as a permanent full-time Sergeant G3 at the base rate of \$23.22, effective May 15, 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Rob Ruffato as a permanent full-time Deputy II G3 at the base rate of \$22.56, effective May 15, 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Matthew McCraden as a permanent full-time Deputy II G1 at the base rate of \$21.89, effective May 1, 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Michelle Aanenson as a permanent full-time Dispatcher II G3 at the base rate of \$17.65, effective April 7, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Megan Merwin as a permanent full-time Deputy Sheriff I G3 at the base rate of \$20.80 an hour, effective May 7th, 2013. 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 March 31, 2013 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)-\$108,497.13; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,683.80; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,750,000; Bank Balance \$5,030,490.18, Money Market \$530,633.51; Savings-\$3,915,488.03; Total \$14,344,002.65.

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

ALCOHOLIC BEVERAGE TRANSFERS: A public hearing was held on the following applications to transfer Alcoholic Beverage Licenses. No public input was voiced and the hearing was closed. Mike Herrick was present representing Triple H Hills. Dean Kinney was present representing Boulder Canyon Country Club.

Moved-Seconded (Johnson-Weisenberg) to approve the following transfers of Alcoholic Beverage Licenses. Motion Carried.

CLASS - RETAIL (ON-OFF-SALE) WINE: PREVIOUS LICENSE: MYSTIC HILLS CABINS & CAMPGROUND: 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E. TRANSFER TO: TRIPLE H HILLS, LLC: Mystic Hills Hiway 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E.

CLASS-RETAIL (ON-OFF SALE) MALT BEVERAGE: PREVIOUS LICENSE: 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. TRANSFER TO: TRIPLE H HILLS, LLC: Mystic Hills Hiway 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

RETAIL AND SUNDAY ON-SALE LICENSE: PREVIOUS LICENSE: BOULDER CANYON COUNTRY CLUB, Sturgis, SD, Lot D, SW1/4NW1/4, S11, T5, R4E. TRANSFER TO: HOMESLICE MANAGEMENT LLC: Lot D revised and Lot 1-D revised, SW1/4 of the NW1/4, S13; E1/2 NE1/4, except lot A and HROW section14, T5N, R4E of the Black Hills Meridian – Boulder Canyon Country Club.

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for GENERAL FUND: Insurance - \$190,000. No public input was voiced and the hearing was closed. Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign the following Resolution #2013-05. Motion Carried.

RESOLUTION #13-05 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Insurance - \$190,000 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 9th day of April, 2013 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. **IN WITNESS WHEREOF,** we have hereunto set our hands and official seal of Lawrence County, this 9th day of April, 2013. For The Board of County Commissioners. Brandon Flanagan, Chairman. Attest: Connie Atkinson, Lawrence County Auditor. Aye-Johnson, Sleep and Flanagan. Nay-Weisenberg. Weisenberg stated he felt the money should come from Mineral Severance Tax Funds.

HIGHWAY:

OLD BELLE HIGHWAY OVERLAY PROJECT: The following bids were received for the Old Belle Highway Project: Hills Materials-\$645,036.93 and Sacrison Paving-\$637,445. Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of the Highway Superintendent and accept the low bid from Sacrison Paving for \$637,445.00; and to authorize the Chairman to sign the contracts. Motion Carried.

UTILITY PERMIT:

BUTTE ELECTRIC: Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Butte Electric on W of Hwy 85 on Centennial Road for construction of underground electrical. Motion Carried.

APPROACH PERMITS:

VELOCITEL, INC. O/B/O AT&T: Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of the Highway Superintendent and approve the approach permit for Velocitel, Inc. o/b/o AT&T on the south side of Custer Peak Road for a telecommunications tower site. Motion Carried.

JOE & CHRISTINA COUCH: Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of the Highway Superintendent and approve the approach permit for Joe & Christina Couch on the North side of Hillsview Road, Lot 3, Block 7, Wagonbox Development. Motion Carried. Aye-Johnson, Weisenberg and Sleep. Abstain-Flanagan.

ROCHFORD ROAD PROJECT: Allan Bonnema, Highway Superintendent updated the Board on the Rochford Road Project. The Federal project funding has changed and the County's match funds from the Highway and Bridge Funds would change from \$350,000 to \$566,770. Bonnema will research the issue further and report back to the Board.

HIGHWAY EQUIPMENT PURCHASE: Moved-Seconded (Johnson-Flanagan) to approve and authorize the purchase of a Dump Body, Hoist, and Hydraulics from the State Bid #32 for \$48,543 from NTEC Northern Truck Equipment Corp. Motion Carried.

USGS: Dan Driscoll USGS was present to discuss proposed 2014 USGS Hydrologic Projects. Driscoll questioned if the County would be interested in funding any projects. The Board stated they were not ready to commit to any funding at this time and would review at budget time.

ABATEMENTS:

GREAT WESTERN BANK: Moved-Seconded (Sleep-Weisenberg) to approve the abatement for Great Western Bank on a 1980 Mobile Home VIN/4700133804AB because of an error in the computer program. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26680-01632-000-00 for the years of 1999-2012 because of the superfund site and the State of South Dakota has taken possession. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #26680-01964-000-00 for the years of 1997-2012 because of the superfund site and the State of South Dakota has taken possession. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Weisenberg-Johnson) to approve the abatement on parcel #26280-00327-000-00 for the years of 1999-2012 because of the superfund site and the State of South Dakota has taken possession. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Johnson-Sleep) to approve the abatement on parcel #26680-01681-000-00 for the years of 2004-2012 because of the superfund site and the State of South Dakota has taken possession. Motion Carried.

STATE OF SOUTH DAKOTA: Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26280-00432-000-00 for the years of 1997-2012 because of the superfund site and the State of South Dakota has taken possession. Motion Carried.

AIRPORT FUEL FARM:

Moved-Seconded (Weisenberg-Johnson) to approve and set a bid opening for 2:30 p.m. on May 9th, 2013 for the Airport Fuel Farm and to allow the Airport Board to publicly open the bids. Motion Carried.

AIRPORT HANGAR: Ray Jilek and Travis Lantis were present to discuss the seven year hangar extension plan. The Board discussed hangar rents and fees and the economic feasibility at this time to build an additional hangar. The Board recommended increasing the rents and fees and see what the market is before an additional hangar is approved. Moved-Seconded (Sleep-Weisenberg) to approve the hangar rent increase effective July 1, 2013 at \$175 & \$195 and January 1, 2014 the rents will increase to \$200 & \$225. Motion Carried.

HAY LEASE: Moved-Seconded (Weisenberg-Flanagan) to approve and allow the Airport Board to set a bid opening for the Airport Hay Lease and to allow the Airport Board to publicly open the bids. Motion Carried

LEGISLATIVE AUDIT: Bruce Hintz, State Auditor was present to inform the Board that they are auditing the County for 2011 and 2012.

SLA QUARTERLY REPORT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the 2nd Quarter State and Local Agreement SLA Quarterly Activity Report for 2013. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman or Vice Chairman to sign the SLA Quarterly report in the future to allow for timely filing for reimbursement. Motion Carried.

PLANNING & ZONING:

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #357: An annual review was held on CUP#357 for Spearfish Animal Hospital Crematorium. No complaints were received. Moved-Seconded (Johnson-Sleep)

CUP #357 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried

CONDITIONAL USE PERMIT #405: An annual review was conducted 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. Moved-Seconded (Johnson-Flanagan) to accept the Request from Michelle & Rob Andresen and cancel Conditional Use Permit #405. Motion Carried.

TRANSFER OF CONDITIONAL USE PERMIT #298-10 / MYSTIC HILLS

CAMPGROUND: Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of Amber Vogt, Planning and Zoning Director and approve the transfer of Conditional Use Permit #298-10 Mystic Hills Campground (Mike Herrick, New Owner) and review again in one year. Motion Carried.

ALLOWED USES IN SRD ZONING DISTRICT: Tawnia Merkle discussed the allowed uses in SRD Zoning District and her proposal to conduct agricultural activities/operate roadside stand located on Evans Lane, Spearfish. Flanagan stated to farm the property or grow crops on the property would be allowable, as historically the property has been used for this purpose, but to sell on the property from a stand would require a conditional use permit.

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

EXEMPT PLAT CONSIDERATION & FINAL PLAT - Dave Leliaert, Applicant (Lucan/Naomi Subdivision, Boulder Canyon Vicinity), Leliaert Tract formerly the W1/2, SE1/4, NE1/4, NW 1/4 of Section 15, T5N, R4E - Platting a 5 acre lot. Discussion followed that the land was sold in 2005 before a fire plan was required; however it is now a requirement that a fire plan be developed and completed before a plat is approved. Moved-Seconded (Johnson-Weisenberg) to follow Planning and Zoning recommendation and require that a Fire Plan be prepared and completed before the plat for Leliaert Tract formerly the W1/2, SE1/4, NE1/4, NW 1/4 of Section 15, T5N, R4E be approved and recorded. Motion Carried. Aye-Johnson, Weisenberg and Flanagan. Nay-Sleep. Motion Carried. Sleep stated he felt an on-site review of the property should have been conducted before a decision was made.

ORDINANCE #13-01 / PERSONAL USE AIRSTRIPS: 2nd Reading was held on proposed ORD #13-01 An Ordinance Amending the Lawrence County Zoning Ordinance, Amendments and Additions Thereto / Personal Use Airstrips. Moved-Seconded (Weisenberg-Flanagan) to approve and adopt ORD #13-01 An Ordinance Amending the Lawrence County Zoning

Ordinance, Amendments and Additions Thereto / Personal Use Airstrips, and to grandfather all existing personal use airstrips as of April 9, 2013 not currently meeting the 500' buffer. Motion Carried.

ITEMS FOR COMMISSIONERS:

4H PROGRAM: The Board commended the success of the 4H Program.

REGISTER OF DEEDS: The Board recognized the Register of Deeds Office for their accomplishment of scanning 6397 plats and 600 books.

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-\$5,857.13; Aud-\$8,253.97; Treas-\$10,287.56; Comp-\$8,093.83; States Atty-\$12,069.84; Pub Def-\$10,078.19; Gen Govt Bldg-\$7,957.27; Equal-\$11,847.22; Rod-\$7,483.42; Vso-\$1,256.79; Disp-\$11,595.76; Sher-\$34,120.75; Jail-23,958.11; Coroner-\$523.08; 24/7-\$151.38; Emerg Mgnt-\$3,556.28; E911-\$1,655.20; Highway-\$40,971.56; Air-\$1,441.64; Mh Serv-\$1,092.00; Weed-\$15,004.81; Pz-\$4,851.80; Bills: Alfson,Kristan-\$77.00; Fitzgerald,John-\$37.00; Mowell,Richard-\$6,792.00; A&B Business, Inc Solutions-\$823.39; A&B Welding Supply-\$17.92; A&J Supply-\$103.84; A-Z Shredding-\$15.30; American Family Life-\$3,405.04; BH Federal Credit Union-\$7,774.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$651.00; Delta Dental Of South Dakota-\$6,531.00; Dept Of The Treasury-\$53,428.38; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,637.81; Northern Hills Rec Center-\$206.80; Office Of Child Support-\$670.62; SD Retirement System-\$51,470.20; Sdrs Supplemental Retirement-\$989.00; United Parcel Service-\$44.51; Washington State Support Reg-\$311.00; Wellmark Blue Cross-\$78,158.02; Abc Business Supply-\$156.10; Albanese,Jerry-\$400.00; At&T Mobility-\$885.64; BH Chemical Company-\$727.18; BH Land Analysis-\$1,332.50; BH Pioneer-\$1,076.14; BH Power-\$1,295.18; Barker Rentals-\$375.00; Benson Technical Works-\$1,668.75; Best Western Ramkota Hotel-\$177.98; Bob Barker Company-\$413.37; Bomgaars Supply-\$16.99; Brown&Saenger-\$325.00; Butte Electric Coop-\$828.07; Central Parts-\$159.00; Century Business Products-\$547.15; Centurylink-\$217.52; Chemsearch-\$421.00; Christensen Law Office-\$496.90; City/County Alcohol&Drug-\$1,423.50; Cna Surety-\$100.00; Crop Production Services-\$23,383.60; Dakota Equipment Rental-\$7.49; Dakota Graphics-\$527.50; Dale's Tire & Retread-\$5,364.00; Deadwood Mountain Grand-\$138.50; Deadwood, City Of-\$722.89; Dunaway, Martin-\$3,300.00; Election Sys&Software-\$3,006.24; Ellingson,Joseph-\$1,167.77; First Interstate Bank-\$138.50; Fish,Veronica-\$355.60; Frederickson,John-\$126.00; Galls-\$12.99; Gene's Lock Shop-\$97.42; Great Plains Chemical-\$180.00; Great Western Tire-\$256.92; Heartland Paper-\$296.27; Jacobs Precision Welding-\$143.79; Jefferson Co Sheriff Office-\$7.50; Kadrmas, Lee And Jackson-\$5,573.29; Kennedy, Pier & Knoff-\$326.20; Kimball-Midwest Co-\$722.10; Knology-\$1,728.38; LC Conservation Dist-\$5,000.00; Lattice Incorporated-\$14.59; Lawson Products-\$318.32; Lead, City Of-\$52.75; Lead-Deadwood Regional Hospital-\$260.00; Lead-Deadwood Sanitary-\$320.25; Leads Online-\$1,758.00; Lee,James-\$15.00; Lewno,Lucy-\$72.00; Lexisnexis Matthew

Bender-\$141.38; Lueders-\$29.53; Mad Manz Pizza-\$108.38; Marco-\$33.62; Marshall & Swift/Boeckh-\$958.40; McClure,Susan-\$150.00; Mcgas Propane-\$492.16; Mcleod's Office Supply-\$39.80; Mg Oil Company-\$2,801.49; Midcontinent Communications-\$33.50; Mobile Electronic Service-\$7,646.96; Montana Dakota Utilities-\$5,480.03; Motorola Solutions-\$18,976.00; Nelson,T-\$650.00; Neve's Uniforms-\$263.68; Pennington County Sheriff-\$1,101.90; Pennington County Sts Attny-\$215.00; Phaze Electric-\$61.20; Pitney Bowes-\$252.51; Quill Corporation-\$284.16; RC Regional Hospital-\$294.44; Rabe Elevator-\$881.87; Radio Shack/Kazco-\$56.98; Radiology Associates-\$224.00; Regional Health Physicians-\$237.44; Rocket Lube-\$183.94; SD Dept Of Labor Unemployment-\$8,537.55; SD Municipal League-\$189,750.00; SD Sheriff's Association-\$83.43; SD State Treasurer-\$13,000.25; Sada Systems-\$35.00; Sand Creek Printing-\$318.00; Sdaco-\$1,005.00; Servall Towel & Linen-\$858.36; Spearfish Auto Supply-\$85.22; Spearfish Husky-\$76.00; Sturdevant's Auto Parts-\$95.23; Subway-\$63.50; Swisher Hygiene/Css-\$197.13; 3d Specialties-\$35.98; Tigerdirect-\$2,168.52; Tnvc-\$2,737.72; Top Quality Glove-\$130.00; Twin City Hardware & Lumber-\$779.01; Uline-\$339.67; Waste Connections-\$645.70; Watertree-\$71.20; Weirs,Vickie-\$500.00; West River International-\$52.22; Western Communication-\$1,294.50; Wex Bank-\$1,216.79; White Drug-\$591.10; White's Canyon Motors-\$33.99; White's Queen City Motors-\$52.39; Wilde & Hunt, Prof-\$767.69; Z&S Dust Control-\$17,763.74; Witness & Jurors: Cooper,C-\$21.10; Didier,N-\$60.36; Hill,M-\$61.10; Johnson,M-\$64.80; Martin,G-\$61.10; Myers,A-\$61.10; Norman,D-\$61.10; Rafferty,B-\$61.10; Smith,A-\$59.62; Young,G-\$61.10; Ardavani,A-\$11.48; Ardavani,M-\$10.74; Bergstrom,F-\$21.10; Bialorucki,S-\$125.16; Bloedel,D-\$21.10; Bricher,G-\$10.74; Burdick,P-\$21.10; Carlson,K-\$28.50; Chapinski,C-\$10.74; Decook,L-\$28.50; Diedrich,J-\$30.72; Eisenbraun,H-\$22.58; Ellendorf,M-\$19.62; Evans,R-\$29.24; Gamble,J-\$21.10; Geuke,D-\$24.06; Gonzalez,R-\$120.72; Haight,D-\$21.10; Honomichl,R-\$21.10; Horstmann,J-\$23.32; Jenkins,P-\$23.32; Johnson,K-\$20.36; Kermu,K-\$12.22; Kile,A-\$21.10; Kirby,G-\$104.44; Kirk,A-\$23.32; Kissack,C-\$134.04; Klein,M-\$22.58; Koll,A-\$22.58; Kruger,S-\$12.22; Langlois,B-\$12.22; Laprade,S-\$17.40; Larson,J-\$21.10; Lenners,B-\$129.60; Lerwick,C-\$19.62; Martian,D-\$120.72; Mehmen,L-\$129.60; Miller,D-\$24.06; Mutchler,A-\$24.80; Paulson,R-\$23.32; Reed,T-\$26.28; Reif,T-\$14.44; Rietheimer,E-\$11.48; Russell,M-\$24.80; Russo,D-\$10.74; Saye,T-\$12.96; Schnabel,K-\$11.48; Schoenberner,W-\$21.10; Schweitzer,D-\$19.62; Simons,M-\$28.50; Smith,K-\$24.80; Sorensen,E-\$28.50; Speed,J-\$21.10; Sprague,C-\$12.96; Stadel,B-\$25.54; Steinbach,T-\$125.16; Taylor,S-\$23.32; Tetreault,A-\$21.10; Tiger,E-\$27.02; Tjaden,T-\$19.62; Walton,V-\$101.48; Ward,J-\$21.10; Waterson,O-\$21.10; White,K-\$128.12; Wilczynski,B-\$104.44; Wipf-Hanson,C-\$117.76; Acheronti,F-\$31.10; Cofield,C-\$22.22; Cook,C-\$22.22; Corliss,K-\$36.65; Laudanskas,L-\$33.32; Endres,D-\$33.32; Laber,J-\$31.84; Maxwell,A-\$33.32; Neil,S-\$22.22; Pino,A-\$30.36; Sanderson,A-\$33.32; Tintinger,N-\$39.98; Wright,R-\$20.00

ADJOURN: 11:55 a.m. Moved-Seconded (Johnson-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

2013 LAWRENCE COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order on Tuesday April 9, 2013 at 1:00 p.m. with the following members present: Daryl Johnson, Terry Weisenberg, Brandon Flanagan and Richard Sleep. Absent was Bob Ewing.

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

The 2013 Board of Equalization Oath was signed.

Tax Exempt:

#0038 CHURCH OF ST JOSEPH OF SPEARFISH 32750-01800-060-10: WEST ADDN. SPEARFISH S 40' OF LOT 6 BLK 18. Moved-Seconded (Johnson-Weisenberg) Change land value from \$22,400 to \$0. Motion Carried: Aye – Johnson, Weisenberg and Sleep. Nay: Flanagan. Remarks: 100% Tax Exempt status granted.

#0039 CHURCH OF ST JOSEPH OF SPEARFISH 32750-01800-050-00: WEST ADDN. SPEARFISH LOT 4 & N 25' OF LOT 5 BLK 18. Moved-Seconded (Johnson-Weisenberg) Change land value from \$42,000 to \$0. Motion Carried: Aye – Johnson, Weisenberg and Sleep. Nay: Flanagan. Remarks: 100% Tax Exempt status granted.

#0040 CHURCH OF ST JOSEPH OF SPEARFISH 32750-01800-060-20: WEST ADDN. SPEARFISH S 25' OF 5 & N 10' OF LOT 6 BLK 18 Moved-Seconded (Weisenberg-Johnson) Change land value from \$19,600 to \$0. Motion Carried: Aye – Johnson, Weisenberg and Sleep. Nay: Flanagan. Remarks: 100% Tax Exempt status granted.

#0041 DAKOTA CONFERENCE CORPORATION OF SEVENTH DAY ADVENTISTS 20450-00602-050-20: DEBERG S/D SW 1/4 SE ¼ LOT 7. Moved-Seconded (Weisenberg-Sleep) Change land value from \$36,000 to \$0 Change structure value from \$136,790 to \$0. Motion Carried: Remarks: 100% Tax Exempt status granted

#0042 GOLDEN HILLS BAPTIST CHURCH OF L 31450-00600-020-10: KENWOOD S/D LEAD LOT 908 WASHINGTON ST BLK 6 (CHURCH) Moved-Seconded (Flanagan-Weisenberg) Motion Carried: Remarks: 100% Tax Exempt status granted.

#0043 DONAT, DAVID D LLC 32030-02200-040-00: ORIGINAL TOWN SPEARFISH S 40' LOT 3 & N 10' LOT 4 BLK 22. Moved-Seconded (Flanagan-Johnson) No change in land value. No change in structure value. Motion Carried: Remarks: Tax Exempt Status denied because it is being rented out.

#0044 HINCH, CHRISTY 32750-00200-050-00: WEST ADDN. SPEARFISH LOT 5 BLK 2 Moved-Seconded (Flanagan-Weisenberg) Change land value from \$28,000 to \$0 Change structure value from \$67,390 to \$0. Motion Carried: Aye – Flanagan, Weisenberg and Sleep. Abstain-Johnson. Remarks: 100% Tax Exempt status granted. (Motion was later reconsidered on April 23, 2013 and tax exempt status was denied. See below)

The following Exempt parcels were approved.

Moved-seconded (Weisenberg-Flanagan) to approve the following list of 2013 Exempt properties. Motion Carried. Aye-Flanagan, Weisenberg, and Sleep. Nay-Johnson. Motion Carried.

PARCEL__	CURRENT OWNER	ADDRESS 2	ADDRESS 3
32570-04200-120-00	ALL ANGELS EPISCOPAL CHURCH	1044 N 5TH AVE	SPEARFISH SD
32570-04200-100-00	ALL ANGELS EPISCOPAL CHURCH	1044 N 5TH AVE	SPEARFISH SD
31440-00500-005-00	ASSEMBLY OF GOD CHURCH	PO BOX 625	LEAD SD
31090-02400-130-00	ASSEMBLY OF GOD CHURCH	PO BOX 625	LEAD SD
31090-02400-140-00	ASSEMBLY OF GOD CHURCH	PO BOX 625	LEAD SD
30025-03700-280-00	BAPTIST CHURCH	110 SHERMAN ST	DEADWOOD SD
32180-14200-040-15	BEHAVIOR MANAGEMENT SYSTEMS INC	350 ELK ST	RAPID CITY SD
32090-05200-120-20	BELLA PREGNANCY RESOURCE CENTER	PO BOX 755	SPEARFISH SD
31450-00600-020-10	BEREAN BAPTIST CHURCH	17 PARKDALE	LEAD SD
31510-00400-040-00	BETHEL LUTHERAN CHURCH	825 W MAIN	LEAD SD
31810-01400-100-00	BETHEL LUTHERAN CHURCH	825 W MAIN	LEAD SD
31090-02500-050-00	BH & FT PIERRE RR ROUNDHOUSE LLC	PO BOX 535	LEAD SD
22000-00604-164-45	BLACK HILLS BAPTIST CHURCH SBC	12205 SD HWY 34	WHITEWOOD SD
31090-02600-050-20	BLACK HILLS MINING MUSEUM INC	323 W MAIN	LEAD SD
31440-00300-005-00	BLACK HILLS ROD & GUN CLUB	PO BOX 436	LEAD SD
26590-01376-000-51	BURNO CHRISTIAN FAMILY RETREAT	3181 O'BRIEN ST	RAPID CITY SD
26590-01376-000-39	BURNO CHRISTIAN FAMILY RETREAT	3181 O'BRIEN ST	RAPID CITY SD
26580-01376-000-83	BURNO CHRISTIAN FAMILY RETREAT	3181 O'BRIEN ST	RAPID CITY SD
24800-00702-330-36	CALVARY TEMPLE ASSEMBLY OF GOD	PO BOX 579	SPEARFISH SD
32750-01200-090-00	CAMPUS MINISTRY EDUCATION ENTERP	1020 UNIVERSITY ST	SPEARFISH SD
06000-00301-230-20	CHAPTER OF CALVARY CATHEDRAL	500 S MAIN AVE	SIOUX FALLS SD
31510-00200-010-00	CHRIST CHURCH EPISCOPAL	PO BOX 675	LEAD SD
31090-03000-090-40	CHRIST CHURCH EPISCOPAL	PO BOX 675	LEAD SD
32030-01900-080-20	CHRISTIAN SCIENCE SOCIETY	PO BOX 67	SPEARFISH SD
24900-00702-330-01	DAKOTA CONFERENCE OF 7TH DAKOTA DISTRICT OF THE WESLEYAN	PO BOX 520	PIERRE SD
32185-00000-130-30	DAYS OF '76 MUSEUM INC	625 WOODLAND DR	SPEARFISH SD
30900-00569-000-07	DEADWOOD LODGE #508 BPOE	PO BOX 391	DEADWOOD SD
30025-02100-120-00	DEADWOOD SD CONGREGATION OF JEHOVAH'S WITNESSES	PO BOX 584	DEADWOOD SD
18120-00504-001-04	FIRST BAPTIST CHURCH	PO BOX 84	DEADWOOD SD
30025-03700-340-00		110 SHERMAN ST	DEADWOOD SD

21200-00603-085-45	FIRST BAPTIST CHURCH OF NORTHERN	110 SHERMAN ST	DEADWOOD SD
32570-03700-080-00	FIRST BAPTIST CHURCH OF SPF	1120 5TH ST	SPEARFISH SD
32570-03700-090-00	FIRST BAPTIST CHURCH OF SPF	1120 5TH ST	SPEARFISH SD
31570-00500-030-20	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE	LEAD SD
31360-00100-010-00	FIRST PRESBYTERIAN CHURCH	12 BALTIMORE	LEAD SD
32660-00100-010-20	FRIENDS OF NORTHERN HILLS GALENA HISTORICAL SOCIETY	625 HARVARD ST 21157 BUTCHER GULCH LN	SPEARFISH SD
26180-01300-050-00	GRACE LUTHERAN CHURCH	827 MAIN	DEADWOOD SD
30800-00100-110-00	HIGH PLAINS HERITAGE SOCIETY INC		DEADWOOD SD
32290-00000-000-00	HILLSVIEW CHURCH OF NAZARENE	PO BOX 524	SPEARFISH SD
32540-00100-000-10	HOPE EVANGELICAL LUTHERAN CHURCH	1200 N 10TH	SPEARFISH SD
32210-19100-070-00	IMMANUEL LUTHERAN CHURCH	913 S 34TH ST	SPEARFISH SD
29200-00100-030-00	IMMANUEL LUTHERAN CHURCH	920 FILLMORE	WHITEWOOD SD
29200-00700-020-00	IMMANUEL LUTHERAN CHURCH	920 FILLMORE	WHITEWOOD SD
26698-01730-010-00	KINSHIP MOUNTAIN MINISTRIES KAMP	11760 DUBLIN LN	STURGIS SD
32655-01700-010-10	LUTHERAN SOCIAL SERVICES OF SD	705 E 41ST ST SUITE 200	SIOUX FALLS SD
30025-02000-120-10	MASONIC TEMPLE ASSOCIATION	PO BOX 357	DEADWOOD SD
32720-03700-040-00	MOUNTAIN VIEW BAPTIST CHURCH	720 N 12TH ST	SPEARFISH SD
32630-00100-060-00	MOUNTAIN VIEW BAPTIST CHURCH	720 N 12TH ST	SPEARFISH SD
10000-00305-270-35	NEMO COMMUNITY CHURCH	PO BOX 18	NEMO SD
32570-03300-020-20	NEW COVENANT CHRISTIAN FELLOWSHIP	1140 N AMES AVE	SPEARFISH SD
30600-00200-170-00	NORTHERN HILLS ALLIANCE FOR CHIL	753 MAIN ST	DEADWOOD SD
24000-00702-102-15	NORTHERN HILLS CHURCH OF CHRIST	PO BOX 26	SPEARFISH SD
31570-00100-020-00	NORTHERN HILLS FAMILY YMCA NORTHERN HILLS TRAINING CENTER	845 MINERS AVE	LEAD SD
32120-00400-000-30	NORTHERN HILLS TRAINING CENTER	625 HARVARD ST	SPEARFISH SD
32210-19100-040-00	NORTHERN HILLS TRAINING CENTER	625 HARVARD ST	SPEARFISH SD
32660-01400-100-00	NORTHERN HILLS TRAINING CENTER	625 HARVARD ST	SPEARFISH SD
32660-01600-160-00	NORTHERN HILLS TRAINING CENTER	625 HARVARD ST	SPEARFISH SD
32570-04400-060-00	NORTHERN HILLS TRAINING CENTER	625 HARVARD ST	SPEARFISH SD
31510-04000-135-01	NORTHERN HILLS YOUNG MEN'S OLD APOSTOLIC LUTHERAN CHURCH	845 MINERS AVE	LEAD SD
24000-00702-321-20	OUR SAVIORS LUTHERAN CHURCH	PO BOX 675	SPEARFISH SD
32660-01000-060-10	OUR SAVIORS LUTHERAN CHURCH	1020 STATE ST	SPEARFISH SD
32720-02900-110-00	OUR SAVIORS LUTHERAN CHURCH	1020 STATE ST	SPEARFISH SD
32660-00500-080-00	OUR SAVIORS LUTHERAN CHURCH	1020 STATE ST	SPEARFISH SD
32720-02900-020-00	OUR SAVIOR'S LUTHERAN CHURCH	1020 STATE ST	SPEARFISH SD

32720-02900-120-60	PIONEER MEMORIAL MANORS INC	430 ORIOLE DR	SPEARFISH SD
32390-00800-010-10	PONDEROSA APARTMENTS INC	430 ORIOLE DR	SPEARFISH SD
32390-00800-010-00	PONDEROSA APARTMENTS INC	430 ORIOLE DR	SPEARFISH SD
29100-02800-060-00	PRESBYTERIAN CHURCH	PO BOX 305	WHITEWOOD SD
26680-01697-000-00	PRESBYTERY OF SD OF THE UNITED	100 S SPRING AVE	SD
29100-02800-270-00	PRESERVE SOUTH DAKOTA	STE 175	SD
24600-00702-330-00	QUEEN CITY VFW POST #5860	351 4TH STREET	SCOTLAND SD
32455-00100-020-01	RAPID CITY REGIONAL HOSPITAL INC	PO BOX 135	SPEARFISH SD
32455-00100-020-02	RAPID CITY REGIONAL HOSPITAL INC	PO BOX 6000	RAPID CITY SD
31930-01663-000-20	REGIONAL HEALTH NETWORK INC	PO BOX 6000	RAPID CITY SD
32540-00100-000-20	REGIONAL HEALTH NETWORK INC	PO BOX 6000	RAPID CITY SD
26420-01158-000-42	SADDLE MOUNTAIN MINISTRIES	21336 SADDLE MOUNTAIN PL	LEAD SD
32120-00300-000-20	SALVATION ARMY	PO BOX 700	SPEARFISH SD
26580-01372-000-20	SAWYER MEMORIAL	PO BOX 588	DEADWOOD SD
26580-01372-000-10	SAWYER MEMORIAL	PO BOX 588	DEADWOOD SD
26580-01372-000-15	SAWYER MEMORIAL PARK TRUST	PO BOX 588	DEADWOOD SD
32690-00100-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	PO BOX 520	PIERRE SD
32090-08400-060-00	SD CONF 7TH DAY ADVENTIST CHURCH	PO BOX 520	PIERRE SD
31090-02800-010-10	SD GRAND LODGE OF INDEPENDENT OR	403 W MAIN	LEAD SD
31510-00400-010-20	SHEPHERD OF THE HILLS LUTHERAN	825 W MAIN	LEAD SD
31510-00400-020-00	SHEPHERD OF THE HILLS LUTHERAN	825 W MAIN	LEAD SD
25000-00704-311-55	SKANDINAVIAN EVANGELICAL LUTHERAN SOCIETY	11870 ANDERSON RD	WHITEWOOD SD
32730-00000-000-10	SOLID ROCK CHURCH	PO BOX 698	SPEARFISH SD
32655-01500-010-00	SPEARFISH CONGREGATION OF	1220 PHEASANT LN	SPEARFISH SD
32180-14200-020-00	SPEARFISH EMERGENCY AMBULANCE SE	715 E COLORADO	SPEARFISH SD
32090-04300-120-00	SPEARFISH MASONIC BLDG ASSOC	PO BOX 294	SPEARFISH SD
32540-00100-000-15	SPEARFISH SR CIT SERV CEN	1306 N 10TH ST	SPEARFISH SD
32570-05000-120-00	SPEARFISH UNITED CHURCH OF	PO BOX 465	SPEARFISH SD
32030-00700-030-00	SPEARFISH UNITED METHODIST CHURCH	845 N 5TH ST	SPEARFISH SD
20200-00602-040-07	SPEARFISH UNITED METHODIST CHURCH	845 N 5TH ST	SPEARFISH SD
32030-00700-120-00	SPEARFISH UNITED METHODIST CHURCH	845 N 5TH ST	SPEARFISH SD
30600-00100-040-00	ST AMBROSE CHURCH	760 MAIN ST	DEADWOOD SD
30050-00224-000-00	ST AMBROSE CHURCH	760 MAIN ST	DEADWOOD SD
30025-02300-400-00	ST AMBROSE CHURCH	760 MAIN ST	DEADWOOD SD

30600-00100-100-00	ST AMBROSE CHURCH	760 MAIN ST	DEADWOOD SD
30025-08200-220-00	ST JOHN'S EPISCOPAL CHURCH	PO BOX 130	DEADWOOD SD
32570-04900-120-10	ST JOSEPHS CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32570-04900-080-00	ST JOSEPHS CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32570-04900-100-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32570-04900-090-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32030-00800-120-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32030-00100-010-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
32570-04900-070-00	ST JOSEPH'S CATHOLIC CHURCH	844 5TH ST	SPEARFISH SD
28800-01000-070-00	ST ONGE UNITED CHURCH OF CHRIST	PO BOX 154	ST ONGE SD
28800-01100-040-00	ST ONGE UNITED CHURCH OF CHRIST	PO BOX 154	ST ONGE SD
31090-03600-020-00	ST PATRICKS CATHOLIC CHURCH	141 SIEVER	LEAD SD
31090-03600-090-10	ST PATRICKS CATHOLIC CHURCH	141 SIEVER	LEAD SD
32720-03900-000-00	ST PAUL LUTHERAN CHURCH	846 7TH ST	SPEARFISH SD
32030-01000-120-00	ST PAUL LUTHERAN CHURCH	846 7TH ST	SPEARFISH SD
32570-05200-000-00	ST PAUL LUTHERAN CHURCH	846 7TH ST	SPEARFISH SD
32090-04100-030-00	SUMMIT AT SPEARFISH TRINITY UNITED METHODIST CHURCH	535 7TH ST	SPEARFISH SD
31510-00500-000-00	TRINITY UNITED METHODIST CHURCH	111 S MAIN	LEAD SD
31510-00500-000-05	TRINITY UNITED METHODIST CHURCH	111 S MAIN	LEAD SD
31660-00100-040-00	TRINITY UNITED METHODIST CHURCH	111 S MAIN	LEAD SD
31570-00500-020-00	TRINITY UNITED METHODIST CHURCH	111 S MAIN	LEAD SD
31090-03000-080-00	TWIN CITIES & AREA SR CITIZEN INC	609 W MAIN	LEAD SD
31090-02800-010-00	TWIN CITIES CHURCH OF CHRIST	519 MCQUILLAN	LEAD SD
32570-05000-060-00	UNITED CHURCH OF CHRIST	PO BOX 465	SPEARFISH SD
32570-05000-040-00	UNITED CHURCH OF CHRIST	PO BOX 465	SPEARFISH SD
30025-03300-350-00	V F W POST #5969	PO BOX 443	DEADWOOD SD
30025-07400-050-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
30025-07100-410-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
30025-07100-490-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
30025-07100-000-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
32420-00400-000-30	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
32420-00400-000-40	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
30025-07100-250-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
30025-07000-280-00	WEST DAKOTA HEALTH CARE INC	PO BOX 6000	RAPID CITY SD
32210-13030-020-02	WEST RIVER FOUNDATION	PO BOX 605	STURGIS SD
31450-00800-010-15	WEST RIVER FOUNDATION	PO BOX 605	STURGIS SD
29700-00200-150-00	WEST RIVER FOUNDATION	PO BOX 605	STURGIS SD
32465-00200-020-00	WEST RIVER TRANSIT AUTHORITY INC	2015 TUMBLE WEED TRL	SPEARFISH SD
32690-00300-010-50	WEST RIVER TRANSIT AUTHORITY INC	2015 TUMBLE WEED TRL	SPEARFISH SD
29100-02700-030-00	WHITEWOOD SENIOR CITIZENS	PO BOX 102	SD
32570-01500-050-10	WOMEN IN CRISIS COALITION INC	PO BOX 486	SPEARFISH SD

#0001 LARSON, NANCY LEE TRUST 09200-01100-001-00: THE PINES AT BENCHMARK SD LOT 1 BLK 11. Moved-Seconded (Weisenberg-Sleep) No change in land value. Add structure value of \$156,790. Motion Carried. Remarks: Add-on of structure valued.

#0002 LINDSTAD, WAYNE A 24000-00702-352-02: T-007 R-02 SW1/4 NW1/4 EX TRACT A(1.21A), B(2.641A) & C(2.807 A) & EX HWY ROW & S 82 1/2' OF NW4NW4. Moved-Seconded (Weisenberg-Flanagan) No change in land value. No change in structure value. Motion Carried: Aye – Flanagan, Johnson & Weisenberg. Nay – Sleep. Remarks: Lindstad requested AG status and asked to be grandfathered in because he is short of the needed acreage due to land that was deeded for a road. The Board stated the Counties requirement is 41 acres and would not be able to deed the road to Lindstad.

#0003 LINDSTAD, WAYNE A 24000-00702-352-06: T-007 R-02 TRACT C SW1/4NW1/4. Moved-Seconded (Weisenberg-Johnson) No change in land value. No change in structure value. Motion Carried. Remarks: Lindstad requested AG status and asked to be grandfathered in because he is short of the needed acreage due to land that was deeded for a road. The Board stated the Counties requirement is 41 acres and would not be able to deed the road to Lindstad.

#0004 LINDSTAD, WAYNE A 24000-00702-352-04: T-007 R-02 TRACT B SW1/4NW1/4. Moved-Seconded (Johnson-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Lindstad requested AG status and asked to be grandfathered in because he is short of the needed acreage due to land that was deeded for a road. The Board stated the Counties requirement is 41 acres and would not be able to deed the road to Lindstad.

#0009 FREDERICK, ELIZABETH & JUSTIN SC BRINK, ZANE & TRINIDAD 32030-01900-020-00: ORIGINAL TOWN SPEARFISH LOT 1A BLK 19. Moved-Seconded (Johnson-Flanagan) No change in structure value. No change in land value. Motion Carried. The assessment is supported by fair and equitable sales and comparables.

#0010 WHITNEY, DAVID L 30025-05000-180-00: ORIGINAL TOWN DEADWOOD WLY 20' OF LOTS 15 & 16 & ALL LOTS 17 & 18 BLK 50. Moved-Seconded (Sleep-Weisenberg) No change in land value. No change in structure value. Remarks: The assessment is supported by fair and equitable sales and comparables.

#0011 HAUCK, SCOTT 31180-00500-130-00: BENDER PARK S/D LEAD W1/2 LOT 12 & ALL LOT 13 BLK E Moved-Seconded (Johnson-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.

#0013 BANK OF NEW YORK MELLON 18400-00504-141-12: BOULDER HEIGHTS S/D LOT 12 BLK A. Moved-Seconded (Sleep-Johnson) No change in structure value. No change in land value. Motion Carried: Remarks: The assessment is supported by fair and equitable sales and comparables.

#0014 ALLISON, KEITH A ETUX 20000-00602-055-40: T-006 R-02 W1/2 NW1/4 TRACT 1A OF TR 1 OF LOT 3D Moved-Seconded (Weisenberg-Flanagan) No change in land value. Change structure value from \$258,670 to \$240,290 Motion Carried: Remarks: Correction to property record.

#0015 BARTLOWE, CRYSTAL M STAFFORD, KIMBERLY K 09000-00304-260-28: T-003 R-04 LOT B2A S/D LOT B ANNA FREDRICKSON HOMESTEAD ADDN. Moved-Seconded (Weisenberg-Flanagan) Change land value from \$73,390 to \$1,860 Change abstract class from NA to AG. Motion Carried: Remarks: Move land class back to AG classification, correcting the error when the deeds were filed.

#0016 COLBERT, OTIS L LIVING TRUST 30900-00097-000-02: MINERAL – DEADWOOD M.S. 97 LOT E EXCEPT LOT 3 (69.93SQ.FT.) Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$916,410 to \$572,150. Motion Carried: Remarks: After the on-site review of the property the assessment record was changed to reflect the actual condition of the property.

#0017 COLE, DAVID B 14000-00404-180-10: T-004 R-04 LOT E3-B OF E-3 OF E OF TR 2 OF HES 137. Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$100,160 to \$48,350. Change structure value from \$27,290 to \$24,880. Motion Carried: Remarks: After an interior inspection of the property the correction was made to reflect the condition of the main house and cabins and to equalize with similar properties.

#0018 FORECLOSED PROPERTY LLC 29720-00000-000-40: SEC.21,22,28 INSIDE CITY TRACT T-4A REVISED LOCATED IN THE NE1/4 SE1/4 & SE 1/4 SE1/4 OF SEC. 21 & A POR OF THE NW1/4 SW1/4 & SW1/4 SW1/4 SEC. 22. Moved-Seconded (Flanagan-Weisenberg) No change in land value. Change structure value from \$858,730 to \$729,920. Motion Carried: Aye – Weisenberg, Flanagan and Sleep. Nay-Johnson. Remarks: Adjusted because property has depreciated in the last 6 years.

#0019 JEFFERY, WAYNE H OR JOANNE 20000-00602-232-72: T-006 R-02 MH SITS ON E1/2 SW1/4, W1/2 SE1/4 LESS TR 5 23-6-2 Moved-Seconded (Weisenberg-Flanagan) Change structure value from \$38,740 to \$27,040. Motion Carried. Remarks: Adjustment made after interior inspection of property and to equalize with similar properties in the neighborhood.

#0020 LARSON, JAMES S & HISAKO 30775-00100-010-00: SPRUCE GULCH S/D DEADWOOD LOT 1 BLK 1. Moved-Seconded (Weisenberg-Sleep) Change land value from \$13,750 to \$6,680 No change 1st structure value. Change 2nd structure value from \$124,230 to \$0. Motion Carried: Remarks: House was incorrectly assessed on wrong property.

#0021 LARSON, JAMES S & HISAKO 30900-01165-000-15: MINERAL – DEADWOOD LOT A-2 OF LOT A OF GOLD BAR PLACER M.S. 1165. Moved-Seconded (Weisenberg-Flanagan) Change land value from \$12,120 to \$17,000. Add structure value of \$126,380. Motion Carried: Remarks: House was incorrectly assessed on wrong parcel.

#0023 MCKAY, BRIAN D TRUSTEE 32640-00200-016-00: ROLLING HILLS ADDITION LOT 16 BLK 2. Moved-Seconded (Weisenberg-Flanagan) No change in land value. Change structure value from \$481,660 to \$333,460. Motion Carried: Remarks: Adjustment made because the garage was being assessed in the living area of the home.

#0024 MCKAY, BRIAN D TRUSTEE 32640-00200-017-00: ROLLING HILLS ADDITION LOT 17 BLK 2. Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$472,500 to \$336,830. Motion Carried: Remarks: Adjusted because the garage was being assessed as living area.

#0025 MEADOWS LLC 06000-00301-260-30: T-003 R-01 HES 511 TRACT C. Moved-Seconded (Weisenberg-Sleep) Change structure value from \$117,260 to \$64,490 No change in land value. Motion Carried: Remarks: Adjusted to reflect the percentage of completion for cabin.

#0026 NIEMI, GERALD RAYMAND 30025-06700-060-10: ORIGINAL TOWN DEADWOOD TR A SUB OF LOTS 1 THRU 6 BLK 67. Moved-Seconded (Flanagan-Weisenberg) No change in land value. Change structure value from \$44,000 to \$25,310. Motion Carried: Remarks: An on-site review was conducted and an adjustment made to reflect the actual condition of the property.

#0027 SIECK, ROGER L & DEBRAH S 18000-00504-153-00: T-005 R-04 S1/2 NE1/4 SW1/4 Moved-Seconded (Weisenberg-Johnson) Change land value from \$52,500 to \$2,750 Change abstract class from NA to AG Motion Carried: Remarks: Documentation submitted for AG statuses.

#0028 SIECK, ROGER L & DEBRAH S 18000-00504-153-05: T-005 R-04 S1/2 N1/2 NE1/4 SW1/4. Moved-Seconded (Flanagan-Weisenberg) Change land value from \$35,000 to \$1,600 Change abstract class from NA to AG. Motion Carried: Remarks: Documentation submitted for AG status.

#0029 WWW LLC 30900-00687-000-02: MINERAL – DEADWOOD M.S. 687 TR A WESTHOFF S/D Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$383,400 to \$235,750. Motion Carried: Remarks: Adjustment made to correct the measurement of building.

#0030 BURSHEK, JERRY 20970-00015-012-00: OUTSIDE SPF. MH COURTS MH SITS ON LOT 12 BI-CENTENNIAL CT Moved-Seconded (Johnson-Weisenberg) No change in structure value. Motion Carried: Remarks: The assessment is supported by fair and equitable sales and comparables.

#0031 REINKE, DARREL L & DARLENE J 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.

#0032 WILLIAMS, RAND T & GAYLA J 31090-01500-100-00: ORIGINAL TOWN LEAD N PT LOT 10 BLK 15. Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$49,760 to \$22,230. Motion Carried: Remarks: Follow recommendation and adjust for the actual condition of the property.

#0033 WILLIAMS, RAND T 30025-08300-160-00: ORIGINAL TOWN DEADWOOD LOTS 15 & 16 BLK J Moved-Seconded (Weisenberg-Sleep) No change in land value. Change structure value from \$207,850 to \$184,600. Motion Carried: Remarks: Follow recommendation and make adjustment for the actual condition of the property.

#0034 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-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.

#0035 LN REAL ESTATE LLC C/O THOMSON REUTERS 32090-04300-100-00: ORIGINAL TOWN SPEARFISH LOT 9 & 10 BLK 43. Moved-Seconded (Johnson-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.

#0036 IRET PROPERTIES 32645-00500-000-00: FALCON CREST S/D BLK 5. Moved-Seconded (Weisenberg-Johnson) No change in land value. No change in structure value. Motion Carried: Remarks: The assessment is supported by fair and equitable sales and comparables.

#0037 STAEFFLER, DAN & DIANE 18010-00900-080-00: APPLE SPRINGS TRACT LOT 8 BLK 9. Moved-Seconded (Johnson-Weisenberg) No change in land value. Motion Carried: Remarks: No Change, the assessment is supported by fair and equitable sales and comparables.

Moved-Seconded (Johnson-Flanagan) to recess the County Board of Equalization at 4:00 p.m the 9th day of April 2013. Motion Carried.

11:30 a.m. April 23rd, 2012 the County Board of Equalization reconvened with Bob Ewing, Daryl Johnson, Terry Weisenberg, Richard Sleep and Brandon Flanagan present.

#0005 BATES, RONALD E 31090-02400-110-00: ORIGINAL TOWN LEAD CENTRAL SCHOOL LOT BLK 24. Moved-Seconded (Johnson-Flanagan) No change in land value. No change in structure value. Motion Carried. Remarks: No Change, the assessment is supported by fair and equitable sales and comparables.

#0006 BATES, RONALD E 31090-02400-110-25: ORIGINAL TOWN LEAD UNIT 205, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24. Moved-Seconded (Ewing-Weisenberg)

No change in structure value. Motion Carried: Remarks: No Change, the assessment is supported by fair and equitable sales and comparables.

#0007 BATES, RONALD E 31090-02400-110-26: ORIGINAL TOWN LEAD UNIT 206, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24. Moved-Seconded (Flanagan-Ewing) No change in structure value. Motion Carried: Aye – Flanagan, Weisenberg, Sleep and Ewing. Nay – Johnson. Remarks: No Change, the assessment is supported by fair and equitable sales and comparables.

#0008 BATES, RONALD E 31090-02400-110-34: ORIGINAL TOWN LEAD UNIT 304, DIVIDED INTEREST CENTRAL SCHOOL LOT BLK 24. Moved-Seconded (Johnson-Flanagan) Change structure value from \$227,190 to \$189,330. Motion Carried: Remarks: Followed the recommendation of the Director of Equalization and remove the econ adjustment.

#0012 MORGAN, BOB 26460-01170-000-10: MINERAL 1159 THRU 1206 M.S. 1170 FLORENCE LODGE. Moved-Seconded (Ewing-Johnson) No change in land value. Motion Carried: Remarks: No Change, the assessment is supported by fair and equitable sales and comparables.

#0022 MCGUIGAN INC 24000-00702-293-10: T-007 R-02 SW1/4,EX 5 AC ASSESSED IN COMM FOR HOT MIX PLANT ON THIS PARCEL FOR 2013. Moved-Seconded (Weisenberg-Sleep) Change land value from NA-C \$280,000 to AG-A \$36,880, add land value of NA-CC \$8,750. Motion Carried: Remarks: Reclassify parcel from commercial to AG. The gravel pit has been closed and reclaimed and is now being used for AG purposes. Five acres are being used by Sacrison Paving and is reflected in the NA-CC value.

#0044 HINCH, CHRISTY 32750-00200-050-00: WEST ADDN. SPEARFISH LOT 5 BLK 2. Moved-Seconded (Flanagan-Weisenberg) to reconsider action taken on April 9th, 2013. Motion Carried. Moved-Seconded (Flanagan-Ewing) No change in land value. No change in structure value. Motion Carried: To deny the application for tax exempt status because the property is being leased and not being used by the University at this time. Motion Carried.

#0045 FAHRNI, JERALDINE BORSCH 26680-01632-000-00: MINERAL 1564 THRU 1742 M.S. 1632 OLD PENNSYLVANIA (1/2 INT) Moved-Seconded (Weisenberg-Johnson) Change land value from \$8,560 to \$0. Motion Carried: Remarks: State of South Dakota owns the property and is tax exempt.

#0046 REPKE, RICHARD & PATRICIA C/O BROHM MINING CO (CD) 26280-00432-000-00: MINERAL 108 THRU 758 M.S. 432 RUBY PLACER Moved-Seconded (Johnson-Weisenberg) Change land value from \$34,690 to \$0 Motion Carried: Remarks: State of South Dakota owns the property and is tax exempt.

#0047 FAHRNI, JERALDINE BORSCH 26840-01964-000-00: MINERAL 1925 THRU 1993 M.S. 1964 FISSURE-CEDAR HILL ETAL (1/2 INT) Moved-Seconded (Weisenberg-

Sleep) Change land value from \$74,700 to \$0 Motion Carried: Remarks: State of South Dakota owns the property and is tax exempt.

#0048 FAHRNI, JERALDINE BORSCH 26680-01681-000-00: MINERAL 1564 THRU 1742 M.S. 1681 BARRETTE FR (1/2 INT) Moved-Seconded (Flanagan-Weisenberg) Change land value from \$3,480 to \$0 Motion Carried: Remarks: State of South Dakota owns the property and is tax exempt.

#0049 FAHRNI, JERALDINE BORSCH 26280-00327-000-00: MINERAL 108 THRU 758 M.S. 327 BLACK DAN - 1/2 INTEREST Moved-Seconded (Sleep-Ewing) Change land value from \$8,470 to \$0 Motion Carried: Remarks: State of South Dakota owns the property and is tax exempt.

#0050 AMPHITHEATER AFFILIATES INC C/O DELLA VECCHIA, JOHANNA MEIER

32090-04800-100-00: ORIGINAL TOWN SPEARFISH LOT 10A BLK 48 Moved-Seconded (Flanagan-Weisenberg) Change the NA-D value to \$31,360 and add the NA-D1 value of \$24,040. Motion Carried: Remarks: Move the improvements to the correct parcel and corrects the assessed value.

#0051 CITY OF SPEARFISH 32090-04800-120-00: ORIGINAL TOWN SPEARFISH LOT 10B BLK 48 Moved-Seconded (Ewing-Sleep) Change land value from \$81,890 to \$0, remove structure value of \$24,040. Motion Carried: Remarks: Move the improvements to the correct parcel and the parcel is tax exempt.

ADJOURN: Being no further appeals to be heard Moved-Seconded (Johnson-Sleep) to adjourn the 2013 Board of Equalization at 12:46 p.m. the 23rd day of April 2013.

DATE

ATTEST:

BRANDON FLANAGAN, Chairperson

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 23, 2013

Chairman Brandon Flanagan 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 23, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Robert Ewing and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of April 9, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

HIGHWAY: Moved-Seconded (Ewing-Sleep) to approve John Cooper as a permanent full-time Heavy Equipment operator at the base rate of \$20.54 an hour, effective May 6, 2013. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of the Public Defender Board and accept the resignation of Eric Witcher and thank him for his service; to appoint Matthew Pike as the new Public Defender at the base rate of \$67,489.02, effective May 6th, 2013; and to advertise for a full-time Attorney. Motion Carried.

VOLUNTEER EMERGENCY MANAGEMENT MEMBERS: Moved-Seconded (Weisenberg-Ewing) to approve J.D. Giegle and Paul “Woody” Hover as Emergency Management Volunteers for insurance purposes. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2013 is \$1,820,446.08 or 17.02%.

MOUNTAIN PINE BEETLE FUNDING AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the State Mountain Pine Beetle Program Fund Agreement Grant Award & Acceptance when documents are completed. Motion Carried. Discussion followed on priority areas, cut - chunk lengths, and slash.

SHERIFF BUSINESS:

Moved-Seconded to approve (Ewing-Sleep) to approve Mary Abell as a permanent full-time Correctional Officer II G2 at the base rate of \$17.31 an hour, effective April 21, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Wendy Stoneking as a part-time fill-in (under 20) Dispatcher II G1 at the base rate of \$16.98 an hour, effective April 21, 2013. Motion Carried.

Moved-Seconded (Johnson-Ewing) to advertise for full-time Dispatcher. Motion Carried.

HIGHWAY:

FUEL QUOTES: The following fuel quotes were submitted as of April 16, 2013: Deadwood Diesel 4300: (prices per gallon) CBH - \$3.289*, Southside - \$3.34, MG Oil - \$3.3182; Deadwood Unleaded 3000 Gallons: (prices per gallon) CBH - \$3.458, Southside - \$3.62, MG Oil - \$3.3899*; Spearfish Diesel 2700 Gallons: (prices per gallon) CBH - \$3.289*, Southside - \$3.45, MG Oil - \$3.3232; Spearfish Unleaded 800 Gallons: (prices per gallon) CBH - \$3.458, Southside - \$3.69, MG Oil - \$3.3949*. *Represents lowest quote awarded. No bid was received from Harms Oil.

RESOLUTION ROCHFORD ROAD: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign RESOLUTION #2013-07. Motion Carried. A RESOLUTION TO PROVIDE MATCHING FUNDS FOR THE FEDERAL LANDS ACCESS PROGRAM: WHEREAS, Project SD PFH 17-1(8) Hill City to Lead, a Forest Highway Program Project currently under design; and WHEREAS, The new Surface Transportation Bill MAP-21, changed the Forest Highway Program to a Federal Lands Access Program (FLAP) which requires 18.05 percent local matching funds and; WHEREAS, Lawrence County is desirous of participating in the Federal Lands Access Program (FLAP) to complete Project SD PFH 17-1(8) Hill City to Lead; THEREFORE, BE IT RESOLVED, that the Lawrence County Commissioners are committed to providing the required local matching funds for Project SD PFH 17-1(8) Hill City to Lead. Dated this 23rd day of April, 2013. LAWRENCE COUNTY BOARD OF COMMISSIONERS: Brandon Flanagan, Chairperson. ATTEST: Connie Atkinson, Lawrence County Auditor

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for ROAD & BRIDGE FUND: Supplies - \$340,000. 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 #2013-06. Motion Carried. RESOLUTION #13-06 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: ROAD & BRIDGE FUND: Supplies - \$340,000 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 23rd day of April, 2013 at the hour of 8:40 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 23rd day of April, 2013. For The Board of County Commissioners. Brandon Flanagan, Chairman. Attest: Connie Atkinson, Lawrence County Auditor.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the following applications for Retail On-Sale Wine and Retail On-Off Malt Beverage Licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve the following Alcoholic Beverage Licenses. Motion Carried.

RETAIL ON-OFF SALE WINE: Reynolds & Livingston LLC, DBA Cousins Big Chair, 22493 US Hwy 385 So., Deadwood, SD: Lawrence County portion of Lot 1, Boyle S/D, SW1/4, SW1/4, S7, T2N, R5E, BHM, Lawrence County. 05000-00205-073-10
RETAIL ON-OFF MALT BEVERAGE: Reynolds & Livingston LLC, DBA Cousins Big Chair, 22493 US Hwy 385 So., Deadwood, SD: Lawrence County portion of Lot 1, Boyle S/D, SW1/4, SW1/4, S7, T2N, R5E, BHM, Lawrence County. 05000-00205-073-10

LEGISLATIVE AUDIT: **2011/2012 AUDIT:** Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2011 and 2012. Moved-Seconded (Ewing-Sleep) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit, with the agreement that the Lawrence County Housing and Redevelopment Commission financial information will not be included in the financial statements of the County and therefore will not be audited. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Sleep-Weisenberg) to appoint Commissioner Ewing to the Regional Drought Task Force. Motion Carried.

EMERGENCY OPERATION PLAN: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the "No-Change" Certificate for the Local Emergency Operation Plan for Lawrence County. Motion Carried.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #418 / HEAVY CONSTRUCTORS: A public hearing was held on CUP #418 for Heavy Constructors for a Concrete Batch Plant at McGuigan Pit, off Old

Belle Road on approx 60 +/- acres W 1/2 NW 1/4 SW 1/4 of Sec 29 and NE 1/4 SE 1/4 of Sec 30, T7N, R2E. It was explained that the plan is to operate the Plant intermittently during the next eight months, to be completed by October. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-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 #418 for Heavy Constructors for a Concrete Batch Plant at McGuigan Pit. Motion Carried.

CONDITIONAL USE PERMIT # 419 / WAYNE & MELISSA BOULLION: A public hearing was held on CUP #419 for Wayne & Melissa Boullion-ATV Rentals at Nemo Guest Ranch in Nemo, Lot 1, MS 1368, Nemo Guest Ranch S/D. Vogt explained that although the property is zoned commercial, the applicants, for this activity, are not the land owners. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Sleep) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #419 for Wayne & Melissa Boullion-ATV Rentals at Nemo Guest Ranch

CHANGE OF ZONING # 300 / TRUDY HILLS / MILES GIFFORD / JAMES CHRISTIANSEN: First reading and a public hearing was held on COZ 300 for Miles Gifford / James Christensen- from A-1 to C/LI & RR (3 lots) The property described as Tract A-1B in Sec 21, T6N, R4E, 21.4+- acres near Whitewood is presently zoned A-1. Mile Gifford is the representative for Trudy Hill and Artie Gifford, the present landowners. The Giffords wish to rezone the southerly portion to C/LI which matches the zoning of adjacent property. The northern part of the property would be Rural Residential. Vogt requested an administrative change of zoning from A-1 to RR for the property directly north of this parcel, owned by Jim Christiansen, to bring it into compliance. The Board agreed to include that parcel to COZ 300.

ORDINANCE #13-04 ADOPTION OF 2012 INTERNATIONAL BUILDING CODES: A public hearing and first reading was held on the proposed ORD 13-04 Adoption of 2012 International Building Codes. Steve Rosenberger was present and spoke against the proposed ordinance stating it was intrusive and will zone you off your property. Matt Werner stated trusses are always engineered and this wouldn't affect that. Flanagan stated this is protecting the homeowner assuring that the builder is building up to code.

AG PRODUCTS IN SRD ZONING DISTRICTS: Vogt asked for some clarification on what the Commission would like to see in the AG products in SRD Zoning District and how they would like the Planning and Zoning Office to proceed. Ewing stated he felt it was important to preserve the Valley as produce production area and to be able to sell from existing vegetable stands. Discussion followed on allowed uses in zoning districts. Sleep stated he feels this should be a grandfathered use and a stand is essential. Parking and access was discussed. Matt Werner was in support of an allowed special use for a specific area. Flanagan stated he feels it should go

to Planning and Zoning. Discussion followed on the cost to follow the Conditional Use Permit process and a possible temporary use permit. Vogt stated the rules are the rules and they have required other individuals in the area to follow the rules. Vogt will look at the proposals and present to Planning and Zoning with a possible allowed special use.

ITEMS FOR COMMISSIONERS:

4-H LETTER: Moved-Seconded (Ewing-Weisenberg) to send a letter of recommendation for the 4-H Shooting program. Motion Carried.

RESIDENCY POLICY: The Board discussed the residency policy for Lawrence County. The Board stated they strongly support the residency policy and it will be enforced.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,258.77; Treas-\$10,287.57; Comp-\$8,093.83; States Atty-\$12,069.85; Pub Def-\$10,078.19; Gen Govt Bldg-\$7,924.63; Equal-\$11,832.21; Rod-\$7,483.42; Vso-\$1,256.79; Disp-\$11,615.94; Sher-\$34,593.52; Jail-\$24,251.95; Coroner-\$23.08; 24/7-\$134.56; Emerg Mgnt-\$3,828.92; E911-\$1,655.20; Highway-\$37,144.40; Air-\$1,054.20; Weed-\$13,746.69; P&Z-\$5,100.80; **Bills:** Alfson,Kristan-\$55.00; Schuchmann,Bernard-\$25.37; Silvernail,Dennis-\$5.00; A&B Business,Inc Solutions-\$151.96; Abc Business Supply Corp-\$201.39; Alco Store-\$37.00; Alpine Impressions-\$60.00; Armstrong Extinguish-\$147.96; Audra Malcomb Consulting-\$572.56; BH Chemical Company-\$124.17; BH Federal Credit Union-\$7,774.00; BH Pest Control-\$95.00; BH Pioneer-\$42.05; BH Power-\$10,139.46; Bailey Electric-\$1,519.90; Banks,Bridgette-\$19.00; Binder,Tracy-\$47.60; Bomgaars Supply-\$99.99; Butler Machinery-\$3,155.66; Campbell Co Sheriffs Off-\$50.00; Carlson,Richard-\$439.82; Cbh Cooperative-\$25,789.40; Central Parts-\$959.07; Century Business Products-\$391.41; Centurylink-\$1,919.17; Chemsearch-\$308.56; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$1,807.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$70.85; Deadwood Mountain Grand-\$70.73; Deadwood,City Of-\$5,000.00; Dept Of The Treasury-\$51,945.07; Diversified Collections-\$100.00; Eagle Aviation-\$186.98; Evident Crime Scene Products-\$399.00; Fastenal-\$119.58; Fidler-Isburg Funeral Chapel-\$1,170.00; Fsh Communications-\$60.00; Great Western Tire-\$77.09; Greens Alignment-\$331.89; Grimm's Pump Service-\$270.99; Hamann,Chris-\$300.00; Havemeier, Leslie-\$45.60; Interstate Engineering-\$4,062.80; J.G.Service-\$90.00; Kadrmas, Lee And Jackson-\$18,564.24; Knology-\$1,436.40; Koala Electric-\$966.14; Koll,Amy-\$100.00; Kosel,Joseph-\$4,058.96; Language Line Services-\$65.60; Lexisnexis Matthew Bender-\$101.89; Lexisnexis Risk Data Mgnt-\$75.00; Lyle Signs-\$115.56; Mcarthur,Janet-\$100.00; Mg Oil Company-\$10,152.75; Montana Dakota Utilities-\$437.14; Mutchler,Tricia-\$571.60; Nals Region 5-\$85.00; Nelson, Christy-\$150.00; Neve's Uniforms-\$44.95; Newman Traffic Signs-\$196.05; Office Of Child Support-\$670.62; Outdoor Motor Sports-\$161.03; Pennington County Sheriff-\$1,633.50; Pmb 0112-\$646.71; Priority Dispatch-\$300.00; Quill Corporation-\$844.63; Radio Shack/Kazco-\$399.99; Rasmussen Mechanical Serv-

\$219.58; Regional Health-\$430.00; Reliable-\$190.92; Retriever-\$125.00; SD Continuing Legal Education-\$29.68; SD Sheriff's Association-\$57.78; Sdrs Supplemental Retirement-\$989.00; Securus Technologies T-Netix-\$1,050.00; Silverado-\$720.00; Spearfish Auto Supply-\$520.48; Spearfish City Of-\$5,000.00; Spearfish Husky-\$160.75; Spearfish Police Dept-\$10,479.25; Spearfish Regional Hospital-\$80.27; Strawn Law-\$1,332.06; Tigerdirect-\$196.17; Triple K Tire & Repair-\$55.00; Truenorth Steel-\$9,751.00; Turnkey Corrections-\$1.97; Twin City Hardware & Lumber-\$646.77; United Parcel Service-\$29.44; Verizon Wireless-\$394.89; Victims Of Violence-\$866.00; Washington State Support Reg-\$311.00; Wells Fargo Business Card-\$2,952.15; West Group-Thomas Reuters-\$163.28; West River International-\$525.36; Western Sd Juvenile Serv-\$5,175.00; Wilde & Hunt,Prof-\$444.76; Z&S Dust Control-\$17,744.80; **Witness & Jurors:** Hafner,J-\$61.10; Hansen,S-\$52.22; Hupp,T-\$60.36; Miles,T-\$62.58; Sandford,D-\$61.10; Sandy,D-\$63.32; Schroeder,L-\$60.36; Bale Eagle Bear,S-\$33.32; Carver,D-\$34.80; Eckhart,L-\$22.22; Leveque,S-\$24.44; Rice,S-\$33.32; Sneesby,J-\$49.60

ADJOURN: 11:01 a.m. Moved-Seconded (Weisenberg-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 14, 2013

Chairman Brandon Flanagan 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 14, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Robert Ewing and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Johnson-Sleep) to approve the minutes of April 23, 2013 County Commission meeting and 2013 Board of Equalization. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Sleep) to approve Darick Eisenbraun as a seasonal GPS/Sprayer at the base rate of \$11.85 an hour, effective 05/13/2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Chase Tyson, Steven Soderstrom and Ryan Palmer as Temporary-Seasonal-Full-Time GPS G2 at the base rate of \$13.33 an hour, effective May 13, 2013. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve Marc Crandall as a temporary part-time Corrections II G3 at the base rate of \$17.65 an hour, effective May 5, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Justin Harmon as a permanent full-time Corrections II G3 at the base rate of \$17.65 an hour, effective May 5, 2013. Motion Carried.

Moved-Seconded (Ewing-Sleep) approve the phone per diem rate for Joe Leveque at \$126.00 a month and Matthew McCroden and Megan Merwin at \$104.00 per month, effective May 19, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Wendy Stoneking as a fill-in part time Corrections Officer II G1 at the base rate of \$16.98 an hour, effective May 5, 2013. Motion Carried.

Moved-Seconded (Ewing-Johnson) to approve Daleen Torgerson as a permanent Full-Time Dispatcher II G2 at the base rate of \$17.31 an hour, effective May 14, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve Ross Johnson as a fill-in part-time Dispatcher I G3 at the base rate of \$15.42 an hour, effective May 14, 2013. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Flanagan) to approve Bernie Schuchmann as the permanent full-time Chief Deputy Public Defender G1 at the base rate of \$54,528.37 salary, effective May 6, 2013. Motion Carried.

CORONER: Moved-Seconded (Ewing-Weisenberg) to approve Kristy Schumacher as a part-time (under 20) Deputy Coroner at the rate of \$100 per call, effective May 2, 2013. Motion Carried.

RESIDENCY WAIVER: Moved-Seconded (Johnson-Ewing) to approve a six months residency waiver extension for Megan Merwin. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Ewing) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2013 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)-\$1,465,021.78; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$15,676.30; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,250,000; Bank Balance \$7,198,164.69, Money Market \$530,674.22; Savings-\$12,415,968.61; Total \$25,878,715.60

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

VACATION / RELOCATION / LOCATION OF SECTION LINE / HANSON: Moved-Seconded (Ewing-Sleep) to set the public hearing for 10:30 a.m. on May 28th, 2013 for the petitions received on the Petition To Vacate A Portion Of A Section Line And To Relocate/Locate A Portion Of Section Line: Legal Description For The Vacation: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 813.47 feet ending at a point on the section line and the east property line intersection of Kissack East as shown on the attached drawing. Legal Description For Location: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 100.00 feet thence S 57°27'21" E a distance of 130.10 feet thence S 87°27'21" E a distance of 388.00 feet thence N 62°32'39" E a distance of 130.10 feet thence S 87°27'21" E a distance of 100.00 feet and ending at a point on

the section line and the east property line intersection of Kissack East as shown on the attached drawing. Affecting The Landowners: Jason T. and Mary A Hanson. Motion Carried.

HIGHWAY BUSINESS:

GRAVEL BID: The following bids were received for the crushing and stockpiling of \$40,000 ton of gravel: Western Construction \$229,200 (\$5.69 per ton) and Hills Material \$314,800 (\$7.82 per ton).

Moved-Seconded (Ewing-Weisenberg) to accept the low bid from Western Construction at \$229,200 (\$5.69 per ton) for the crushing and stockpiling of 40,000 tons of gravel and to authorize the Chairman to sign the contracts. Motion Carried.

APPROACH PERMIT: Moved-Seconded (Ewing-Weisenberg) to approve the Approach Permit for Jim Randall located on the north side of Nemo Road. Motion Carried

GAME FISH AND PARKS: Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of the Highway Superintendent and approve and authorize the Chairman to sign the Agreement #2013-9-1 with SD Game Fish and Parks (SDGFP) to regravell and apply “mag water” to 1 mile of gravel road from Savoy leading to Roughlock Falls Nature Area (County Road 2221) with SDGFP reimbursing the County \$40,000. Motion Carried.

AIRPORT BUSINESS:

AIRPORT FUEL FARM BID: Bruce Outka reported the Airport Fuel Farm bids came in over the engineers estimate and will not be presented at this time.

AIRPORT HAYING PROPOSALS: The following bids were received for the Hay Proposals for the Airport: Joe Harmon-\$3,110.00 and Bob Lantis-\$2,250.00. Moved-Seconded (Ewing-Sleep) To follow the recommendation of the Airport Board and to accept the high bid received from Joe Harmon for \$3,110.00 on the haying of the Airport Property and to approve and authorize the Chairman to sign the Farm Lease Agreement. Motion Carried.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION: Terry Patterson, SDDOT was present to discuss Exit #10 Off-Ramp Reconstruction (SDDOT Project No. IM0901(173) 10-0358 Lawrence County). Patterson requested a Permanent Easement of 0.19 acres and Temporary Easement of 0.5 acres. Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the Exit #10 Off-Ramp Reconstruction (SDDOT Project No. IM0901(173) 10-0358 Lawrence County) and to approve the Permanent Easement of 0.19 acres and Temporary Easement of 0.5 acres for \$1.00. Motion Carried.

INVASIVE SPECIES MANAGEMENT:

D.O.T. AGREEMENT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the State D.O.T./County Joint Powers Agreement for Weed Spraying. Motion Carried.

SOUTH DAKOTA GRANT AGREEMENT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the State Weed and Pest Control Commission/County Letter of Grant Agreement. Motion Carried.

U.S.F.S GRANT AGREEMENTS:

MODIFICATION AGREEMENT: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the U.S.F.S./County Modification of Grant Agreement #11-PA-11020308-030. Motion Carried.

DE-OBLIGATION & CLOSEOUT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the U.S.F.S De-Obligation and Closeout Request Form (Roadside Spraying). Motion Carried.

EQUALIZATION BUSINESS: Tim Hodson, Director of Equalization was present to discuss future staffing issues. Discussion followed on the level of information the office should provide for the public and commercial purposes.

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

CHANGE OF ZONING # 300 / TRUDY HILLS / MILES GIFFORD / JAMES

CHRISTIANSEN: Second reading and a continued public hearing was held on COZ 300 for Miles Gifford / James Christensen- from A-1 to C/LI & RR (3 lots) The property described as Tract A-1B in Sec 21, T6N, R4E, 21.4+- acres near Whitewood is presently zoned A-1. Mile Gifford is the representative for Trudy Hill and Artie Gifford, the present landowners. The Giffords wish to rezone the southerly portion to C/LI which matches the zoning of adjacent property. The northern part of the property would be Rural Residential. Vogt requested an administrative change of zoning from A-1 to RR for the property directly north of this parcel, owned by Jim Christiansen, to bring it into compliance. The Board agreed to include that parcel to COZ 300. No public input was voiced and the public hearing was closed. Moved-Seconded (Ewing-Johnson) to approve Change of Zoning #300 for Trudy Hills/Miles Gifford/James Christiansen from A-1 to C/LI & RR, with the condition that the plat will define the commercial light industrial. Motion Carried.

ORDINANCE #13-04 ADOPTION OF 2012 INTERNATIONAL BUILDING CODES:

Second reading and a continued public hearing was held on the proposed ORD 13-04 Adoption

of 2012 International Building Codes. Tom Paisley, Building Official for the City of Spearfish was present for the discussion. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign Ordinance #13-04 Adoption of 2012 International Building Codes. Motion Carried.

PLATS:

Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the Preliminary Plat for Tracts 1, 2, 3, 4, & 5 of ST. John No. 1 Lode, No 2 Lode, No. 3 Lode, and No. 4 Lode and Tract 1 of Fennia No. 1 Lode of M.S. 1748, Section 1, T3N, R3E, subject to the correction on the plat as Chairman Flanagan noted, with the additional condition to C.U.P. #298-10 that the Fire Plan shall be developed, implemented and completed on or before September 1, 2013, or the C.U.P. on the lot will expire. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the Final Plat for Tract 1 of ST. John Lode, St. John No. 1 Lode, No 2 Lode, No. 3 Lode, and No. 4 Lode of M.S. 1748, located in Section 1, T3N, R3E (Location: Hwy 385 on Custer Peak Road) with the additional condition to C.U.P. #298-10 that the Fire Plan shall be developed, implemented and completed on or before September 1, 2013, or the C.U.P. on the lot will expire. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to postpone any action on Preliminary and Final Plat for Lots #4A & #4B of Block 3 of The Pines at Benchmark Subdivision because the plats were not complete.

Moved-Seconded (Sleep-Ewing) to postpone any action on the Preliminary and Final Plat of Lots A & B, a subdivision of Lot 10 ex. Tract A thereof in Section 1, T3N, R4E (Location: Nemo Road) because the plats were not completed. Motion Carried.

CONDITIONAL USE PERMIT #421 BITUMINOUS PAVING: A public hearing was held on C.U.P. #421, Bituminous Paving (Concrete Batch Plant) (Location: Vicinity of Nemo Road Near Lien Pit). No public input was voiced and the hearing was closed. **Moved-Seconded** (Ewing-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 #421, Bituminous Paving. Motion Carried.

DEVELOPMENT PLAN #13-01 STEEL WHEEL CAMPGROUND: A public hearing was held on Development Plan #13-01, Steel Wheel Campground (Allow for Additional Cabins and Campsites and Permanent/Seasonal Rally Vendor Space) (Location: Hwy 385). No public input was voiced and the hearing was closed. Jason and Leah Wichterman were present. Moved-Seconded (Ewing-Johnson) to approve the Development Plan #13-01, Steel Wheel Campground. Motion Carried.

ITEMS FROM COMMISSIONERS:

JOHN FITZGERALD: The Board recognized John Fitzgerald for receiving the Prosecutor of the Year Award.

BILLS:

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

Payroll: Comm-\$11,714.26; Aud-\$16,690.39; Treas-\$20,575.13; Comp-\$20,238.08; States Atty-\$24,294.28; Pub Def-\$22,515.57; Gen Govt Bldg-\$13,820.67; Equal-\$23,709.29; Rod-\$14,966.85; Vso-\$2,513.58; Disp-\$22,993.16; Sher-\$69,432.12; Jail-\$45,399.04; Coroner-\$646.16; 24/7-\$319.58; Emerg Mgnt-\$7,317.04; E911-\$3,434.56; Highway-\$73,797.24; Air-\$2,478.80; Mh Serv-\$420.00; Weed-\$24,080.37; Pz-\$9,827.60; **Bills:** Dias,Gregory-\$20.57; Dragoo,Shelley-\$70.00; Larson,P.Rene'-\$21.00; Mowell,Richard-\$6,372.00; Schroeder,Jeffery-\$40.00; Schuchmann, Bernard-\$50.85; Schulz,Sherryl-\$30.00; A&B Business,Inc Solutions-\$14,789.17; A&I Distributors-\$3,982.14; A&J Supply-\$43.63; A-Z Shredding-\$45.60; Abc Business Supply-\$753.03; Active Data Systems-\$976.20; Air Connection-\$132.59; Alpine Impressions-\$441.00; Amy Zoller Reporting-\$305.40; At&T Mobility-\$954.26; American Family Life-\$3,405.04; Deadwood Recreation Center-\$651.00; Delta Dental Of South Dakota-\$6,531.00; Hartford-Priority Accounts-\$1,637.81; Northern Hills Rec Center-\$206.80; SD Retirement System-\$51,295.63; Wellmark Blue Cross-\$76,403.63; BH Chemical Company-\$480.22; BH Collections-\$204.48; BH Federal Credit Union-\$15,548.00; BH Land Analysis-\$1,820.00; BH Pest Control-\$95.00; BH Pioneer-\$1,030.48; BH Power-\$1,029.38; Battery Shack-\$308.20; Best Western Seven Seas-\$199.98; Black Hills Pure-\$411.85; Butte Electric Coop-\$825.48; Campbell Co Sheriffs Off-\$50.00; Central Parts-\$59.26; Century Business Products-\$61.86; Centurylink-\$217.87; City/County Alcohol&Drug-\$280.00; Clerk Of Courts-\$100.00; Coulls Informatics Corp-\$337.50; Credit Collections Bureau-\$200.00; Crop Production Services-\$19,722.00; Dakota Graphics-\$91.00; Dakota Security Systems-\$459.18; Datec-\$560.00; Deadwood,City Of-\$755.33; Dept Of Hlth Lab Services-\$101.00; Dept Of The Treasury-\$103,533.46; Diversified Collections-\$200.00; Division Of Motor Veh-\$24.00; Ellingson,Joseph-\$824.45; Ertz,Dewey J-\$845.00; Fidler-Isburg Funeral Chapel-\$2,250.00; Fish,Veronica-\$717.60; Fox Dentistry-\$170.00; Genpro Power Systems-\$1,473.73; Gordon Law, Pc-\$415.10; Great Western Tire-\$54.80; Grimm's Pump Service-\$9,118.65; Hamann,Chris-\$100.00; Havemeier,Leslie-\$51.60; Heartland Paper Co-\$801.25; Hewlett-Packard Company-\$3,752.34; Institutions Services-\$22,832.70; Janz,Donald A Ph.D-\$425.00; Kadrmas, Lee And Jackson-\$5,400.10; Kimbell's Auto Repair-\$929.71; Knecht True Value-\$16.79; Knology-\$294.12; Kosel,Joseph-\$1,328.73; LC Sheriff-\$130.93; Lead,City Of-\$70.95; Lead-Deadwood Regional Hospital-\$260.00; Lead-Deadwood Sanitary-\$338.45; Lee,James-\$15.00; Manlove Psychiatric Group-\$1,900.00; Marc Mid-America Research Chem-\$82.61; Marco-\$33.62; Mason,William-\$2,400.00; Mcleod's Office Supply-\$675.60; Mcpherson Propane-\$69.00; Midcontinent Communications-\$33.40; Miller,Steve-\$1,908.26; Mobile Electronic Service-\$1,846.29; Montana Dakota Utilities-\$5,841.39; Mutchler,Tricia-\$51.60; Neve's Uniforms-\$1,726.17; Office Of Child Support-\$1,341.24; Office Technology/Supply-\$48.99; Pennington Co Auditor-\$42.00; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$130.00;

Postmaster,Deadwood-\$130.00; Priority Dispatch-\$78.00; Quill Corporation-\$250.28; RC Finance Office-\$1,435.00; RC Police Dept-\$12.40; RC Regional Hospital-\$620.96; Rabe Elevator-\$881.87; Rapid Delivery-\$22.80; Rasmussen Mechanical Serv-\$2,711.85; Reindl,Staci-\$1,975.45; Reliable-\$107.12; Rocket Lube-\$105.98; Rocky Mountain Instrumental-\$100.00; Rsinet/Thomas W Nichols-\$180.00; SD Sheriff's Association-\$65.00; SD State Treasurer-\$482.30; Sada Systems-\$35.00; Sander,Duane-\$400.00; Scott J Odenbach,Pc-\$164.00; Sdrs Supplemental Retirement-\$2,018.00; Secretary Of State-\$30.00; Semerad,Sandra-\$15.20; Servall Towel&Linen-\$731.84; Spearfish Auto Supply-\$1,129.19; Spearfish Police Dept-\$10,489.79; Sturdevant's Auto Parts-\$179.66; Subway-\$8.00; 3d Specialties-\$1,665.56; Thompson,Katie-\$179.40; Tigerdirect-\$4,306.60; Trugreen Chemlawn-\$56.75; Twin City Hardware&Lumber-\$1,221.53; Verizon Wireless-\$59.87; Washington State Support Reg-\$622.00; Waste Connections-\$645.70; Watkins, Miranda-\$101.40; Weirs,Vickie-\$500.00; Wells Fargo Business Card-\$4,917.61; West Group-Thomas Reuters-\$163.28; West River International-\$634.75; Western Communication-\$294.50; Wex Bank-\$1,006.37; White Drug-\$515.59; White Rock Properties-\$400.00; White's Queen City Motors-\$43,782.00; Wolf,Ione-\$34.00; Wolff Law Office,Pllc-\$703.05; Wolff's Plumbing & Heating-\$8,046.06; **Witness & Jurors:** Barrett,K-\$60.36; Didier,N-\$60.36; Gerry,N-\$61.84; Hafner,J-\$61.10; Hupp,T-\$60.36; Johnson,M-\$64.80; Loup,D-\$62.58; Martin,G-\$61.10; Miles,T-\$62.58; Myers,A-\$61.10; Norman,D-\$61.10; Sandford,D-\$61.10; Sandy,D-\$63.32; Schroeder,L-\$60.36; Smith,A-\$59.62; Young,G-\$61.10; Patek,J-\$31.84; Ramirez,A-\$12.96; Case,R-\$17.40; Atkinson,A-\$21.10; Babb,G-\$117.76; Bednar,E-\$117.76; Brimm,S-\$21.10; Burling,G-\$122.20; Burnison,S-\$28.50; Caffee,B-\$21.10; Cass,G-\$13.70; Cockrum,D-\$122.20; Colgrove,B-\$21.10; Cota,W-\$24.80; Coulter,A-\$20.36; Crowley,D-\$20.36; Darling,D-\$19.62; Farley,R-\$125.16; Fystro,C-\$21.10; Geffre,R-\$20.36; Greenlee,K-\$21.10; Hafner,V-\$28.50; Hallan,W-\$21.10; Heckenlaible,A-\$21.10; Helstad,R-\$123.68; Hilgemann,C-\$19.62; Jochim,S-\$21.84; Johnson,L-\$18.88; Johnson,S-\$23.32; Kassel,B-\$24.80; Katon,S-\$12.22; Killam,D-\$122.20; Kozel,B-\$122.20; Laslowski,D-\$17.40; Loper,D-\$24.80; Luze,T-\$15.18; Millard,P-\$34.44; Hill,M-\$61.10; Milos,G-\$10.74; Mistelski,C-\$17.40; Morrison,J-\$101.48; Nauman,S-\$24.80; Nelson-Bailey,A-\$23.32; Newman,E-\$123.68; Niesent,T-\$24.80; Osloond,F-\$12.96; Ostwald,A-\$21.10; Perez,M-\$10.74; Radensleben,S-\$18.88; Ramirez,R-\$21.10; Rantapaa,J-\$104.44; Redinger,P-\$129.60; Roberts,A-\$13.70; Robison,T-\$17.40; Rogers,D-\$105.92; Roselles,L-\$12.22; Slider,A-\$19.62; Solano,S-\$22.58; Spears,J-\$18.14; Stahlecker,K-\$19.62; Stone,D-\$21.10; Terveen,S-\$21.10; Tetrault,T-\$21.10; Thompson,J-\$24.06; Tohm,A-\$21.10; Tolan,M-\$21.84; Wagner,D-\$11.48; Westberg,A-\$21.10; Abrams,R-\$20.00; Anderson,R-\$22.22; Arcenal,K-\$30.36; Doyle,A-\$30.36; Doyle,P-\$30.36; Mack,E-\$31.10; Mccoy,P-\$22.22; Moyer,K-\$42.20; Sabers,B-\$34.80; Staley,D-\$42.20; Waisanen,D-\$20.00; Wallace,A-\$33.32; Wallace,R-\$33.32; Young Bull Bear,T-\$50.34

ADJOURN: 10:54 a.m. Moved-Seconded (Ewing-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 28, 2013

Vice-Chairman Richard Sleep 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 28, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing and Terry Weisenberg present. Brandon Flanagan was absent.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of May 14, 2013 County Commission meeting. Motion Carried.

PERSONNEL POLICY AMENDMENT: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign the following Resolution 2013-08, An Amendment to the Lawrence County Personnel Manual (Article II, Section 2.12 Residency). Motion Carried.

LAWRENCE COUNTY RESOLUTION #2013-08: AMENDMENT #10 LAWRENCE COUNTY PERSONNEL MANUAL: WHEREAS, the Lawrence County Commission adopted the Lawrence County Personnel Manual (the “Manual”) pursuant to Resolution #2005-19 to establish a fair system of personnel administration; and WHEREAS, from time to time it is necessary to update the Manual to insure fair administration of the objectives provided for therein; and THEREFORE BE IT RESOLVED, that effective June 1, 2013, and upon favorable passage of this Resolution, and until otherwise revised, the following revision is hereby adopted for Article II, General Policies, Section 2.12 of the Manual: 2.12 RESIDENCY: All permanent employees of Lawrence County shall reside within the boundaries of Lawrence County. All permanent employees shall establish residency in Lawrence County within eleven (11) months of their date of employment, or their date of permanent status. Should any permanent employee move from the boundaries of Lawrence County, they shall be terminated within two (2) weeks, unless a waiver of the residency requirement is granted by the Lawrence County Commission. The County Commission may issue such waivers on a case-by-by case basis upon a finding of special circumstances existing warranting a waiver. Dated this 28th day of May, 2013. FOR THE COUNTY COMMISSION: Brandon Flanagan, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to approve Amber Richey as a

full- time Chief Deputy Public Defender G7 at a base rate of \$61,258.22 effective 6-10-2013. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Sleep) to approve Ross Johnson as a fill-in part-time (under 20 hours) Special Deputy II at the base rate of \$17.37 an hour, effective 6-2-2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to authorize the advertisement for a full-time Correctional Officer. Motion Carried.

EXECUTIVE SESSION: 8:30 a.m. Moved-Seconded (Ewing-Weisenberg) to go into executive session for personnel issues (pursuant to SDCL 1-25-2(1)) with John Fitzgerald, State's Attorney. Motion Carried. 8:40 a.m. the Board opened for regular business.

Moved-Seconded (Johnson-Ewing) to authorize the advertisement for a full-time Deputy State's Attorney and authorization to hire 2 temporary employees not to exceed 30 hours per week at a base rate of \$9.00. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve Mikayla Gallagher and Brianna Baumann as temporary part-time summer help not to exceed 30 hours a week at a base rate of \$9.00 effective 5-28-2013. Motion Carried.

ABATEMENTS:

CHURCH OF ST JOSEPH OF SPEARFISH: Moved-Seconded (Ewing-Weisenberg) to approve the Abatement for Church of St Joseph of Spearfish on parcel #32750-018000-060-20 as the property qualifies for the religious tax exemption. Motion Carried.

CHURCH OF ST JOSEPH OF SPEARFISH: Moved-Seconded (Ewing-Weisenberg) to approve the Abatement for Church of St Joseph of Spearfish on parcel #32750-018000-050-00 as the property qualifies for the religious tax exemption. Motion Carried.

CHURCH OF ST JOSEPH OF SPEARFISH: Moved-Seconded (Ewing-Johnson) to approve the Abatement for Church of St Joseph of Spearfish on parcel #32750-018000-060-10 as the property qualifies for religious tax exemption. Motion Carried.

VACATION / RELOCATION / LOCATION OF SECTION LINE / HANSON: A public hearing was held on the respective petitions to Vacate A Portion Of A Section Line and to Relocate/Locate A Portion Of Section Line. Legal Description For The Vacation: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 813.47 feet ending at a point on the section line and the east property line intersection of Kissack East as shown on the attached drawing. Legal Description For Relocation/Location: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the

section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 100.00 feet thence S 57°27'21" E a distance of 130.10 feet thence S 87°27'21" E a distance of 388.00 feet thence N 62°32'39" E a distance of 130.10 feet thence S 87°27'21" E a distance of 100.00 feet and ending at a point on the section line and the east property line intersection of Kissack East as shown on the attached drawing. Affecting the Landowners: Jason T. and Mary A Hanson.

Amber Vogt, Planning & Zoning Administrator asked if the existing house met the 25' set back requirement upon relocation of the section line. The landowner indicated the house met the set back requirement. No other public input was voiced and the public hearing was closed.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2013-09. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2013-09 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE and RESOLUTION & ORDER TO RELOCATE/LOCATE A PORTION OF SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and relocated/located WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and relocation/location and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated and relocated/located: LEGAL DESCRIPTION FOR THE VACATION: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 813.47 feet ending at a point on the section line and the east property line intersection of Kissack East as shown on the attached drawing. LEGAL DESCRIPTION FOR RELOCATION/LOCATION: That portion of section line lying within the Kissack East Lot in the SW ¼ Section 8 and the NW1/4 of Section 17, T7N, R2E, Lawrence County, South Dakota, further described as the Point of Beginning, said point being the intersection of the section line and the west property line of Kissack East, thence S 87°27'21" E a distance of 100.00 feet thence S 57°27'21" E a distance of 130.10 feet thence S 87°27'21" E a distance of 388.00 feet thence N 62°32'39" E a distance of 130.10 feet thence S 87°27'21" E a distance of 100.00 feet and ending at a point on the section line and the east property line intersection of Kissack East as shown on the attached drawing AFFECTING THE LANDOWNERS: Jason T. and Mary A Hanson. Dated this 28th day of May, 2013. RICHARD SLEEP, Vice-Chairman. Lawrence County Commission. ATTEST: Brenda McGruder, Lawrence County Auditor Deputy

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of May 21, 2013: Deadwood Diesel 4200: (prices per gallon) CBH - \$3.311*, MG Oil - \$3.405; Deadwood Unleaded 2600 Gallons: (prices per gallon) CBH - \$3.606, MG Oil - \$3.41*; Spearfish Diesel 3300 Gallons: (prices per gallon) CBH - \$3.311*, MG Oil - \$3.405; Spearfish Unleaded 900 Gallons: (prices per gallon) CBH - \$3.606, MG Oil - \$3.41*. Whitewood Diesel 650 Gallons: (prices per gallon) CBH - \$3.311*, MG Oil - \$3.405. *Represents lowest quote awarded. No bid was received from Harms Oil and Southside.

AIRPORT BUSINESS:

AIRPORT FUEL FARM BID: Moved-Seconded (Ewing-Weisenberg) to reject all bids submitted as the bids exceeded grant funds available. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Discussion and review was undertaken concerning the list of proposed questions to be submitted to the SD Dept. of Ag in advance of the June 11, 2013 county commission meeting at which time representatives of the state will be present to discuss the state MPB grant program. Commissioner Weisenberg, Dave Heck and Bruce Outka will meet to organize the proposed questions into final form and will insure the questions are submitted to the state.

Moved-Seconded (Weisenberg-Johnson) to submit the finalized list of questions to the Department of Agriculture concerning the state Mountain Pine Beetle grant program. Motion Carried.

Dave Heck, Invasive Species Manager presented budget cost estimates reflecting the anticipated impact of the Affordable Care Act in 2014.

BUREAU OF LAND MANAGEMENT: Marian Atkins updated the Board on BLM Activities in Lawrence County. Motion Carried.

SANFORD LAB: Bill Harlan and John Scheetz presented an update on the Sanford Lab.

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

POWDER HOUSE PASS: Powder House Pass Final Water and Sewer Plans (Phase #1: Waste water Treatment Plant Plans/Full Build-Out Waste Water Treatment Plant Plans/Water Reservoir Plan/Water Trunk-line Plans/Water Treatment Plans)

Nicholas Hoffman, Interstate Engineering, presented the Powder House Pass CID Phase1 Water & Sewer Plans, Phase 1 Wastewater Treatment Plant Plan, the Full Build-out Wastewater Treatment Plant Plan, Water Reservoir Plan, Water Trunk-line Plans, and Water Treatment Plans.

Moved-Seconded (Weisenberg-Ewing) to follow Planning & Zonings recommendation to pass the Powder House Pass CID Phase1 Water & Sewer Plans, Phase 1 Wastewater Treatment Plant Plan, the Full Build-out Wastewater Treatment Plant Plan, Water Reservoir Plan, Water Trunk-line Plans, and Water Treatment Plans. Motion Carried.

CONDITIONAL USE PERMIT # 420 / HOLMES / TRAIL RIDES: A public hearing was held on C.U.P. #420, Trail Rides, Location: Golden Reward (Andy Holmes, Applicant)

Andy Holmes, Ron Waterland of Wharf Resources and William Weber all spoke in favor of the CUP. No other input was voiced and the public hearing was closed.

Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #420 for Andy Holmes Trail Rides. Motion Carried.

PLATS:

Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the Preliminary and Final Plat for Lots #4A & #4B of Block 3 of The Pines at Benchmark Subdivision because the plats were not complete.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Preliminary and Final Plat of Lots A & B, a subdivision of Lot 10 ex. Tract A thereof in Section 1, T3N, R4E (Location: Nemo Road) because the plats were not completed. Motion Carried.

CHANGE OF ZONING #301: First Reading and a public hearing was held on C.O.Z. #301, A-1 to RR Zoning District, Section 6, T6N, R2E (Location: Hillview Drive (West of Spearfish) (Doug Leuders, Applicant) No public input was voiced and the public hearing was closed. Second reading is set for June 11, 2013 at 9:00 a.m.

ORDINANCE #13-03: First Reading and a public hearing was held on Ordinance #13-03, Addition of Small Engine Repair as an Allowed Use in SRD Zoning District. Tim Cleveringa stated that he would like to find a different location for his business owing to the fact that the rent is very expensive in his current location. No other public input was voiced and the public hearing was closed. Bob Ewing stated that, if allowed, this change to the ordinance would have county-wide effect, and he was not sure what kind of impact would result. Second reading is set for June 11, 2013 at 9:15 a.m.

ANNUAL REVIEWS:

C.U.P. #307 RAMSEY: An annual review was held for CUP #307 Ramsey 2nd Residence. CUP #307 was found to be in compliance and another review will be completed in 12 months.

C.U.P #373 JOHNER & SONS: An annual review was held for CUP #373 Johner & Sons for a small scale Rock & Gravel Operation. CUP #373 was found to be in compliance and another review will be completed in 12 months.

C.U.P. #406 CITY OF SPEARFISH WATER TANK: An annual review was held for CUP#406 for the City of Spearfish Water Tank. Project is not completed as of yet and another review will be completed in 12 months.

C.U.P. #407 RUPP STORAGE FACILITY: An annual review was held for CUP #407, Ernie Rupp Storage Facility. CUP #407 was found to be in compliance and another review will be completed in 12 months.

C.U.P. #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. On December 11, 2012, the County Commissioners asked for another review in six months or upon change of ownership on Conditional Use Permit #205. The review was done and a new operator (Benchmark Enterprises, LLC) has a signed lease. Discussion followed regarding the old operators vs. new operators, the building located on the property and the process of transferring the existing CUP to the new Operator. Further discussion took place regarding the fee, and a fee of \$600.00 was agreed upon, which is the current fee for a CUP amendment. Moved-Seconded (Johnson-Ewing) to postpone any decision until such time as a copy of the lease agreement, letter of authorization from the landowners, the proper information from the State to transfer the state mine license and the reclamation bond and a letter from Tinton Enterprises LLC stating they have no conflict with the CUP being transferred is provided.

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

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,368.44; Treas-\$10,287.55; Comp\$8,093.84; States Atty-\$12,075.13; Pub Def-\$8,011.39; Gen Govt Bldg-\$7,921.52; Equal-\$11,931.99; Rod-\$7,483.42; Vso-\$1,256.79; Disp-\$10,880.31; Sher-\$37,992.70; Jail-\$20,455.51; Coroner-\$123.08; 24/7-\$168.20; Emerg Mgnt-\$3,624.44; E911-\$1,779.36; Highway-\$37,751.63; Air-\$1,333.48; Mh Serv-\$84.00; Weed-\$12,450.74; Pz-\$4,833.80; **Bills:** Atkinson,Sally-\$38.00; Crandall,Marc-

\$2.39; Gould,Gary-\$70.44; Heck,David-\$65.49; McGruder,Brenda-\$55.00; Schuchmann,Bernard-\$165.39; Tridle,Debora-\$26.00; Whitcher,Eric-\$10.50; A&B Business,Inc Solutions-\$801.00; A&B Welding Supply-\$54.67; A-Z Shredding-\$19.95; Abc Business Supply-\$376.06; Air Connection-\$4,177.92; Alpine Impressions-\$10.00; American Bar Association-\$190.00; American Family Life-\$3,405.04; Applied Concepts-\$310.00; At&T-\$5.17; BH Chemical Company-\$783.87; BH Collections-\$204.48; BH Federal Credit Union-\$7,774.00; BH Pioneer-\$242.50; BH Power-\$10,323.15; Banks,Bridgette-\$30.60; Bickle's Truck&Diesel-\$201.68; Butler Machinery Co-\$132.90; Campbell Co Sheriffs Off-\$100.00; Cbh Cooperative-\$26,984.65; Central Parts-\$1,853.36; Century Business Products-\$386.43; Centurylink-\$1,919.09; Certified Laboratories Div-\$140.00; City/County Alcohol&Drug-\$280.00; Clerk Of Courts-\$50.00; Clubhouse Hotel&Suites Pierr-\$330.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$49.99; Dakota Security Systems-\$152.79; Dale's Tire&Retread-\$5,832.00; Deadwood Recreation Center-\$636.00; Delta Dental Of South Dakota-\$6,390.84; Dept Of Hlth Lab Services-\$87.00; Dept Of The Treasury-\$51,291.22; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$106.73; Ellingson,Joseph-\$226.05; Fastenal-\$202.94; Foothills Seed-\$2,400.00; Fsh Communications-\$60.00; Galls-\$1,992.40; Gene's Lock Shop-\$264.96; Great WesternTire-\$44.38; Hartford-Priority Accounts-\$1,613.59; Heartland Paper Co-\$452.45; Hills Material Comp-\$3,598.50; Interstate Engineering-\$509.20; Jacobs Precision Welding-\$107.00; Janke,Wendy-\$1,410.00; Jenner Equipment-\$330.05; John Deere Financial-\$4,159.57; Knology-\$1,723.50; Kosel,Joseph-\$3,095.21; Lattice Incorporated-\$35.26; Lawson Products-\$459.15; Lincoln County Combined Court-\$13.75; Menards-\$110.11; Midwest Alarm Co-\$88.20; Montana Dakota Utilities-\$180.10; International Academy Of Emd-\$400.00; Nelson,Christy-\$300.00; Nelson,Tonya-\$650.00; Neve's Uniforms-\$598.64; Newman Traffic Signs-\$126.47; Northern Hills Rec Center-\$206.80; O'reilly Auto Parts-\$39.99; Office Of Child Support-\$670.62; Pennington County Sheriff-\$1,580.55; Pennington County Sts Attny-\$215.00; Pheasantland Industries-\$297.76; Pueblo Combines Court-\$27.75; Queen City Tire-\$15.00; Quik Signs-\$95.94; RC Finance Office-\$875.00; Radio Shack/Kazco-\$37.98; Rapid Transcript Co-\$990.00; Redwood Toxicology Lab-\$80.00; Regional Health-\$171.54; Regional Health Physicians-\$168.58; Reindl,Staci-\$826.70; SD Dept Of Transportation-\$537.71; SD Retirement System-\$51,598.34; Sdrs Supplemental Retirement-\$1,029.00; Securus Technologies T-Netix-\$1,050.00; Semerad,Sandra-\$133.00; Servall Towel&Linen-\$1,042.60; Spearfish Auto Supply-\$624.95; Sterna,Laura-\$1,350.00; Subway-\$12.00; Tigerdirect-\$256.92; Triple K Tire&Repair-\$1,478.99; Truenorth Steel-\$6,442.50; Twilight First Aid&Safety-\$67.30; Twin City Hardware&Lumber-\$465.48; Vanway Trophy And Award-\$184.00; Victims Of Violence-\$849.00; Washington State Support Reg-\$311.00; Watertree-\$37.95; Wellmark Blue Cross-\$76,019.19; Wells Plumbing&Farm Supp-\$534.14; West River International-\$1,146.33; Western Communication-\$874.00; Western Sd Juvenile Serv-\$6,750.00; White Drug-\$444.88; White's Queen City Motors-\$25,921.55; Wilde&Hunt,Prof-\$4,172.40; Wm.Werkhaven&Sons-\$15.36; **Witness & Jurors:** Didier,N-\$60.36; Golinvaux,N-\$61.10; Hill,M-\$61.10; Johnson,M-\$64.80; Martin,G-\$61.10; Rafferty,B-\$61.10; Smith,A-\$59.62; Eide,J-\$31.10; Mcgriff,M-\$32.95; Waterson,B-\$31.10

ADJOURN: 12:23 p.m. Moved-Seconded (Ewing-Sleep) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 11, 2013

Chairman Brandon Flanagan 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 11, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of May 28, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Johnson-Ewing) to approve Amber Richey as a full-time Deputy Public Defender G9 at a base rate of \$61,258.22 effective 6-10-2013. Motion Carried.

SHERIFF: Chairman Flanagan presented the Governor's Proclamation for Joe Harmon and Rick Haggerty for their dedicated years of service.

Moved-Seconded (Ewing-Weisenberg) to allow for the advertising of two Part-time correction officers. Motion Carried.

HIGHWAY BUSINESS:

RIGHT OF WAY PERMIT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Application for permit to occupy County Highway Right-of-Way for Black Hills Power located approximately 1 mile north of the intersection of Benchmark Rd and Nemo Rd. T3N, R4E, Sec 1. Motion Carried. The crossing is for a new line extension going to the Jim Randall Home.

SDDOT FINANCIAL & MAINTENANCE AGREEMENT: Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the State of South Dakota Financial and Maintenance Agreement between Department of Transportation and Lawrence County for Project Number PH 8041(183) PCN 01DG on Maitland Road. Motion Carried.

APPROACH PERMIT / GRUBB: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Approach Permit for Stephanie and Jason Grubb on the west side of Lookout Mountain Road. Motion Carried.

STATE HIGHWAY 385: Bonnema expressed concerns on the Conditional Use Permit approved for a hot asphalt mix, and the possible impact on Nemo Road and the Merritt Estes Road. Bonnema stated the State is asking permission to use the County Road to complete this project on State Highway 385. Approximately 2,000 semi-loads of material will be hauled on the Merritt Estes Road. Bonnema stated ideally the portable hot-mix plant should be located on or near the Road that the project is taking place. Bill Krakoswki, Bituminous Paving discussed the plans for hauling on the road and stated they want to accommodate the County and their concerns. Bituminous Paving offered the County a \$50,000 bond to assure they will take care of the Road. Flanagan stated the County will accept the Bond in assurance and Bituminous will also provide mag water, flag people, and replacement gravel to repair the road back to the pre-project status. Moved-Seconded (Weisenberg-Ewing) to direct Bruce Outka to prepare the legal documents for the \$50,000 bond and to approve and authorize the Chairman to sign the documents when completed. Motion Carried.

SDDOT HAUL ROAD AGREEMENT / INSPECTION REPORT: Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the South Dakota Department of Transportation Agreement for Use and Restoration of Contractor's Haul Road Merritt Estes Rd. from the US385 Jct. approximately 5 miles to the Nemo Rd. Jct.; and the Haul Route Inspection Report. Motion Carried.

LOOKOUT MOUNTAIN: The Board discussed the County vacating a section of County Road that is not being used and is not accessing any homeowners at this time. Discussion followed on vacating or barricading the road. Allan Bonnema, Highway Superintendent will look into further.

ABATEMENTS:

Moved-Seconded (Ewing-Weisenberg) to approve the abatement on parcel #26280-00327-000-10 for M.S. 327, because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve the abatement on parcel #26680-01681-000-10 for M.S. 1681, because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26840-01964-000-10 for M.S. 1964, because the State has taken deed to the property. Motion Carried. Aye-4, Nay-Ewing.

Moved-Seconded (Weisenberg-Flanagan) to approve the abatement on parcel #26680-01632-000-10 for M.S. 1632, because the State has taken deed to the property. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Johnson) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of May 31, 2013 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)-\$44,627.37; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,950.05; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,250,000; Bank Balance \$4,767,637.73, Money Market \$530,725.11; Savings-\$9,416,377.17; Total \$19,018,527.43

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2013-2014 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 (Ewing-Weisenberg) to approve the following 2013-2014 Malt Beverage Licenses Motion Carried:

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

PLACER 601 INC., (DEADWOOD KOA) M.S. #601, Sec. 28, T5N, R3E, and lot 1A of M.S. #108.

CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE:

TOMAHAWK LAKE COUNTRY CLUB, Part HES 57 more fully described in Book 222, Page 476 & 477, Office of Lawrence County Register Deeds.

CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE

WICHTERMAN & SONS INC: STEEL WHEEL 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.

TRAILSHED 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.

WICHTERMAN & SONS INC: STEEL WHEEL CAMPGROUND 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 (BOARS NEST ROADHOUSE LLC) Tract 59 Section 7, T2N, R3E, BHM.

CROW PEAK BREWING COMPANY, LLC: Lot Y-1, located in NE1/4NE1/4, S4, T6N, R2E.,

TRIPLE H HILLS LLC, MYSTIC HILLS HIWAY 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.

REYNOLDS & LIVINGSTON LLC (COUSINS BIG CHAIR): 22493 US Hwy 385 So., Deadwood, SD: Lot 1, Boyle S/D, SW1/4, SW1/4, T2N, R5E, BHM, Lawrence County. 05000-00205-073-10

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.

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:

BOONDOCKS LLC: PT HES 54 Tract C Section 25 T4N, R3E,

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..

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.

TROUT HAVEN OF THE BLACK HILLS: Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7.

A public hearing was held on the application for 2013 Liquor License for Retail On-Off Sale Wine License. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Flanagan) to approve the following 2013 Liquor License. Motion Carried.

CLASS-RETAIL ON-OFF SALE WINE: 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.

2013-2014 STATE MPB GRANT PROGRAM: Representatives from the State of South Dakota, Forest Service, Mountain Pine Beetle Committee, and County representatives were

present to discuss the 2013-2014 State MPB Grant Program. State designated priority areas were reviewed and the County's 2013 MPB Program with the Forest Service was discussed.

EMERGENCY MANAGEMENT:

WARNING SIRENS: Moved-Seconded (Ewing-Weisenberg) to set the Bid Opening for 2 Warning Sirens: (1) Omni-directional Siren and (1) Rotating Electro-Mechanical Siren for June 25, 2013 at 8:45 a.m. Motion Carried.

EMERGENCY DECLARATION: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution for Declaration of Emergency #2013-10. Motion Carried.

Resolution for Declaration of Emergency #2013-10: Whereas, Lawrence County South Dakota, has suffered damage, brought on by severe spring weather which included unusually large amounts of rain during a short time span. This event caused flooding which damaged roads and infrastructure throughout Lawrence County including the cities of Spearfish, Deadwood and Lead. This event took place starting on May 20th thru May 31st, 2013. Whereas, Lawrence County has committed available resources and taken all possible action within the jurisdictional boundaries to combat and to alleviate the emergency, local resources are not adequate to cope with the situation aftermath. Now, Therefore Be It Resolved by the Lawrence County Commission at a regular meeting held on June 11, 2013, it is hereby requested that the Governor of South Dakota declare an emergency to exist in the County of Lawrence. Dated this 13th day of June 2013 by Brandon Flanagan, Chairman of Lawrence County. Attest: Connie Atkinson, Lawrence County Auditor.

4-H PROGRAM UPDATE: Betsy Burtzlaff gave the board an update on the 4-H program and 2014 Budget Request.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues. Including Apple Springs; Technical Revision No. 65 to Richmond Hill State Mine Permit #445 for CUP # 116 & #125. Vogt will send the letter of approval.

PIONEER PRESBYTERIAN CHURCH CAMP: The Board discussed the progress made on the Fire Plan for Pioneer Presbyterian Church Camp. Moved-Seconded (Weisenberg-Johnson) To approve and authorize the issuance of a building permit for the Lodge with the agreement that the fire plan will be completed prior to occupying the building. Motion Carried.

CHANGE OF ZONING #301: Second Reading was held on C.O.Z. #301, A-1 to RR Zoning District, S ½ SE ¼ NE ¼, S ½ SW ¼ NE ¼, less and except Tract A of Beets Ranch Subdivision of the SW ¼ NE ¼ and the NW ¼ SE ¼, less and except Lot 1A Revised of Pine Oak Subdivision being a part of the NW ¼ SE ¼ and except Tract A of Beets Ranch Subdivision of

the NW ¼ of the SE ¼ all located in Section 6, T6N, R2E, B.H.M., Lawrence County South Dakota (Location: Hillsview Drive (West of Spearfish) (Doug Leuders, Applicant). Moved-Seconded (Ewing-Weisenberg) to approve Change of Zoning #301, A-1 to RR Zoning District. Motion Carried.

ORDINANCE #13-03: Second Reading was held on ORD #13-03, Addition of Small Engine Repair as an Allowed Use in SRD Zoning District. Moved-Seconded (Ewing-Sleep) to **deny** the proposed Ordinance #13-03, Addition of Small Engine Repair as an Allowed Use in SRD Zoning District. Motion Carried.

PLATS:

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the **Preliminary Plat** Emmert Family Trust, Plat of Lots 2A & 6A, formerly Lots 2 & 6 of the Estates at Pillar Peak of Section 20 & 21, T5N, R4E. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the **Final Plat** Emmert Family Trust, Plat of Lots 2A & 6A, formerly Lots 2 & 6 of the Estates at Pillar Peak of Section 20 & 21, T5N, R4E. Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of the Planning and Zoning Director and approve and authorize the Chairman to sign the **Preliminary Plat** for Margie Ford & Kenneth Biers Plat of Tract 1A Revised, Tract 6A Revised, Tract 7 Revised, Tract 8 Revised and Ford Tract Revised located in NE 1/4 Section 27, T3N, R5E. Located near Nemo. Motion Carried. Aye-Weisenberg, Johnson and Ewing. Nay-Sleep. Abstain-Flanagan.

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the **Final Plat** for Margie Ford & Kenneth Biers Plat of Tract 1A Revised, Tract 6A Revised, Tract 7 Revised, Tract 8 Revised and Ford Tract Revised located in NE 1/4 Section 27, T3N, R5E. Located near Nemo. Motion Carried. Aye-Weisenberg, Johnson and Ewing. Nay-Sleep. Abstain-Flanagan.

Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the **Preliminary Plat** for Trudy Hill for Lots 1-4 located in N 1/2 NW 1/4 Section 21, T6N, R4E Located near City of Whitewood. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the **Final Plat** for Trudy Hill for Lot 2 located in N 1/2 NW 1/4 Section 21, T6N, R4E. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the **Preliminary Plat** for Tom Sorenson for Lots 4A, 4B and 5B1 of Wood Estates Subdivision, located in Section 7, T3N, R3E. Along Rochford Road., after the resolution is added. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the **Final Plat** for Tom Sorenson Preliminary and Final Plats for Lots 4A, 4B and 5B1 of Wood Estates Subdivision, located in Section 7, T3N, R3E. Along Rochford Road. Motion Carried.

C.U.P. #205 TINTON ENTERPRISES: The Board discussed C.U.P. #205, Tinton Enterprises Annual Review (existing mine operator), and the separate, but related matter, of a proposed amendment to C.U.P. #205 referred to as C.U.P. #205-13 whereby a request was presented to permit an additional operator, Benchmark Enterprises, LLC., to conduct mining operations at the same site. Moved-Seconded (Weisenberg-Sleep) to approve C.U.P. Amendment #205-13 thereby permitting the addition of a second mining operator, Benchmark Enterprises, LLC. with the provision that the additional operator (Benchmark Enterprises, LLC.) be subject to the conditions set-forth in C.U.P. #205.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,259.97; Treas-\$10,291.55; Comp-\$8,093.83; States Atty-\$12,663.64; Pub Def-\$8,011.39; Gen Govt Bldg-\$7,798.22; Equal-\$11,923.00; Rod-\$7,483.43; Vso-\$1,256.79; Disp-\$14,284.76; Sher-\$38,145.77; Jail-\$24,348.03; Coroner-\$23.08; 24/7-\$151.38; Emerg Mgnt-\$3,737.72; E911-\$1,655.20; Highway-\$39,847.83; Air-\$1,054.20; Weed-\$5,286.04; Pz-\$4,835.80; **Bills:** Dragoo, Shelley-\$60.00; Feterl, Florence-\$26.00; Fisher, Jason-\$66.00; Green, Sheree-\$26.00; Haupt, Janice-\$28.00; Larson, Rene'-\$166.50; Meehan, Michael-\$66.00; Mowell, Richard-\$6,564.00; Runge, Brett-\$66.00; A&B Business, Inc Solutions-\$1,675.17; A&B Welding Supply-\$49.15; A&J Supply-\$36.05; A-Z Shredding-\$14.10; Abc Business Supply-\$174.76; Adams, Thomas-\$697.20; At&T Mobility-\$944.10; Audra Malcomb Consulting-\$549.71; BH Chemical Company-\$125.26; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Land Analysis-\$2,015.00; BH Pioneer-\$1,153.30; BH Power-\$768.00; Bartel, Bill-\$365.00; Best Western Ramkota Hotel-\$870.98; Binder, Tracy-\$37.40; Black Hills Pure-\$119.30; Bob Barker Company-\$275.72; Butler Machinery Co-\$1,044.11; Butte Electric Coop-\$628.02; Central Parts-\$2,000.00; Century Business Products-\$61.97; Centurylink-\$216.82; City/County Alcohol & Drug-\$140.00; Clerk Of Courts-\$50.00; Clubhouse Hotel&Suites Pierr-\$110.00; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$23.98; Deadwood, City Of-\$826.41; Dept Of Hlth Lab Services-\$348.00; Dept Of The Treasury-\$52,418.64; Diversified Collections-\$100.00; Eb Communications-\$205.50; Ertz, Dewey-\$780.00; Federal Express Corp-\$19.25; Fidler-Isburg Funeral Chapel-\$1,100.00; First Interstate Bank-\$84.70; Fish, Veronica-\$91.20; Gene's Lock Shop-\$4.50; Gold Country Inn-\$47.00; Great Western Tire-\$97.96; Heisler Hardware-\$59.53; Hills Material Comp-\$20,289.17; Howell, Jack Ken-\$34.00; Kadrmas, Lee And Jackson-\$3,339.84; Kinney, Matthew-\$482.75; Koll, Amy-\$50.00; LC Treasurer-\$35.00; Lead Volunteer Fire Dept-\$184.75; Lead, City Of-\$80.75; Lead-Deadwood Sanitary-\$376.33; Lee, James-\$15.00; Lexisnexis Risk Data Mgnt-\$150.00; Mack's Auto Body-\$2,794.42; Madigan, Edwin-\$600.00; Marco-\$33.62; McClure, Susan-\$200.00; Mcgas Propane-\$278.56; Mg Oil Company-\$8,866.00; Midcontinent

Communications-\$33.50; Miller,Steve-\$2,772.46; Montana Dakota Utilities-\$3,013.12; Nelson, Christy-\$300.00; Nelson,Tonya-\$200.00; Newman Traffic Signs-\$180.90; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$838.16; Pennington Co Auditor-\$182.00; Postmaster, Deadwood-\$208.00; Rabe Elevator-\$881.87; Rapid Delivery-\$10.80; Rocket Lube-\$145.97; SD Emergency Mngt Association-\$120.00; SD State Treasurer-\$581.08; Sada Systems-\$35.00; Sand Creek Printing-\$238.70; Sdrs Supplemental Retirement-\$1,029.00; Semerad,Sandra-\$193.80; Servall Towel&Linen-\$384.32; Spearfish Auto Supply-\$1,079.34; Steven Eddy Trucking-\$480.00; Swisher Hygiene/Css-\$63.82; Tigerdirect-\$80.00; Triple K Tire&Repair-\$60.24; Twin City Hardware&Lumber-\$146.42; United Parcel Service-\$6.99; Waste Connections-\$645.70; Weirs, Vickie-\$500.00; Western Communication-\$60.50; Wex Bank-\$595.40; White's Queen City Motors-\$230.20; Williams Standard Serv-\$75.48; Z&S Dust Control-\$23,112.88; **Witness & Jurors:** Barrett,K-\$60.36; Gerry,N-\$61.84; Hafner,J-\$61.10; Hansen,S-\$52.22; Hupp,T-\$60.36; Loup,D-\$62.58; Miles,T-\$62.58; Sandford,D-\$61.10; Schroeder,L-\$60.36

ADJOURN: 12:00 p.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 25, 2013

Chairman Brandon Flanagan 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 25, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of June 11, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to approve Kirk W. Albertson as a full-time permanent Deputy Public Defender G5 at the base salary of \$56,683.40, effective August 12, 2013. Motion Carried.

The Board congratulated Matthew Pike, Public Defender for recently receiving the Young Lawyer of the Year Award in South Dakota.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Stacey Sherer as a full-time permanent Correctional II G2 at the base rate of \$17.31 an hour, effective 6-30-2013. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve Scott C. Henderson as a part-time (under 20) seasonal Correctional I G2 at the base rate of \$15.04 an hour, effective 6-25-2013, upon completion of 40 hours of training at \$10.08. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Michael Johnson as a full-time permanent Correctional II G3 at the base rate of \$17.65 an hour, effective 6-30-2013. Motion Carried.

VOTING PRECINCTS: The Board discussed the current voting precincts in Lawrence County. St.Onge and Nemo Precincts will be reviewed to see if changes need to be made.

HIGHWAY BUSINESS:

KIRK ROAD: Jerry Apa, City of Lead Mayor discussed the proposed annexation in the Kirk area. Discussion followed on a possible 5 year agreement with the County to take care of the Road. Allan Bonnema, Highway Superintendent expressed concerns on going from City to County to City for the Road. Discussion followed on annexing the entire area. Apa stated they are just in the beginning stages and further discussions will follow.

DISASTER DECLARATION: Allan Bonnema, Highway Superintendent reported that the damage to the County Roads for the Disaster Declaration is approximately \$81,565.39.

COUNTY ROADS: The Board expressed concerns on the County Road west of Spearfish. Bonnema stated they will be working on the area in the next couple of weeks.

AIRPORT: The Board discussed the rock pile at the Airport. Currently the County does not have an area to relocate the rock. Bonnema stated he did utilize some of the rock to repair some roads in the past week and will try to utilize it in the future also.

FUEL QUOTES: The following fuel quotes were submitted as of June 25, 2013: Deadwood Diesel 3700: (prices per gallon) CBH - \$3.261, Southside - \$3.24*, MG Oil - \$3.32; Deadwood Unleaded 3300 Gallons: (prices per gallon) CBH - \$3.40, Southside - \$3.26*, MG Oil - \$3.31; Spearfish Diesel 3700 Gallons: (prices per gallon) CBH - \$3.261*, Southside - \$3.30, MG Oil - \$3.32; Spearfish Unleaded 850 Gallons: (prices per gallon) CBH - \$3.40, Southside - \$3.37, MG Oil - \$3.31*. Whitewood Diesel 400 Gallons: (prices per gallon) CBH - \$3.261*, Southside - \$3.30, MG Oil - \$3.34. *Represents lowest quote awarded. No bid was received from Harms Oil.

EMERGENCY MANAGEMENT:

WARNING SIRENS: The following bid was received for 2 Warning Sirens: Danko (1) Omni-directional Siren \$30,687 and (1) Rotating Electro-Mechanical Siren \$19,399. Moved-Seconded (Ewing-Johnson) to accept the only bid from Danko for 2 Warning Sirens: (1) Omni-directional Siren \$30,687 and (1) Rotating Electro-Mechanical Siren \$19,399, with the understanding that both poles are included in the bid. Motion Carried.

MALT BEVERAGE LICENSE A public hearing was held on the application for 2013-2014 Malt Beverage license **TERRELL A. COBB/RECREATIONAL SPRINGS RESORT:** M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. No public input was voiced and the hearing was closed.

Moved-Seconded (Weisenberg-Flanagan) to approve the following 2013-2014 Malt Beverage License **TERRELL A. COBB/RECREATIONAL SPRINGS RESORT:** M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. Motion Carried:

EMERGENCY MANAGEMENT:

STATE/COUNTY JOINT POWERS AGREEMENT: Ray Bubb and Cody Griffith were present to discuss the State/County Joint Powers Agreement. Paul Thomson and Allan Bonnema were present and reviewed the agreement. Thomson expressed concerns that the agreement seemed fairly open and did not include a fee section. Discussion followed if this agreement would include the Hawk. Bubb stated this would not include the Hawk. Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of Paul Thomson and approve and authorize the Chairman to sign the State/County Joint Powers Agreement for Wildland Fire Suppression with the South Dakota Department of Agriculture. Motion Carried.

FEMA REVIEW/DISASTER DECLARATION: Paul Thomson, Emergency Management Director was present to update the Board on the recent review by FEMA on the Emergency Disaster Declaration.

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for GENERAL FUND: Juvenile Detention \$30,000, Invasive Species Management – Salaries - \$35,000, Invasive Species Management – Chemicals - \$30,000. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Resolution #2013-11. Motion Carried.

RESOLUTION #13-11 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Juvenile Detention \$30,000, Invasive Species Management – Salaries - \$35,000, Invasive Species Management – Chemicals - \$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 25th day of June, 2013 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 25th day of June, 2013. FOR THE BOARD OF COUNTY COMMISSIONERS. Brandon Flanagan, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

2013 MOUNTAIN PINE BEETLE PROGRAM: Dave Heck, Invasive Species Management Director was present to review the 2013 Mountain Pine Beetle Program.

PILT FUNDS: The Board discussed the Payment in Lieu of Taxes (PILT) funds received on June 17, 2013. Moved-Seconded (Ewing-Sleep) to receipt the PILT funds of \$424,795.00 into the Road and Bridge Fund for 2013. Motion Carried.

2014 BUDGET: The Board discussed funding options for the 2014 budget with the Auditor. Further budget discussions will follow in July.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #255-09: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues including C.U.P. # 255-09 Spirit of the Hills Animal Sanctuary. Vogt stated the Sanctuary will be receiving 5 black bears from Ohio and this would put them over the current maximum. Kurt Russow, Vice President was present to answer questions and concerns. Moved-Seconded (Sleep-Ewing) to stick with the maximum number of bears at “not to exceed 10”. Aye-Ewing and Sleep. Nay-Johnson, Weisenberg and Flanagan. Motion Failed.

Moved-Seconded (Weisenberg-Flanagan) to approve the request for the black bears from Ohio with the understanding that this is a temporary basis and they can not replace the bears when attrition occurs, leaving the total number at ten. Motion Carried. Aye-Weisenberg, Johnson and Flanagan. Nay-Ewing and Sleep.

CONDITIONAL USE PERMIT #205-13: Vogt updated the Board on C.U.P. #205-13 Benchmark Enterprises, LLC and current conditions were reviewed and changes were discussed. **Moved-Seconded** (Ewing-Sleep) to follow the recommendation of Planning and Zoning and approve and amend the Conditions of Conditional Use Permit #205-13 as on file in the Planning and Zoning Office. 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. Moved-Seconded (Weisenberg-Ewing) CUP #288-11 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#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.

CUP#408, 409 & 410 ERNIE RUPP: An annual review was held for CUP #408, #409, & #410 for licensed Professional Services/Retail Outlet/Child Care Center for Ernie Rupp.

EXECUTIVE SESSION: 11:45 a.m. Moved-Seconded (Weisenberg-Ewing) to go into executive session for contractual matters with Bruce Outka. Motion Carried. 11:48 a.m. the Board opened for regular business.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,259.97; Treas-\$10,291.55; Comp-\$8,093.84; States Atty-\$11,972.50; Pub Def-\$9,193.04; Gen Govt Bldg-\$7,761.04; Equal-\$11,869.05; Rod-\$7,483.42; Vso-\$1,256.79; Disp-\$12,622.58; Sher-\$47,551.95; Jail-\$20,909.31; Coroner-\$123.08; 24/7-\$151.38; Emerg Mgnt-\$3,709.64; E911-\$1,779.36; Highway-\$38,238.35; Air-\$1,088.28; Mh Serv-\$168.00; Weed-\$9,002.61; Pz-\$4,997.80; **Bills:** Atkinson,Connie-\$55.00; Harmon,James-\$13.06; Smith,Molly-\$3.00; Turnbow,Jamie-\$34.76; Walker,John-\$594.57; Wisser,Ricky-\$150.00; A&B Business,Inc Solutions-\$442.46; A&J Supply-\$63.99; A-Z Shredding-\$4.20; Abc Business Supply-\$135.26; Active Data Systems,-\$2,992.74; American Family Life-\$3,405.04; At&T-\$6.91; Audra Malcomb Consulting-\$850.98; BH Chemical Company-\$373.23; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Pest Control-\$380.00; BH Pioneer-\$125.83; BH Power-\$11,019.79; Bickle's Truck & Diesel-\$168.46; Black Hills Disposal-\$87.00; Bob Barker Company-\$239.42; Central Parts-\$88.92; Century Business Products-\$260.28; Centurylink-\$2,187.60; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Dak Generator Services-\$1,765.62; Dakota Equipment Rental-\$8.24; Dakota Graphics-\$55.00; Deadwood Development Company-\$89.70; Deadwood Mountain Grand-\$90.00; Deadwood Recreation Center-\$636.00; Delta Dental Of South Dakota-\$6,531.00; Denver Sheriff Office-\$73.30; Dept Of The Treasury-\$55,249.16; Diversified Collections-\$100.00; Eke-\$101.76; Ellingson,Joseph-\$242.05; Fastenal-\$163.58; Fish,Veronica-\$34.00; Fsh Communications-\$60.00; Galveston Co Sheriff Office-\$100.00; Great Plains Chemical-\$180.00; Great Western Bank-\$57.00; Great Western Tire-\$866.07; Haggberg Trucking-\$1,500.00; Hamann,Chris-\$150.00; Hartford-Priority Accounts-\$1,634.63; Havemeier,Leslie-\$79.80; Heartland Paper Co-\$454.82; Heisler Hardware-\$27.05; Hewlett-Packard Company-\$58.00; Hills Material Comp-\$15,855.08; Interstate Engineering-\$450.20; Janz,Donald A Ph.D-\$425.00; Knology-\$1,413.13; Kosel,Joseph-\$2,765.98; LC Plan & Zone-\$20.00; Lead-Deadwood Regional Hospital-\$1,912.76; M-B Companies-\$288.59; Mg Oil Company-\$3,069.00; Minnehaha County Sheriff-\$37.00; Montana Dakota Utilities-\$48.58; Neve's Uniforms-\$764.68; Northern Hills Rec Center-\$206.80; Office Of Child Support-\$838.16; Pennington County Sheriff-\$1,790.10; Pennington County Sts Attny-\$215.00; Pictometry International Corp-\$1,440.00; Pitney Bowes-\$1,078.65; Postmaster,Deadwood-\$130.00; Quill Corporation-\$221.45; RC Finance Office-\$1,155.00; RC Regional Hospital-\$2,133.93; Radiology Associates-\$218.72; Rapid Transcript Co-\$1,419.00; Regional Health-\$260.92; Regional Health Physicians-\$70.23; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Transportation-\$82.00; SD Retirement System-\$52,744.81; Sdrs Supplemental Retirement-\$1,029.00; Semerad,Sandra-\$201.40; Servall Towel&Linen-\$526.70; Spearfish Building Supply-\$115.20; Spearfish Police Dept-\$10,415.41;

Sterna,Laura-\$250.00; Swisher Hygiene/Css-\$31.91; Tigerdirect-\$52.51; Triple K Tire&Repair-\$40.00; Truenorth Steel-\$9,888.00; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$12.15; Twin City Hardware&Lumber-\$261.88; United Parcel Service-\$11.98; Vanway Trophy And Award-\$36.80; Verizon Wireless-\$142.31; Victims Of Violence-\$1,180.00; Wellmark Blue Cross-\$76,498.00; Wells Fargo Business Card-\$3,212.42; Wells Plumbing&Farm Supp-\$48.99; West Group-Thomas Reuters-\$163.28; West River International-\$891.75; Western Sd Juvenile Serv-\$11,925.00; White Drug-\$805.36; Wilde&Hunt, Prof-\$4,973.95; Z&S Dust Control-\$9,391.76; **Witness & Jurors:** Golinvaux,N-\$61.10; Johnson,M-\$64.80; Martin,G-\$61.10; Norman,D-\$61.10; Smith,A-\$59.62; Ramirez,A-\$45.90; Waisanen,D-\$20.00; Garrett,J-\$230.90; Severson,D-\$230.90; Allen,B-\$33.32; Olstad,J-\$28.51; Staley,E-\$20.00; Turbiville,J-\$20.00; Aye,S-\$20.00; Craig,L-\$20.74; Hill,M-\$61.10; Denton,E-\$32.58; Goodrich,C-\$33.32; Mack,C-\$21.10; Marta,J-\$34.80; Nichols,P-\$33.32; Peotter,K-\$33.32; Rang,B-\$33.32; Rienhardt,C-\$20.00; Spindler,D-\$33.32; Stricker,S-\$51.08

ADJOURN: 11:48 p.m. Moved-Seconded (Johnson-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 9, 2013

Chairman Brandon Flanagan 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 9, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of June 25, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve a cell phone allowance for Brian Lewis at \$50.00 per month, effective June 30, 2013. Motion Carried.

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve Mike Meehan as a permanent full-time Appraiser II G2 at the base rate of \$16.19 an hour, effective July 15, 2013. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of June 30, 2013 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)-\$69,520.53; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$9,893.76; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,250,000; Bank Balance \$2,866,216.09, Money Market \$530,765.82; Savings-\$9,417,209.45; Total \$17,146,815.65

AUTOMATIC SUPPLEMENTS: Moved-Seconded (Weisenberg-Flanagan) to approve the automatic supplement of \$19,450.00 into the Fire Protection Grant Funds for Grant Funds received and \$2,737.72 into Sheriff Equipment for funds received from the USDA Forest Service. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMIT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Application for Utility Permit on Lookout Mountain Road for construction of underground power line in Section 1, T6N, R2E for Butte Electric Cooperative. Motion Carried.

2011-2012 AUDIT: Bruce Hintz, State Auditor was present to report on the findings of the 2011/2012 Audit for Lawrence County. Moved-Seconded (Ewing-Sleep) to authorize the Chairman to sign a letter addressed to the Department of Legislative Audit. Motion Carried.

AIRPORT:

AIRPORT FUELING PROJECT: Moved-Seconded (Weisenberg-Flanagan) to re-bid the Airport Fueling Project and set the bid opening for August 6, 2013 at 11:00 a.m. in the Lawrence County Commission Room. Motion Carried.

TAILDRAGGER CLUB: Ted Miller representing the Taildragger Club was present to request a rent freeze for one year. This would freeze the rent at \$150.00, instead of increasing it to \$175.00. The Airport Board did not make a recommendation on the request. Moved-Seconded (Weisenberg-Flanagan) to deny the request from the Taildragger Club to freeze the rent for one year. Aye-Weisenberg and Sleep. Nay-Ewing, Johnson, and Flanagan. Motion Failed.

Moved-Seconded (Johnson-Ewing) to approve the request for a one year freeze on the rent for the Taildragger Club at \$150.00 as they are a non-profit. Motion Carried. Aye-Johnson, Ewing, Sleep and Flanagan. Nay-Weisenberg.

BLACK HILLS AERO LEASE: Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Airport Board and approve and authorize the Chairman to sign the Black Hills Aero Second Amendment to Lease Agreement. Motion Carried.

EXECUTIVE SESSION: 9:21 a.m. Moved-Seconded (Weisenberg-Ewing) to go into Executive Session for a Contractual Matter (Pursuant to SDCL 1-25-2(3)). Motion Carried. 9:33 a.m. the Board opened for regular business.

Moved-Seconded (Johnson-Ewing) to have the Lawrence County Commission and Staff members explore the possibility of transferring the ownership of the Airport to another entity. Motion Carried.

MOUNTAIN PINE BEETLE PROGRAM: J.R. Raysor, City of Deadwood was present to discuss the 2013 MPB Program and the success they have had with the Department of Correction workers.

2013-2014 STATE MPB GRANT PROGRAM: The Board discussed the 2013/2014 Mountain Pine Beetle Program. Markers and Administrators will remain Lawrence County Employees and the cutting aspect would be contracted out. Moved-Seconded (Weisenberg-Flanagan) Being the use of competitive sealed bids is not practicable or advantageous to Lawrence County, The Board hereby approves the advertisement for the Requests for Proposals for the 2013-2014 Mountain Pine Beetle Program. Motion Carried. Bruce Outka, Dave Heck, Bill Coburn, Terry Weisenberg and Richard Sleep will be reviewing the proposals.

MICROFILM IMAGING AGREEMENT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Microfilm Imaging Agreement/Professional Services Agreement with Microfilm Imaging System with a “not to exceed” \$3,200 per month. Motion Carried. This expense will be paid from the Modernization and Preservation Fund.

SURPLUS PROPERTY: Wayne Linstead was present to request the county declare some county right-of-way surplus and deed to him. The Board stated they have never declared active county right-of-way surplus in the past. Discussion followed on the vacation of an active county road and the process needed that would have to be followed and if this situation would be allowed under State law. The Board recommended Mr. Linstead contact his neighboring landowner to get the desired acreage.

CREDIT CARDS: Deb Tridle, Treasurer was present to discuss the acceptance of credit cards. Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the Payment Processing Agreement with Forte Payment Systems. Motion Carried.

DEADWOOD ANNEXATION RESOLUTION: John Frederickson, Attorney for the City of Deadwood was present to discuss the proposed resolution approving the City of Deadwoods intent to annex real property. Daryl Johnson stated he felt it was an error in judgment by the City of Deadwood to bring the property in as commercial because of the safety hazard on the corner. Johnson also expressed concerns on the property owned by Colleen Johnson because the construction is still not completed and the landowner has been irresponsible by not putting a roof on the structure. Ewing stated he is not against the City annexing property but expressed concerns that the City needs to be very careful when allowing this property on the corner to be commercial because of the safety hazard. Flanagan commented that he felt the City could handle the safety concerns by speed limits and turning lanes. Sleep questioned why the City did not annex the area going down Boulder Canyon first. Frederickson will relay concerns to the City of Deadwood.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2013-12 A Resolution Approving the City of Deadwood Proposed Resolution of Notice of Intent to Annex Certain Real Property (pursuant to SDCL 9-4-5). Motion Carried. Aye-Weisenberg, Johnson, Sleep and Flanagan. Nay-Ewing

RESOLUTION NO. 2013-12: A RESOLUTION APPROVING RESOLUTION OF INTENT TO ANNEX SUBMITTED BY THE CITY OF DEADWOOD, SOUTH DAKOTA WHEREAS, the City of Deadwood, South Dakota, desires to extend its municipal boundaries by annexation pursuant to SDCL 9-4-1; WHEREAS, the City of Deadwood has prepared a Resolution of Intent to Annex which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-

4.11 all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Deadwood includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31, and which is situate in Lawrence County;

NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the Resolution of Intent To Annex prepared by the City of Deadwood as more fully set forth in the attached Exhibit A so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 9th day of July, 2013. Brandon Flanagan, Chairman.
ATTEST: Connie Atkinson, Auditor

PLANNING & ZONING:

RECESS: 10:00 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 10:15 a.m. The Chairman called the meeting back to order.

2014 BUDGET REVIEW: The Board reviewed the 2014 Preliminary Budget.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,259.97; Treas-\$10,294.35; Comp-\$8,093.84; States Atty-\$10,795.35; Pub Def-\$10,375.08; Gen Govt Bldg-\$7,846.72; Equal-\$11,931.98; Rod-\$7,483.41; Vso-\$1,256.79; Disp-\$10,906.01; Sher-\$34,731.33; Jail-\$21,468.97; Coroner-\$123.08; 24/7-\$84.10; Emerg Mgnt-\$3,737.72; E911-\$1,841.44; Highway-\$38,844.83; Air-\$1,429.32; Weed-\$8,920.17; Pz-\$4,702.68; **Bills:** Dragoo, Shelley-\$30.00; Mowell, Richard-\$5,526.00; Schuchmann, Bernard-\$12.58; A&B Business, Inc Solutions-\$1,127.68; A&B Welding Supply-\$20.46; A&I Distributors-\$4,625.89; A&J Supply-\$17.99; A-Z Shredding-\$4.80; Abc Business Supply-\$186.25; Alco Store-\$18.16; At&T Mobility-\$821.59; BH Chemical Company-\$488.89; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Pest Control-\$95.00; BH

Pioneer-\$915.70; BH Power-\$1,046.40; BH Windshield Repair-\$100.00; Big Sky Communications-\$88.00; Black Hills Pure-\$82.50; Butler Machinery Co-\$388.68; Butte Electric Coop-\$514.84; Cbh Cooperative-\$13,370.10; Central Parts-\$287.80; Century Business Products-\$204.42; Centurylink-\$219.03; Christensen Law Office-\$382.20; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Dakota Graphics-\$137.50; Dash Medical Gloves-\$67.90; Deadwood, City Of-\$836.93; Dept Of Hlth Lab Services-\$115.00; Dept Of The Treasury-\$50,704.70; Diversified Collections-\$100.00; Ellingson,Joseph-\$292.50; Ertz,Dewey J-\$1,105.00; Fastenal-\$6.98; First Western Ins Deadwood-\$50.00; Fish,Veronica-\$34.20; Galveston Co Sheriff Office-\$200.00; Great Western Tire-\$1,527.15; Grimm's Pump Service-\$662.40; Havemeier,Leslie-\$193.80; Heartland Paper Co-\$226.73; Heisler Hardware-\$8.99; Hewlett-Packard Company-\$198.52; Hills Material Comp-\$32,670.79; Illinois Tollway-\$1.90; Janke,Wendy-\$1,190.00; Kadrmas,Lee And Jackson-\$266.34; Kimball-Midwest Co-\$247.30; Kinney,Matthew-\$1,214.06; Knology-\$291.82; Koala Electric-\$508.58; Kosel,Joseph-\$359.66; LC Conservation Dist-\$5,000.00; Lead,City Of-\$54.15; Lead-Deadwood Regional Hospital-\$260.00; Lead-Deadwood Sanitary-\$384.01; Lee,James-\$15.00; Lynn's Dakotamart-\$2.99; Marco-\$33.62; Matthew Bender & Company-\$55.24; Mcclure,Susan-\$50.00; Mcpherson Propane-\$45.00; Mg Oil Company-\$2,813.50; Midcontinent Communications-\$33.48; Montana Dakota Utilities-\$1,894.44; International Academy Of Emd-\$90.00; Nelson,Tonya-\$500.00; Office Of Child Support-\$838.16; Ohio Calibration Laboratories-\$145.00; Outdoor Motor Sports-\$31.46; Pennington Co Auditor-\$109.00; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$300.00; Rabe Elevator-\$881.87; Regional Health Physicians-\$17.30; Reliable-\$110.02; Royal Electric-\$81.15; SD Dept Of Labor Unemployment-\$2,042.72; SD State Treasurer-\$1,666.23; Sada Systems-\$35.00; Sand Creek Printing-\$71.82; Sdrs Supplemental Retirement-\$1,029.00; Secretary Of State-\$30.00; Servall Towel&Linen-\$384.32; Shaw Fire&Safety-\$1,280.00; Span Publishing-\$144.00; Spearfish Auto Supply-\$155.06; Tigerdirect-\$273.25; Top Quality Glove-\$390.00; Triple K Tire & Repair-\$1,089.96; Twin City Hardware&Lumber-\$981.83; Waste Connections-\$645.70; Watertree-\$44.60; Wells Plumbing&Farm Supp-\$5.04; West Group-Thomson Reuters-\$299.28; West River International-\$450.44; Western Communication-\$228.50; Wex Bank-\$1,215.10; White's Queen City Motors-\$72.38; Williams Properties-\$400.00; Yahoo Custodian Of Records-\$40.00; Z&S Dust Control-\$96,701.05; **Witness & Jurors:** Carrico,L-\$13.70; Cain,F-\$10.74; Laber,J-\$29.24; Adams,M-\$21.10; Bauer,D-\$53.70; Burnett,R-\$61.10; Christensen,A-\$21.10; Dean,K-\$18.88; Flesner,M-\$24.80; Frenzel,A-\$67.02; Garlick,D-\$60.36; Goddard,P-\$21.10; Gould,D-\$21.10; Hansen,T-\$10.74; Hink,J-\$12.22; Huffman,D-\$68.50; Jacobs,C-\$21.10; Jones,D-\$22.58; Lange,D-\$12.22; Laufenberg,W-\$63.32; Mabey,B-\$23.32; Macneill,J-\$24.80; Mader,L-\$64.80; Marmon,P-\$59.62; Mckirdy,C-\$21.10; Meidinger,T-\$24.80; Miller,R-\$17.40; Miller,W-\$61.10; Nash,M-\$21.10; Niesent,R-\$21.10; Orme,L-\$23.32; Pavel,C-\$23.32; Peep,S-\$61.10; Pike,F-\$10.74; Pummel,K-\$21.10; Roberts,J-\$61.10; Roberts,J-\$24.80; Romo,V-\$14.44; Schaefer,V-\$24.80; Schwartz,L-\$12.96; Sternhagen,I-\$13.70; Stone-Douglas,S-\$52.22; Wharton,K-\$21.84; Baker,D-\$11.48; Cahoy,A-\$21.10; Capp,H-\$23.32; Clites,S-\$24.80; Craig,K-\$21.10; Davis,G-\$21.10; Deis,K-\$68.50; Dietrich,J-\$52.96; Fish,D-\$12.22; Frederickson,P-\$21.10; Geffre,C-\$62.58; George,K-\$10.74; Hamilton,L-\$10.74; Hannah,J-\$13.70; Hart,T-\$52.22; Hirsch,W-\$28.50; Holzer,E-\$12.96; Humphrey-\$16.66; Johnson,M-\$17.40; Lambert,R-\$24.80; Lax,C-\$26.28; Lesmeister,L-\$57.40; Maxwell,C-\$21.10; Mendyka,A-\$21.10; Meyer,D-\$28.50; Miller,P-\$26.28; Morgan,B-\$11.48; Nolan,J-\$12.22; Noren,J-\$61.10; Oconnor,S-\$61.84; Ostrom,C-\$61.10; Parsley,S-\$11.48; Pavich,K-\$24.80; Pehrson,T-\$10.74; Pressley,R-\$10.74;

Rentz,D-\$63.32; Russell,R-\$28.50; Smith,B-\$21.10; Tellinghuisen,C-\$23.32; Walkins,K-\$22.58;
Walton,E-\$58.14; Wolff,M-\$22.58

ADJOURN: 2:45 p.m. Moved-Seconded (Ewing-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – July 9, 2013

Chairperson Brandon Flanagan called the Lawrence County Board of Adjustment meeting to order at 10:00 a.m. on July 9, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Bob Ewing, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #136 / GOETZ: A public hearing was held on an application for Variance #136. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Sleep) to approve Variance #136 for Ivan and Shelly Goetz for a 12’8” variance on the NE back corner (12’4” from side lot line) and 15’3” variance on the SE front corner (9’9” from side lot line) to the 25’ setback requirement for a garage addition. Motion Carried.

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

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 23, 2013

Chairman Brandon Flanagan 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 23, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of July 9, 2013 County Commission meeting and Board of Adjustment meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Ross Johnson as a fill-in part-time (under 20) Dispatch II G2 at the base rate of \$17.31 an hour, effective July 14, 2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Virginia Moraga as a fill-in part-time (under 20) Correctional Officer I G1 at the base rate of \$14.75 an hour, upon completion of 40 hours of training at \$10.08 an hour, effective July 14, 2013. Motion Carried.

PUBLIC DEFENDER:

Moved-Seconded (Ewing-Sleep) to accept the letter of resignation from Jamie Turnbow and to allow the advertisement for the open position as a Legal Assistant II. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve Casey Deibert as a temporary part-time (under 20) Legal Assistant II G1 at the base rate of \$15.04 an hour, effective July 18, 2013. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Ewing-Johnson) to approve the travel request for Julie Rakow to attend the Northwest Shuttle Regional Transport & Training Conference in Coeur d' Alene, ID on September 29 thru October 3, 2013. Motion Carried.

VACATION OF PLAT: Moved-Seconded (Johnson-Weisenberg) to set the public hearing on a petition to vacate the Replat of Spearfish Canyon Lots 97 and 98 being a portion of the Pole No. 5 Lode, MS 1603, all located in the SW1/4 of Section 22, T4N, R2E, BHM, Lawrence County,

SD, according to the plat filled as Doc. No. #96-4865, RECORD OWNER OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED: David A. Beck M.D. & Lora Nicole Beck, Trustees of the Beck Joint Revocable Trust; Charles H. Dingman & Carla J. Dingman; Cyrus Paul Dopp, Kip Harold Dopp, Betty Lou Dopp, Kelly M. Dopp & Kyle W. Dopp for August 13th, 2013 at 10:45 a.m.. Motion Carried.

AIRPORT: Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the Application for 2013 FAA AIP Grant Assistance for the Fueling System at the Airport. Motion Carried.

SHERIFF BUSINESS:

MEDICAL SERVICES CONTRACT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the 2013-2014 Lead/Deadwood Regional Hospital / County Agreement for Jail Medical Services. Motion Carried.

HIGHWAY BUSINESS:

MCGUIGAN/OLIVER: The Board discussed the possibility of a 4-way stop at McGuigan Road and Oliver Street. Moved-Seconded (Ewing-Johnson) to follow the recommendation of Allan Bonnema, Highway Superintendent and change the intersection between McGuigan Road and Oliver Street into a 4-way stop intersection. Motion Carried

OLIVER/HILLSVIEW: The Board discussed the speed limit on Oliver Street and Hillsvie Street. Bonnema recommended leaving the speed limit the same and the Board was in agreement.

OLD BELLE OIL: Discussion was held on the speed limit on the Old Belle Oil Road and the 35 mile an hour zone adjusting approximately $\frac{3}{4}$ of a mile. Moved-Seconded (Sleep-Flanagan) to follow the recommendation of Bonnema and change the speed limit from Camp Comfort turn off to Dairy Lane turn off on the Old Belle Oil Road to 55mph. Motion Carried. Aye-Johnson, Sleep and Flanagan. NAY-Weisenberg and Ewing.

JOHNSON/LOOKOUT MOUNTAIN: The Board discussed the intersection between Johnson Lane and Lookout Mountain. Moved-Seconded (Johnson-Sleep) to follow the recommendation of Bonnema and change the intersection between Johnson Lane and Lookout Mountain to a 3 way stop. Motion Carried.

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for GENERAL FUND: Juvenile Detention \$40,000. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the following Resolution #2013-13. Motion Carried.

RESOLUTION #13-13 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Juvenile Detention \$40,000. 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 23rd day of July, 2013 at the hour of 10:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 23rd day of July, 2013. FOR THE BOARD OF COUNTY COMMISSIONERS. Brandon Flanagan, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

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

ANNUAL REVIEW:

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

ORDINANCE #13-02: An informational discussion was held on proposed Ordinance #13-02 - (Administrative Change) Setback, Allowed Uses and Conditional Uses Reviewed in All Zoning Districts.

SPIRIT OF THE HILLS SANCTUARY: Vogt discussed a request from the Spirit of the Hills Sanctuary CUP#255-09 to allow 4 additional tigers. Discussion followed on the maximum number of animals in the sanctuary. Moved-Seconded (Weisenberg-Flanagan) to allow the request for 4 additional tigers based upon following: 1) discussions with Dr. Elsom, 2) the Sanctuary has had this number of tigers in the past, 3) it is the humane thing to do. Motion Carried. Aye-Johnson, Weisenberg, Sleep and Flanagan. Nay-Ewing

PLATS:

LELIART: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Final Plat: Plat of Leliaert Tract Formerly W1/2, SE1/4, NE1/4, NW1/4 of S15, T5N, R4E, Located in Boulder Canyon (Dave Leliaert, Applicant). Motion Carried.

MATTSON: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Final Plat: Lots 1 and Lot 2 of the Remainder of the Columbia Placer of M.S. 1208, located in the SE1/4 of S24, T5N, R3E, Located in Boulder Canyon (Jon and Barb Mattson, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Preliminary Plat: Lots 1 and Lot 2 of Alice No. 2, Placer of M.S. 2070, Located in the SW1/4 of S25 and the SE1/4 of S26, T5N, R3E, BHM, Located Near Spruce Gulch Road (Jon and Barb Mattson, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Final Plat: Lots 1 and Lot 2 of Alice No. 2, Placer of M.S. 2070, Located in the SW1/4 of S25 and the SE1/4 of S26, T5N, R3E, BHM, Located Near Spruce Gulch Road (Jon and Barb Mattson, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Preliminary Plat: Lots 2A-1, 2A-2, being a part of Lot 2A of lots 1 and 2 of Lot A of the subdivision of Woodbine Placer M.S. 1208 and Lots 6A, 7A-1, 8A-1 and 9A-1, being a part of Lots 6, 7A, 8A and 9A, of the Ray Placer, M.S. 1208, Part of Lot 2A of Lots 1 and 2 of Lot A of the Subdivision of Woodbine Placer and Part of Lot 7 section 24; and Lots 7A and 7B, being a part of Lot 7 of S24; all located in the NE1/4 of Section 24, T5N, R3E, Located in Boulder Canyon (Jon and Barb Mattson, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Final Plat: Lots 2A-1, 2A-2, being a part of Lot 2A of lots 1 and 2 of Lot A of the subdivision of Woodbine Placer M.S. 1208 and Lots 6A, 7A-1, 8A-1 and 9A-1, being a part of Lots 6, 7A, 8A and 9A, of the Ray Placer, M.S. 1208, Part of Lot 2A of Lots 1 and 2 of Lot A of the Subdivision of Woodbine Placer and Part of Lot 7 section 24; and Lots 7A and 7B, being a part of Lot 7 of S24; all located in the NE1/4 of Section 24, T5N, R3E, Located in Boulder Canyon (Jon and Barb Mattson, Applicants). Motion Carried.

APPLE SPRINGS: Mike Short, the new owner of Apple Springs Subdivision was present to update the Board on the proposed Waste Water Treatment Plant. The Board reviewed the plans and discussion followed on time lines and releasing building permits. Flanagan stated at this point if building permits are released a new bond or letter of credit should be in place as it would be required with any new planned unit development. Sleep expressed concerns about releasing building permits prior to the system being operational. Johnson stated if a letter of credit is in place the County can be assured that the system is completed. Moved-Seconded (Johnson-Flanagan) to authorize staff to work with Mr. Short to discuss and finalize a development agreement and a guarantee agreement with the Bank assuring that the Waste Water Treatment System will be completed as discussed, and when the system is ordered and preliminary construction plans are approved by the state, the county will release up to 28 additional building permits; conditional upon a guarantee that the 22 existing homes would be allowed to hook up into the system. Motion Carried. Aye-Johnson, Weisenberg, Ewing and Flanagan. Nay-Sleep.

EXECUTIVE SESSION: 10:41 a.m. Moved-Seconded (Weisenberg-Sleep) to go into executive session to discuss personnel. Motion Carried. 10:58 a.m. the Board opened for regular business with no action taken.

2014 BUDGET REVIEW: The Board reviewed the 2014 Preliminary Budget. Moved-Seconded (Weisenberg-Sleep) to allow a 2.1% raise for all County Employees. Aye-Weisenberg and Sleep. Nay-Johnson, Ewing and Flanagan. Motion Failed. Discussion followed by all Board Members. Moved-Seconded (Ewing-Flanagan) to follow the request from the Elected Officials and Department Heads and allow a 3% raise for all County Employees. Aye-Johnson, Ewing and Flanagan. Nay-Weisenberg and Sleep. Motion Carried. The Board set the 2013 Preliminary Budget. The Board exempted the County Commissioners from receiving the 3% raise in 2014.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,259.97; Treas-\$10,297.16; Comp-\$8,093.84; States Atty-\$10,705.35; Pub Def-\$12,562.35; Gen Govt Bldg-\$8,045.31; Equal-\$11,886.02; Rod-\$7,483.42; Vso-\$1,001.43; Disp-\$13,441.28; Sher-\$36,202.37; Jail-\$22,940.07; Coroner-\$523.08; 24/7-\$151.38; Emerg Mgnt-\$3,694.64; E911-\$1,655.20; Highway-\$40,713.98; Air-\$1,088.28; Weed-\$8,639.88; Pz-\$5,037.80; **Bills:** Fisher,Jason-\$15.20; Mehia,Felix-\$7.70; Schuchmann,Bernard-\$31.58; A&B Business,Inc Solutions-\$40.17; A&J Supply-\$118.98; A-Z Shredding-\$9.45; Abc Business Supply-\$195.71; Active Data Systems-\$1,679.00; Air Connection-\$759.13; American Family Life-\$3,297.24; At&T-\$18.89; Audra Malcomb Consulting-\$355.17; BH Chemical Company-\$140.40; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Power-\$12,231.87; Baseco-\$1,252.06; Benson Technical Works-\$1,668.75; Black Hills Urgent Care-\$340.68; Brownsville Fire Dept-\$4,790.00; Butler Machinery Co-\$1,768.21; Butte County-\$34,358.00; Central Parts-\$2,235.75; Century Business Products-\$260.28; Centurylink-\$2,137.42; City/County Alcohol&Drug-\$1,128.50; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$621.00; Deadwood Vol Fire Dept-\$4,797.00; Delta Dental Of South Dakota-\$6,519.97; Dept Of The Treasury-\$53,919.88; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$149.47; Ellingson,Joseph-\$559.84; Ertz,Dewey-\$747.50; Fastenal-\$1,371.83; Fsh Communications-\$60.00; Gene's Lock Shop-\$276.96; Hartford-Priority Accounts-\$1,618.39; Havemeier,Leslie-\$42.80; Heartland Paper Co-\$249.54; Heisler Hardware-\$6.99; Hills Material Comp-\$40,898.97; Jacobs Precision Welding -\$79.34; Janz,Donald-\$425.00; Kimball-Midwest Co-\$132.93; Kinney,Matthew-\$452.72; Koala Electric-\$288.81; Kosel,Joseph-\$532.94; Labcorp Of America Holdings-\$25.00; Lead Fire Protection District-\$8,490.00; Lexisnexis Risk Data Mgnt-\$75.00; Lichty,Jessica-\$1,290.17; Lindstad Alignment-\$177.80; Lueders-\$34.70; Lyle Signs-\$565.31; Montana Dakota Utilities-\$43.80; Morphotrak-\$189.00; Nelson,Tonya-\$150.00; Nemo Volunteer Fire Dept-\$1,374.00; Newman Traffic Signs-\$3,918.07; Northern Hills Rec Center-\$176.00; Office Of Child Support-\$838.16; Pennington County Sheriff-\$1,846.20; RC Finance Office-\$1,225.00; Rapid Delivery-\$12.00; Rapid Transcript Co-\$672.00; Regional Health Physicians-\$71.15; Rena M Hymans,PC-

\$222.00; Rochford Fire Protection Dist-\$796.00; Rocket Lube-\$111.98; SD Dept Of Labor Unemployment-\$50.00; SD Retirement System-\$51,760.23; Sander,Duane-\$400.00; Sdrs Supplemental Retirement-\$1,029.00; Securus Technologies T-Netix-\$1,050.00; Semerad,Sandra-\$174.80; Servall Towel&Linen-\$384.32; Shaw Fire&Safety-\$145.00; Silverado-\$594.00; Southside Oil Co-\$22,687.68; Spearfish Auto Supply-\$777.86; Spearfish Canyon Fire-\$3,452.00; Spearfish Fire Dept-\$18,109.00; Spearfish Police Dept-\$10,481.24; St Onge Fire Dept-\$1,001.00; Sturgis Fire Department-\$3,492.00; Subway-\$8.00; Teen Court-\$7,500.00; Triple K Tire&Repair-\$477.14; Turbiville Industrial Electric-\$183.47; Turnkey Corrections-\$9.59; Twin City Hardware&Lumber-\$682.65; Verizon Wireless-\$104.89; Warne Chemical-\$443.00; Watertree-\$37.95; Wellmark Blue Cross-\$76,145.19; Wells Fargo Business Card-\$1,376.21; West Group-Thomson Reuters-\$1,167.25; West River International-\$332.74; Western Sd Juvenile Serv-\$21,375.00; Whitewood Fire Prot District-\$3,699.00; Z&S Dust Control-\$101,172.43; **Witness & Jurors:** Cadle,T-\$22.22; Ireland,K-\$22.22; Kellogg,S-\$33.32; Kurtz,S-\$32.21; Ruff,M-\$31.10; Thompson,K-\$33.32; Toavs,T-\$28.88; Wallis,E-\$54.04

ADJOURN: 2:12 p.m. Moved-Seconded (Weisenberg-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 13, 2013

Chairman Brandon Flanagan 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 13, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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 July 23, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

STATE'S ATTORNEY: Moved-Seconded (Weisenberg-Flanagan) to approve Trevor P. Thielen as a full-time Deputy State's Attorney G1 at a base rate of \$52,457.00 effective 8-5-2013. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Sara Little as a temporary seasonal employee for three weeks at the base rate of \$9.00 an hour, effective August 12, 2013. Motion Carried.

TREASURER: Moved-Seconded (Weisenberg-Ewing) to approve Linda Quenzer as a permanent full-time Secretary 2 G2 at the base rate of \$15.04 an hour, effective September 9, 2013. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Justin Harmon as a fill-in part time Correctional Officer II G3 at the base rate of \$17.65 an hour, effective August 11, 2013; and allow the advertisement to fill the open position. Motion Carried.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Johnson-Weisenberg) to approve the travel request for Carmen Symonds, Jason Fisher, Brett Runge and Michael Meehan to attend the Annual Assessor's School in Pierre, SD September 8-13, 2013. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of July 31, 2013 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)-\$36,617.57; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,733.50; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,250,000; Bank Balance \$2,322,226.09, Money Market \$530,806.54; Savings-\$9,418,078.82; Total \$16,564,672.52

ROCKY MOUNTAIN ELK FOUNDATION: Moved-Seconded (Ewing-Johnson) to approve the request From the Rocky Mountain Elk Foundation to conduct a fund raising raffle. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Johnson) to declare 2 Olympus Model DS-4000 Digital Recorders w/Chargers surplus and give to City of Lead (Police Department). Motion Carried.

RESOLUTION #13-15 LIQUOR LICENSES: Moved-Seconded (Weisenberg-Flanagan) to approve the following Resolution #13-15 Liquor Licenses for 2013. Motion Carried

RESOLUTION #13-15 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 2013, 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 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./Dark Horse Saloon Spearfish Canyon Resorts LLC/Latchstring Village Mystic Miner F&B / Mine Shaft Tavern HomeSlice Management LLC/Boulder Grille Tomahawk Lake Country Club Inc. **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/Larry Kaiser St. Onge Bar & Grill **C)** Retail On-Off Sale Wine - Fee - \$500.00 Spearfish Canyon Resorts LLC/Latchstring Village Seven Down LLC Mystic Hills Cabins & Campground Cheyenne Crossing Store Wichterman and Sons Inc/Steel Wheel Campground Barefoot Resort Crow Peak Brewing Company LLC DST Properties / The Valley Corner Store Charles L. Farruggia/Branding Iron Restaurant Johnson Family Restaurant LLC/The Pub N Grub Reynolds & Livingston LLC/Cousins Big Chair **DATED** at Deadwood, South Dakota, this 13th day of August, 2013. **FOR LAWRENCE COUNTY COMMISSIONERS** Brandon Flanagan, Chairperson **ATTEST:** Connie Atkinson, Auditor

SHERIFF BUSINESS: Brian Dean, Chief Deputy Sheriff was present to update the Board on issues within the Sheriff's Office and the 2013 Sturgis Rally.

HIGHWAY BUSINESS:

FUEL QUOTES: The following fuel quotes were submitted as of July 29, 2013: Deadwood Diesel 3000: (prices per gallon) CBH - \$3.528, Southside - \$3.43*; Deadwood Unleaded 2850 Gallons: (prices per gallon) CBH - \$3.621, Southside - \$3.56*; Spearfish Diesel 4200 Gallons: (prices per gallon) CBH - \$3.528, Southside - \$3.44*; Spearfish Unleaded 850 Gallons: (prices per gallon) CBH - \$3.621, Southside - \$3.61*. *Represents lowest quote awarded. No bid was received from Harms Oil or MG Oil.

PERMITS:

BLACK HILLS POWER: Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and approve the utility permit for Black Hills Power located in T7N R2E S17, 20 & 29 along the Old Belle Rd. Motion Carried.

MONTANA DAKOTA UTILITIES: Moved-Seconded (Weisenberg-Sleep) to follow the recommendation of the Highway Superintendent and approve the utility permit for Montana Dakota Utilities located approximately 2.2 miles from Central City in S5N T3E RSE18. Motion Carried.

OLIVER APPROACH PERMIT: Moved-Seconded (Ewing-Johnson) to follow the recommendation of the Highway Superintendent and approve the approach permit for Bobby D. Oliver on Lot 4 of J.V. Subdivision. Motion Carried.

COLLINS APPROACH PERMIT: Moved-Seconded (Johnson-Weisenberg) to follow the recommendation of the Highway Superintendent and approve the approach permit for William J. Collins located on the north side of Hillsview Rd (2600 Hillsview Rd.). Motion Carried.

EVANS LANE BIKE PATH: The Board discussed the request from the City of Spearfish to participate in the snow removal and maintenance on the bike path on Evans Lane. The Board stated the County does not own or maintain sidewalks or bike paths and stated this was made clear during the discussions with the City on the Evans Lane Project.

HIGHWAY EQUIPMENT: Allan Bonnema requested permission to purchase 2 additional trucks from the Sanborn County Bid. Moved-Seconded (Ewing-Johnson) to approve and authorize the purchase from the Sanborn County Bid for two 2013-2014 New Plow Truck Chasis from Sheehan Mack for \$104,848. Motion Carried.

AIRPORT BUSINESS:

AIRPORT FUEL FARM BID:

Moved-Seconded (Weisenberg-Sleep) to reject the bid from Seneca Companies as the bid was received after the deadline. Motion Carried.

The following bids were received for the Airport Fuel Farm bid: Johner and Son's - \$564,491.35 and Ainsworth Benning - \$566,705.15. Discussion followed that the bids received were approximately \$35,000 over the estimate.

Moved-Seconded (Weisenberg-Flanagan) to allow the application for available grant funding with the option to award or reject bids on September 3rd, 2013 and to allow the Chairman to sign the Grant Application. Motion Carried.

2013 MPB PROGRAM REQUEST FOR PROPOSALS AWARD: Bruce Outka reported to the Board that multiple proposals were received for the 2013 Mountain Pine Beetle Program. EXECUTIVE SESSION: 9:10 a.m. Moved-Seconded (Sleep-Ewing) to go into executive session to discuss negotiation and contractual issues. Motion Carried. 9:28 a.m. the Board opened for regular business with no action taken. The Board will review the issue on September 3, 2013.

VACATION OF PLAT: A public hearing was held on a petition to vacate the Replat of Spearfish Canyon Lots 97 and 98 being a portion of the Pole No. 5 Lode, MS 1603, all located in the SW1/4 of Section 22, T4N, R2E, BHM, Lawrence County, SD, according to the plat filled as Doc. No. #96-4865, RECORD OWNER OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED: David A. Beck M.D. & Lora Nicole Beck, Trustees of the Beck Joint Revocable Trust; Charles H. Dingman & Carla J. Dingman; Cyrus Paul Dopp, Kip Harold Dopp, Betty Lou Dopp, Kelly M. Dopp & Kyle W. Dopp. Jim Nelson and Gene Shaw from SCOA were present and spoke in support of the vacation of plat. The public hearing was closed.

Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following RESOLUTION #13-14. Motion Carried. A RESOLUTION & ORDER VACATING A PLAT: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Ruthie Weiers of Lawrence Title Company, requesting that the replat, filed for record November 15, 1996 at 11:56 a.m. and recorded as Doc #96-4865, to the original plat be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, the legal description is as follows: Replat of Spearfish Canyon Lots 97 and 98 being a portion of the Pole No. 5 Lode, MS 1603, all located in the SW1/4 of Section 22, T4N, R2E, BHM, Lawrence County, SD, according to the plat filled as Doc. No. #96-4865. WHEREAS, the character and use of the plat is as follows: The property is zoned and used for residential purposes. WHEREAS, The granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners to hereby vacate the described replat. Dated this 13th day of August, 2013. Brandon Flanagan, Chairperson Lawrence County Commissioner. ATTEST: Connie Atkinson, Lawrence County Auditor.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) Pursuant to SDCL 6-5-2 to Declare Surplus Property and Transfer Ownership of Radios (Purchased through 2010 HLS Reallocation Grant) to Lawrence County Fire Departments as Follows: Whitewood Fire Department - Motorola Base Station (Serial #518CPF0518) with Power Supply; St. Onge Fire Department - Motorola 2500 Base Station (Serial # 518CPF0516) with Power Supply and Motorola Mobile 1500 (Serial #726CPF0316; Spearfish Canyon Fire Station - Motorola Mobile 1500 (Serial # 726CPF0318); Nemo Fire Department - Motorola Mobile 1500 (Serial # 726CPF0317); Lead Fire Department - Motorola Base Station 2500 (Serial #518CPF0517) with Power Supply; Brownsville Fire Department - Motorola 2500 Base Station (Serial # 518CPF0515) with Power Supply and Motorola 1500 Mobile (Serial #726CPF0315). Motion Carried.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Administrator updated the Board on Planning and Zoning issues pertaining to proposed ORD 13-05, Agri-Tourism Amendment to Zoning Ordinance.

ORDINANCE #13-02: First Reading and a Public Hearing was held on proposed Ordinance #13-02 - (Administrative Change) Setback, Allowed Uses and Conditional Uses Reviewed in All Zoning Districts. No public input was voiced and the public hearing was closed. Second Reading will be on September 3, 2013.

APPLE SPRINGS / P.U.D. DEVELOPMENT AGREEMENT: The Board discussed the Apple Springs Letter of Credit (Waste Water Treatment Plant) and P.U.D. Development Agreement. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Planned Unit Development Agreement P.U.D No. 5 with a completion date of March 1, 2014, contingent upon receiving and completion of the Apple Springs Irrevocable Standby Letter of Credit from Black Hills Community Bank in the amount of \$299,062.50 for 4 Bears In the Hills, LLC for the financing of the wastewater treatment facility project in the Apple Springs Subdivision and contingent upon verification of hook-up fees being paid prior to any building permit being issued. Motion Carried.

APPLE SPRINGS PLATS: Moved-Seconded (Johnson-Ewing) to approve and authorize the Chairman to sign Plat of Lot 16, Blk 4; Lot 1, Blk 14; Lots 1 and 2, Blk 17, Apple Springs Subdivision, Section 14, T5N, R4E. Motion Carried.

RECESS: 10:00 a.m. Moved-Seconded (Weisenberg-Flanagan) to recess the County Commission Meeting. Motion Carried. 10:35 a.m. The Chairman called the meeting back to order.

BARRICK/HOMESTAKE /LACK MINERALS ANNUAL REVIEWS: Mark Tieszen and Todd Duex were present for the Annual Review of Conditional Use Permit #124 and 144 for Barrick/Homestake/Lack Minerals.

BILLS:

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

Payroll: Comm-\$5,857.13; Auditor-\$8,262.22; Treas-\$10,297.16; Comp-\$8,093.83; States Atty-\$10,561.35; Pub Def-\$9,273.41; Gen Govt Bldg-\$7,799.82; Equal-\$11,905.24; Rod-\$7,484.06; Vso-\$1,238.55; Disp-\$11,784.43; Sher-\$32,481.50; Jail-\$21,479.68; Coroner-\$323.08; 24/7-\$168.20; Emerg Mgnt-\$3,638.48; E911-\$1,655.20; Highway-\$39,270.81; Air-\$1,316.44; Weed-\$7,179.43; Pz-\$4,837.80; County Mbp-\$2,152.99; **Bills:** Heck,David-\$130.61; Lopez,Amber-\$12.58; Mowell,Richard-\$5,784.00; Schuchmann,Bernard-\$12.58; Smith,Molly-\$12.58; A&B Business, Inc Solutions-\$1,063.91; A&B Welding Supply-\$41.80; A-Z Shredding-\$6.75; Abc Business Supply Corp-\$330.22; Aberdeen Llc-\$141.00; At&T-\$12.03; At&T Mobility-\$839.31; BH Chemical Company-\$304.28; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Land Analysis-\$812.50; BH Pioneer-\$751.19; BH Power-\$1,142.18; BH Window Cleaning-\$3,028.00; Balkenhol,Ferd-\$600.00; Big Sky Communications-\$79.00; Black Hills Pure-\$110.10; Black Hills Urgent Care-\$235.76; Bob Barker Company-\$207.03; Bomgaars Supply-\$14.47; Brownsville Fire Dept-\$3,654.76; Bullberry Systems-\$3,885.00; Butler Machinery Co-\$781.56; Butte Electric Coop-\$431.82; Campbell Co Sheriffs Off-\$50.00; Cdw Government-\$665.65; Central Parts-\$1,447.27; Century Business Products-\$195.56; Centurylink-\$2,322.44; Christensen Law Office-\$918.00; City/County Alcohol&Drug-\$1,876.50; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$2,387.00; Cody,Denise-\$15.00; Community Health Center Of The-\$62.08; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$34.55; Dakota Security Systems-\$372.45; Deadwood Vol Fire Dept-\$9,736.58; Deadwood, City Of-\$1,006.72; Dept Of The Treasury-\$55,290.38; Diversified Collections-\$100.00; Eb Communications-\$101.40; Eddie's Truck Sales/Serv-\$107.52; Environmental Products Co-\$362.40; Fastenal-\$27.89; Fidler-Isburg Funeral Chapel-\$1,665.00; First Gold Hotel-\$100.00; First Western Ins Deadwood-\$50.00; Forte-\$480.00; Gene's Lock Shop-\$19.68; Grimm's Pump Service-\$375.62; Havemeier,Leslie-\$125.40; Heartland Paper Co-\$626.80; Heisler Hardware-\$53.97; Hills Material Comp-\$71,023.34; Jacobs Precision Welding-\$390.42; Johnson Machine-\$56.65; Kadrmas, Lee And Jackson-\$510.61; Kinney, Matthew-\$1,054.02; Koala Electric-\$56.12; Koll,Amy-\$100.00; Kootenai Co Sher/Nw Shuttle-\$260.00; Kosel,Joseph-\$8,113.18; L-3 Communications-\$79.00; Language Line Services-\$94.86; Lawson Products-\$325.26; Lead Fire Protection District-\$11,836.91; Lead,City Of-\$76.55; Lead-Deadwood Sanitary-\$468.07; Lee,James-\$15.00; Lewno,Lucy-\$148.71; Lexisnexis Risk Data Mgnt-\$75.00; Lyle Signs-\$225.73; Marco-\$33.62; Mcferren,Gerald-\$325.00; Midcontinent Communications-\$33.34; Montana Dakota Utilities-\$1,616.05; Moore Medical-\$119.79; Ms Mail-\$25.00; Nemo Volunteer Fire Dept-\$1,214.97; Neve's Uniforms-\$80.00; Northern Truck Equip-\$48,543.00; Nuco Industries-\$352.28; Office Of Child Support-\$838.16; Pennington Co Auditor-\$42.00; Pennington Co Equalization-\$200.00; Pennington County Sts Attny-\$215.00; Pizza Lab-\$109.45; Quill Corporation-\$637.37; RC Journal-\$193.75; Rabe Elevator-\$881.87; Rapid

Delivery-\$32.40; Rasmussen Mechanical Serv-\$9,270.00; Reindl,Staci-\$2,307.10; Reserve Account-\$5,000.00; Rochford Fire Protection Dist-\$592.78; Rocket Lube-\$254.46; Rsinet/Thomas W Nichols-\$180.00; SD Aao-\$1,200.00; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Public Safety-\$180.00; SD Dept Of Transportation-\$1,685.45; SD Human Services Center-\$87.00; SD Public Assur Alliance-\$36,364.10; SD State Treasurer-\$14,330.26; Sacrison Paving-\$556,067.66; Sada Systems-\$35.00; Secretary Of State-\$30.00; Semerad,Sandra-\$155.40; Servall Towel&Linen-\$384.32; Sheehan Mack Sales&Equip-\$104,948.00; Shepherd Reporting-\$30.00; Sirchie Finger Print Lab-\$98.84; Southside Oil Co-\$37,952.50; Spearfish Auto Supply-\$656.99; Spearfish Canyon Fire-\$1,941.55; Spearfish City Of-\$15,063.52; Spearfish Fire Dept-\$40,171.77; Spearfish Husky-\$20.00; St Onge Fire Protection Dist-\$1,125.54; State Radio Communication-\$5,280.00; Strawn Law PC-\$793.22; Sturgis Fire Department-\$2,707.44; Swanda,Karen-\$15.00; Tigerdirect-\$215.17; Trane U.S-\$5,498.27; Triple K Tire&Repair-\$387.44; Trugreen Chemlawn-\$56.75; Turbiville Industrial Electric-\$445.95; Twilight First Aid&Safety-\$125.75; Twin City Hardware&Lumber-\$461.08; US Geological Survey-Doi-\$16,590.00; Victims Of Violence-\$3,735.00; Waste Connections-\$645.70; Watertree-\$57.90; Wells Fargo Business Card-\$2,259.12; Wells Plumbing&Farm Supp-\$70.92; West Group-Thomson Reuters-\$2,080.28; West River International-\$768.64; Western Communication-\$4,721.00; Western Sd Juvenile Serv-\$7,875.00; Wex Bank-\$639.91; White Drug-\$919.72; Whitewood Fire Prot District-\$4,922.87; Wilde&Hunt Prof-\$639.59; Wolff Law Office-\$332.80; Wow!-\$1,649.29; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$61,682.13; **Witness & Jurors:** Mccoy,P-\$22.22; Capp,H-\$63.32; Deis,K-\$68.50; Dietrich,J-\$52.96; Fish,D-\$52.22; Geffre,C-\$62.58; Hannah,J-\$53.70; Hart,T-\$52.22; Holzer,E-\$52.96; Humphrey,P-\$56.66; Johnson,M-\$57.40; Lambert,R-\$64.80; Lesmeister,L-\$57.40; Meyer,D-\$68.50; Morgan,B-\$51.48; Noren,J-\$61.10; Oconnor,S-\$61.84; Ostrom,C-\$61.10; Rentz,D-\$63.32; Walkins,K-\$62.58; Walton,E-\$58.14; Abbott,J-\$21.10; Ahmad,A-\$21.10; Allen,T-\$21.10; Andreson,R-\$102.96; Austin,M-\$19.62; Baker,P-\$24.80; Block,R-\$17.40; Borsch,S-\$19.62; Clark,M-\$21.10; Cockrum,K-\$126.64; Cole,E-\$24.80; Cottingham,C-\$122.20; Dahl,K-\$21.10; Dahl,R-\$21.10; Dejong,K-\$23.32; Devries,C-\$21.10; Enderby,W-\$131.08; Forcucci,R-\$21.10; Goodrich,R-\$24.80; Gordon,K-\$38.12; Gose,K-\$27.76; Gottlob,S-\$122.20; Headley,D-\$28.50; Hemeyer,A-\$24.80; Johnson,R-\$20.36; Kaul,M-\$20.36; Kinghorn,S-\$122.20; Kowalke,L-\$20.36; Laderer,R-\$12.22; Ladner,P-\$24.80; Lam,H-\$28.50; Lerwick,D-\$24.80; Marcoe,C-\$122.20; Mechaley,M-\$12.22; Nedved,J-\$128.12; Nelson,S-\$19.62; Nevin,S-\$12.22; Parsons,C-\$61.10; Peterson,J-\$21.10; Powell,J-\$24.06; Rembold,K-\$20.36; Remington,J-\$24.80; Schafer,J-\$21.10; Schmidt,T-\$23.32; Setera,L-\$24.80; Sharts,C-\$12.22; Siemonsma,B-\$122.20; Stanforth,C-\$129.60; Thompson,C-\$21.10; Tonkyn,A-\$28.50; Trentz,D-\$11.48; Tysdal,E-\$129.60; Verhelst,T-\$21.10; Zwascha,J-\$21.10; Anderson,R-\$20.00; Bunch,M-\$20.00; Clark,X-\$20.74; Engel,C-\$33.32; Fiester,M-\$21.48; Greenwood,T-\$20.00; Hicks,T-\$39.24; Lopez,E-\$34.06; Miles,T-\$31.10; Nacey,N-\$30.36; Nelson,D-\$30.36; Overseth,N-\$27.40; Rosenau,K-\$33.32

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

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – August 13, 2013

Chairperson Brandon Flanagan called the Lawrence County Board of Adjustment meeting to order at 10:00 a.m. on August 13, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Bob Ewing, Terry Weisenberg and Richard Sleep present.

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

PRENTICE / BUILDING PERMIT: Scott Prentice was present for an Administrative Appeal of Denial of Building Permit for a Guest Cabin. Prentice provided a background on his request and his frustration in the process. Prentice stated the cabin would also be used as his art studio and stated he felt the Board should review the Ordinance on guest houses or living quarters. The Board reviewed the staff report and current Ordinance and stated at this time his request would not be allowed. The Board stated they would be open to reviewing the Ordinance in the future.

Moved-Seconded (Ewing-Flanagan) to follow the Ordinance and follow the recommendation of the Planning and Zoning Director and deny the appeal for a building permit for a guest cabin for Scott Prentice. Motion Carried. Aye-Johnson, Weisenberg, Ewing and Flanagan. Nay-Sleep.

ADJOURN: 10:35 a.m. There being no further business it was Moved-Seconded (Sleep-Weisenberg) to adjourn. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 3, 2013

Chairman Brandon Flanagan 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 3, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of August 13, 2013 County Commission meeting and Board of Adjustment meeting. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Sleep) to approve Virginia Peterson as a permanent full-time Legal Secretary II G3 at the base rate of \$17.47 an hour, effective September 5, 2013. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Virginia Morago as a fill-in Part-time Corrections Officer I G3 at the base rate of \$15.42 an hour, effective September 8, 2013. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Jordan Michael Hanson a permanent full-time Corrections Officer I G2 at the base rate of \$15.09 an hour, upon completion of 40 hours of training at \$10.08 an hour, effective September 8, 2013. Motion Carried.

AIRPORT BROWN BAG PERMIT: Moved-Seconded (Johnson-Ewing) to approve the Brown Bag Permit for the Airport for the South Dakota Aviation Hall of Fame on September 7, 2013. Motion Carried

WILD LIFE SANCTUARY RAFFLE: Moved-Seconded (Johnson-Flanagan) to approve the request from the Spirit of the Hills Wild Life Sanctuary to conduct a Community Fun Day raffle. Motion Carried. Ewing stated that if the Sanctuary is struggling with funding and to secure help the Board might want to consider this when allowing additional animals.

DC BOOTH FISH HATCHERY: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to send a Letter of Support for the DC Booth Fish Hatchery. Motion Carried.

APPLICATION FOR USE OF COUNTY FACILITIES: Moved-Seconded (Ewing-Weisenberg) to waive the need for an Application for Use of County Facilities from the Powder

House Pass Community Improvement District on Friday September 6th, 2013 at 10:00 a.m. for a public meeting, because they are a political subdivision. Motion Carried.

AUTOMATIC SUPPLEMENTS:

SHERIFF: Moved-Seconded (Johnson-Sleep) to approve the automatic supplement of \$819.48 for Sheriff Travel, \$1,280.00 for Sheriff Supplies and \$5,035.25 for Sheriff Salaries for grant funds received. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2013-16 declaring surplus property and offer for sale by auction on September 14, 2013 at 9:30 a.m. at the Spearfish County Highway Shop. Motion Carried. RESOLUTION #2013-16 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 3rd day of September, 2013. FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: Brandon Flanagan, Chairman. ATTEST: Connie Atkinson, Auditor

HEALTHY FORESTS: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign a letter of support for Healthy National Forests and SRS Legislation. Motion Carried.

SHERIFF BUSINESS: Brian Dean, Chief Deputy Sheriff was present to update the Board on issues within the Sheriff's Office.

2014 BUDGET: A public hearing was held on the proposed 2014 Budget. No public input was voiced and the hearing was closed. Flanagan thanked Staff and Department Heads for their efforts in presenting a responsible budget.

HIGHWAY BUSINESS:

OLD BELLE PAVING: Allan Bonnema reviewed the Change Order needed for a net increase of \$19,140.96 in the original bid on the Old Belle Paving Project. Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of the Highway Superintendent and approve and authorize the Chairman to sign Change Order #1 for \$19,140.96 with Sacrison Paving. Motion Carried.

GRAVEL CRUSHING: Moved-Seconded (Ewing-Flanagan) to approve for the advertisement for bids on gravel crushing and stockpiling to be completed by May 1, 2014. Motion Carried.

UTILITY PERMIT:

POWDER HOUSE PASS: Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for Powder House Pass CID from the Englewood Road ¾ mile NE from the intersection of Englewood Road

and Rochford Road 30' left to 30' right of centerline; from the Brownsville Road – 40' east of the intersection of Black Brownsville Road and Rochford Road 30' left to 20' right of centerline; and Black Forest Road – 40' east of the intersection of Black Forest Road and Rochford Road 30' left to 20' right of centerline Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Weisenberg-Johnson) Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for the City of Spearfish from the McGuigan Rd: Hillsvie Rd south to 0.3 miles south over Oliver Rd. Motion Carried. Aye-Johnson, Weisenberg, Sleep and Flanagan. Nay-Ewing.

APPROACH PERMIT:

REED RICHARDS: Moved-Seconded (Sleep-Weisenberg) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for Reed Richards on the north side of Centennial Road located approximately 500' west of the low water crossing. Motion Carried.

MYSTIC HILLS HIDEWAY: Moved-Seconded (Ewing-Johnson) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for Mystic Hills Hide-away south of the Custer Peak Road located approximately 735' west from McAvoy Pl. Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for the City of Spearfish on the west side of the McGuigan Rd approximately 0.3 miles south over Oliver Rd. Motion Carried. Aye-Johnson, Weisenberg, Sleep and Flanagan. Nay-Ewing.

FUEL QUOTES: The following fuel quotes were submitted as of September 3, 2013: Deadwood Diesel 4900: (prices per gallon) CBH - \$3.389, Southside - \$3.34, MG Oil - \$3.30814*; Deadwood Unleaded 3700 Gallons: (prices per gallon) CBH - \$3.599, Southside - \$3.43, MG Oil - \$3.30775*; Spearfish Diesel 2700 Gallons: (prices per gallon) CBH - \$3.389, Southside - no bid, MG Oil - \$3.31814*; Spearfish Unleaded 750 Gallons: (prices per gallon) CBH - \$3.599, Southside – no bid, MG Oil - \$3.31775*. Whitewood Diesel 650 Gallons: (prices per gallon) CBH - \$3.389, Southside - no bid, MG Oil - \$3.30814. *Represents lowest quote awarded. No bid was received from Harms Oil.

HEALTH NURSE REPORT: Wade Huntington Regional Manager was present to review the quarterly community health report and highlighted the Bright Start program. Huntington introduced staff members Denise Rosenberger, Carol Stutzman and Shannon Muchow.

AIRPORT BUSINESS:

AIRPORT FUEL FARM BID:

The following bids were received for the Airport Fuel Farm bid: Johner and Son's - \$564,491.35 and Ainsworth Benning - \$566,705.15. Rodd Senn was present to update the Board on the Grant Approval. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the additional grant agreement for \$35,000 for the Airport Fuel Farm. Motion Carried. Moved-Seconded (Johnson-Weisenberg) to accept the lowest responsible bid from EKE Inc., Johner and Son's - \$564,491.35, and waive any irregularities as determined by Kadrmars Lee and Jackson. Motion Carried. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the notice to proceed documents. Motion Carried.

MOUNTAIN PINE BEETLE: Beverly Shaw, Spearfish Canyon Owners Association was present to present a donation to the County for the Mountain Pine Beetle Project from the sales of the “Spearfish Canyon Cuisine” cookbook. Shaw stated they published the book and the sales are used for the express purpose of helping to fight the Mountain Pine Beetle infestation in Spearfish Canyon. Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign a letter of support endorsing the Spearfish Canyon Cuisine for the great contribution to the residents of Lawrence County and Tourists who continue to enjoy the Black Hills. Motion Carried.

2013 MPB PROGRAM REQUEST FOR PROPOSALS AWARD: Dave Heck, Invasive Species Management reported to the Board on the Mountain Pine Beetle Project. Discussion continued on implementing the project. Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the Amendment #1 to the Grant Agreement 2013-MPB-003. Motion Carried. Moved-Seconded (Ewing-Flanagan) to approve the advertisement for hiring 40 temporary seasonal recon employees so they are available for the upcoming State training at the rate of \$12.00 an hour. Motion Carried.

UNPLATTED LANDS / SPEARFISH: Moved-Seconded (Johnson-Flanagan) to approve the following Resolution #2013-17 A RESOLUTION APPROVING RESOLUTION OF INTENT TO ANNEX. Motion Carried. Aye-Johnson, Weisenberg and Flanagan. Nay-Sleep and Ewing. Ewing stated he is not an advocate of forced annexation. SUBMITTED BY THE CITY OF SPEARFISH, SOUTH DAKOTA RESOLUTION NO. 2013-17 A RESOLUTION APPROVING RESOLUTION OF INTENT TO ANNEX SUBMITTED BY THE CITY OF SPEARFISH, SOUTH DAKOTA: WHEREAS, the City of Spearfish, South Dakota, desires to extend its municipal boundaries by annexation pursuant to SDCL 9-4-1; WHEREAS, the City of Spearfish has prepared a Resolution of Intent to Annex 2013-23, which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-4.11 all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, “unplatted territory” is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31, and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the Resolution of Intent To Annex 2013-23 prepared by the City of Spearfish as more fully set forth in the attached Exhibit A so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 3rd day of September, 2013. Brandon Flanagan, Chairman. ATTEST: Connie Atkinson, Auditor

EMERGENCY MANAGEMENT STATE & LOCAL AGREEMENT: Moved-Seconded (Ewing-Weisenberg) 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.

VACATION RENTALS: Loren and Bonnie Dobyns were present to express concerns about the regulation of Vacation Rentals in Park Forest Zoning District. Flanagan stated at this time the

County does not have an Ordinance on vacation rentals because the County does not separate between yearly or nightly rentals. The Board asked Amber Vogt, Planning and Zoning Director to take the issue to Planning and Zoning.

COURT SYSTEM COSTS: Bill Nachatilo was present to ask the Board to review his bill for his child who was subject to the Court System and Juvenile Detention Center costs. Nachatilo stated they requested an attorney not be appointed, however the Judge did appoint a Court Appointed Attorney and now they have a bill for this attorney. Nachatilo expressed concerns on the lack of communication informing them what the total costs would be. The Board stated the Commission is not in the position to instruct the Judge to appoint an attorney or not but stated they are aware of the situation.

PLANNING & ZONING:

AMENDED APPLE SPRINGS / P.U.D. DEVELOPMENT AGREEMENT: The Board discussed the Apple Springs P.U.D. Development Agreement. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Amended Apple Springs Planned Unit Development Agreement P.U.D No. 5 allowing one larger tank instead of two smaller units, per DENR request. Motion Carried. The Board expressed concerns that the developer would try to capitalize by applying for all of the available building permits and stated the permits need to be available to other landowners who are waiting to build also. Amber Vogt, Planning and Zoning Director will monitor the situation and report back to the Board.

ORDINANCE #13-02: Second Reading was held on proposed Ordinance #13-02 - (Administrative Change) Setback, Allowed Uses and Conditional Uses Reviewed in All Zoning Districts. Discussion followed on the proposed Ordinance #13-02 and setbacks. Moved-Seconded (Ewing-Flanagan) to approve Ordinance #13-02 (Administrative Change) Setback, Allowed Uses and Conditional Uses Reviewed in All Zoning Districts with the addition of the silos. Motion Carried.

EXECUTIVE SESSION: 11:03 a.m. Moved-Seconded (Ewing-Weisenberg) to go into executive session to pursuant to SDCL 1-25-2(3) discuss possible litigation. Motion Carried. 11:17 a.m. the Board opened for regular business with no action taken.

BILLS:

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

Payroll: Comm-\$5,857.13; Auditor-\$8,262.22; Treas-\$10,297.16; Comp-\$8,093.83; States Atty-\$10,561.35; Pub Def-\$9,273.41; Gen Govt Bldg-\$7,799.82; Equal-\$11,905.24; Rod-\$7,484.06; Vso-\$1,238.55; Disp-\$11,784.43; Sher-\$32,481.50; Jail-\$21,479.68; Coroner-\$323.08; 24/7-\$168.20; Emerg Mgnt-\$3,638.48; E911-\$1,655.20; Highway-\$39,270.81; Air-\$1,316.44; Weed-\$7,179.43; Pz-\$4,837.80; County Mbp-\$2,152.99; **Bills:** Heck,David-\$130.61; Lopez,Amber-\$12.58; Mowell,Richard-\$5,784.00; Schuchmann,Bernard-\$12.58; Smith,Molly-\$12.58; A&B Business,Inc Solutions-\$1,063.91; A&B Welding Supply-\$41.80; A-Z Shredding-\$6.75; Abc Business Supply Corp-\$330.22; Aberdeen Llc-\$141.00; At&T-\$12.03; At&T Mobility-\$839.31; BH Chemical Company-\$304.28; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Land Analysis-\$812.50; BH Pioneer-\$751.19; BH Power-\$1,142.18; BH Window Cleaning-

\$3,028.00; Balkenhol,Ferd-\$600.00; Big Sky Communications-\$79.00; Black Hills Pure-\$110.10; Black Hills Urgent Care-\$235.76; Bob Barker Company-\$207.03; Bomgaars Supply-\$14.47; Brownsville Fire Dept-\$3,654.76; Bullberry Systems-\$3,885.00; Butler Machinery Co-\$781.56; Butte Electric Coop-\$431.82; Campbell Co Sheriffs Off-\$50.00; Cdw Government-\$665.65; Central Parts-\$1,447.27; Century Business Products-\$195.56; Centurylink-\$2,322.44; Christensen Law Office-\$918.00; City/County Alcohol&Drug-\$1,876.50; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$2,387.00; Cody,Denise-\$15.00; Community Health Center Of The-\$62.08; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$34.55; Dakota Security Systems-\$372.45; Deadwood Vol Fire Dept-\$9,736.58; Deadwood,City Of-\$1,006.72; Dept Of The Treasury-\$55,290.38; Diversified Collections-\$100.00; Eb Communications-\$101.40; Eddie's Truck Sales/Serv-\$107.52; Environmental Products Co-\$362.40; Fastenal-\$27.89; Fidler-Isburg Funeral Chapel-\$1,665.00; First Gold Hotel-\$100.00; First Western Ins Deadwood-\$50.00; Forte-\$480.00; Gene's Lock Shop-\$19.68; Grimm's Pump Service-\$375.62; Havemeier,Leslie-\$125.40; Heartland Paper Co-\$626.80; Heisler Hardware-\$53.97; Hills Material Comp-\$71,023.34; Jacobs Precision Welding-\$390.42; Johnson Machine-\$56.65; Kadrmas, Lee And Jackson-\$510.61; Kinney, Matthew-\$1,054.02; Koala Electric-\$56.12; Koll,Amy-\$100.00; Kootenai Co Sher/Nw Shuttle-\$260.00; Kosel,Joseph-\$8,113.18; L-3 Communications-\$79.00; Language Line Services-\$94.86; Lawson Products-\$325.26; Lead Fire Protection District-\$11,836.91; Lead,City Of-\$76.55; Lead-Deadwood Sanitary-\$468.07; Lee,James-\$15.00; Lewno,Lucy-\$148.71; Lexisnexis Risk Data Mgnt-\$75.00; Lyle Signs-\$225.73; Marco-\$33.62; Mcferren,Gerald-\$325.00; Midcontinent Communications-\$33.34; Montana Dakota Utilities-\$1,616.05; Moore Medical-\$119.79; Ms Mail-\$25.00; Nemo Volunteer Fire Dept-\$1,214.97; Neve's Uniforms-\$80.00; Northern Truck Equip-\$48,543.00; Nuco Industries-\$352.28; Office Of Child Support-\$838.16; Pennington Co Auditor-\$42.00; Pennington Co Equalization-\$200.00; Pennington County Sts Attny-\$215.00; Pizza Lab-\$109.45; Quill Corporation-\$637.37; RC Journal-\$193.75; Rabe Elevator-\$881.87; Rapid Delivery-\$32.40; Rasmussen Mechanical Serv-\$9,270.00; Reindl,Staci-\$2,307.10; Reserve Account-\$5,000.00; Rochford Fire Protection Dist-\$592.78; Rocket Lube-\$254.46; Rsinet/Thomas W Nichols-\$180.00; SD Aao-\$1,200.00; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Public Safety-\$180.00; SD Dept Of Transportation-\$1,685.45; SD Human Services Center-\$87.00; SD Public Assur Alliance-\$36,364.10; SD State Treasurer-\$14,330.26; Sacrison Paving-\$556,067.66; Sada Systems-\$35.00; Secretary Of State-\$30.00; Semerad,Sandra-\$155.40; Servall Towel&Linen-\$384.32; Sheehan Mack Sales&Equip-\$104,948.00; Shepherd Reporting-\$30.00; Sirchie Finger Print Lab-\$98.84; Southside Oil Co-\$37,952.50; Spearfish Auto Supply-\$656.99; Spearfish Canyon Fire-\$1,941.55; Spearfish City Of-\$15,063.52; Spearfish Fire Dept-\$40,171.77; Spearfish Husky-\$20.00; St Onge Fire Protection Dist-\$1,125.54; State Radio Communication-\$5,280.00; Strawn Law PC-\$793.22; Sturgis Fire Department-\$2,707.44; Swanda,Karen-\$15.00; Tigerdirect-\$215.17; Trane U.S-\$5,498.27; Triple K Tire&Repair-\$387.44; Trugreen Chemlawn-\$56.75; Turbiville Industrial Electric-\$445.95; Twilight First Aid&Safety-\$125.75; Twin City Hardware&Lumber-\$461.08; US Geological Survey-Doi-\$16,590.00; Victims Of Violence-\$3,735.00; Waste Connections-\$645.70; Watertree-\$57.90; Wells Fargo Business Card-\$2,259.12; Wells Plumbing & Farm Supp-\$70.92; West Group-Thomson Reuters-\$2,080.28; West River International-\$768.64; Western Communication-\$4,721.00; Western Sd Juvenile Serv-\$7,875.00; Wex Bank-\$639.91; White Drug-\$919.72; Whitewood Fire Prot District-\$4,922.87; Wilde & Hunt Prof-\$639.59; Wolff Law Office-\$332.80; Wow!-\$1,649.29; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$61,682.13; **Witness & Jurors:** Mccoy,P-\$22.22; Capp,H-\$63.32; Deis,K-\$68.50; Dietrich,J-\$52.96; Fish,D-\$52.22; Geffre,C-\$62.58; Hannah,J-\$53.70; Hart,T-\$52.22; Holzer,E-\$52.96; Humphrey,P-\$56.66; Johnson,M-\$57.40; Lambert,R-\$64.80; Lesmeister,L-\$57.40; Meyer,D-\$68.50; Morgan,B-\$51.48; Noren,J-\$61.10; Oconnor,S-\$61.84; Ostrom,C-\$61.10; Rentz,D-\$63.32; Walkins,K-\$62.58; Walton,E-\$58.14; Abbott,J-\$21.10; Ahmad,A-\$21.10; Allen,T-\$21.10; Andreson,R-\$102.96; Austin,M-\$19.62; Baker,P-\$24.80; Block,R-\$17.40; Borsch,S-\$19.62; Clark,M-\$21.10; Cockrum,K-\$126.64; Cole,E-\$24.80; Cottingham,C-\$122.20; Dahl,K-\$21.10; Dahl,R-\$21.10; Dejong,K-\$23.32; Devries,C-\$21.10; Enderby,W-\$131.08; Forcucci,R-

\$21.10; Goodrich,R-\$24.80; Gordon,K-\$38.12; Gose,K-\$27.76; Gottlob,S-\$122.20; Headley,D-\$28.50; Hemeyer,A-\$24.80; Johnson,R-\$20.36; Kaul,M-\$20.36; Kinghorn,S-\$122.20; Kowalke,L-\$20.36; Laderer,R-\$12.22; Ladner,P-\$24.80; Lam,H-\$28.50; Lerwick,D-\$24.80; Marcoe,C-\$122.20; Mechaley,M-\$12.22; Nedved,J-\$128.12; Nelson,S-\$19.62; Nevin,S-\$12.22; Parsons,C-\$61.10; Peterson,J-\$21.10; Powell,J-\$24.06; Rembold,K-\$20.36; Remington,J-\$24.80; Schafer,J-\$21.10; Schmidt,T-\$23.32; Setera,L-\$24.80; Sharts,C-\$12.22; Siemonsma,B-\$122.20; Stanforth,C-\$129.60; Thompson,C-\$21.10; Tonkyn,A-\$28.50; Trentz,D-\$11.48; Tysdal,E-\$129.60; Verhelst,T-\$21.10; Zwascha,J-\$21.10; Anderson,R-\$20.00; Bunch,M-\$20.00; Clark,X-\$20.74; Engel,C-\$33.32; Fiester,M-\$21.48; Greenwood,T-\$20.00; Hicks,T-\$39.24; Lopez,E-\$34.06; Miles,T-\$31.10; Nacey,N-\$30.36; Nelson,D-\$30.36; Overseth,N-\$27.40; Rosenau,K-\$33.32

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

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 24, 2013

Chairman Brandon Flanagan 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 24, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, 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 (Weisenberg-Sleep) to approve the minutes of September 3, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Ewing-Weisenberg) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective September 18th, 2013: Kevin McKee, Jesse Evans, Andrew Johnson, Brandon Ludens, Tanner Tillman, Chase Krog, Marisa Knesel, Emily Ahrendt, David Feiler, Lisa Laudanskas, Maria King, Travis White, Cody Sadler, Cody Wheeler, Elise Oren, James Pontius, Cory Stepper, Ryan Montoya, Curtis Schmuck, Rocky Burrows, Jeremy Lewis, Richard Nordby, Jake Startz, Zack Startz, Logan Grande, Braden Brown, Alexander Baker, Jamison Sechser, Aaron White and Adam Albrecht; and to approve the following temporary seasonal recon employees at the rate of \$13.33 an hour, effective September 18th, 2013: Tyler Faulkner, Joey Buildt, Dan Smith, Andrew Mosher, Ryan Palmer, Tyson Hazeldine, and Patricia Turbeville. Motion Carried.

AUTOMATIC SUPPLEMENTS:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve the automatic supplement of \$286,500 for Invasive Species Management/Mountain Pine Beetle Salaries for grant funds received. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Ewing) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 31, 2013 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)-\$319,650.52; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,255.37; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$4,250,000; Bank Balance \$3,786,025.34, Money Market \$530,857.44; Savings-\$6,418,812.59; Total \$15,313,811.26

IAMRESPONDING AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the I Am Responding Agreement for Emergency Management, Search and Rescue and the Fire Departments upon review of Bruce Outka. Motion Carried.

DUCKS UNLIMITED RAFFLE: Moved-Seconded (Johnson-Sleep) to not object to the request from the Spearfish Chapter of Ducks Unlimited to conduct a fund raising raffle. Motion Carried.

RIP-RAP SURPLUS: The Board discussed the Rip-Rap pile at the airport. No action taken.

DEADWOOD ANNEXATION: Bruce Outka updated the Board on the City of Deadwood Annexation.

SHERIFF BUSINESS: Brian Dean, Chief Deputy Sheriff was present to update the Board on issues within the Sheriff's Office.

HIGHWAY BUSINESS:

UTILITY PERMITS:

CENTURY LINK: Moved-Seconded (Weisenberg-Johnson) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Century Link located from Oliver Road, north along east side McGuigan to Tumbleweed T6N, R2E, Sec 4 & 9. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Ewing-Johnson) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Butte Electric on the Sale Barn Road from St. Onge Livestock for construction of an underground powerline beginning section 23, T7N, R3E and ending in section 26, T7N, R3E. Motion Carried.

HIGHWAY EQUIPMENT: Allan Bonnema requested permission to purchase two WR90 Series 3 Walk'n'Roll Packer/roller from the Haakon County Bid. Moved-Seconded (Ewing-Johnson) to approve and authorize the purchase from the Haakan County Bid for two WR90 Series 3 Walk'n'Roll Packer/roller for \$39,978.00 Motion Carried.

2014 BUDGET:

Moved-Seconded (Weisenberg-Johnson) to adjust the County Commissioner budget to \$275,296 and to adjust the Cash Balance Applied in the General Fund to \$380,491. Motion Carried.

ADOPTION OF 2014 BUDGET RESOLUTION #2013-18: Moved-Seconded (Weisenberg-Flanagan) to adopt the 2014 Annual Budget and approve the following Resolution #2013-18. Motion Carried. **RESOLUTION #13-18: 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, 2014 and ending December 31, 2014 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 24TH day of September, 2013 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, 2014 through December 31, 2014.

FUND	TAX LEVY IN DOLLARS	\$/s/thousand (levy)
GENERAL	9,335,980	4.621
FIRE PROTECTION	79,130	.077
TOTALS	9,415,110	4.698

DATED at Deadwood, South Dakota, this 24TH day of September 2013. LAWRENCE COUNTY COMMISSIONERS: Brandon Flanagan, Chairman, Daryl Johnson, Terry Weisenberg, Robert Ewing, and Richard Sleep. ATTEST: Connie Atkinson, Auditor.

ABATEMENTS:

COMMON WEALTH:

Moved-Seconded (Johnson-Sleep) to approve the following abatement for Common Wealth 14000-00404-080-00 GOVERNMENT LOTS 3, 4, 5, & 7 for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the following abatement for Common Wealth 26280-00138-000-00 M.S. 138 ANCHOR HILL for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Johnson-Ewing) to approve the following abatement for Common Wealth 26280-00188-000-00 M.S. RATTLESNAKE JACK for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Johnson-Sleep) to approve the following abatement for Common Wealth 26280-00189-000-00 M.S. 189 CENTER FR for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the following abatement for Common Wealth 26280-00218-000-00 M.S. LITTLE GIANT for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the following abatement for Common Wealth 26280-00311-000-00 M.S. 311 MONTENEGRO for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the following abatement for Common Wealth 26280-00328-000-00 M.S. 328 GILT EDGE for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the following abatement for Common Wealth 26280-00483-000-00 M.S. 483 OPHIR for 1997-2012 because the State has taken deed to the property. Motion Carried. Aye-Weisenberg, Ewing, Sleep and Flanagan. Nay-Johnson

Moved-Seconded (Weisenberg-Ewing) to approve the following abatement for Common Wealth 26280-00646-000-00 M.S. 646 ORA FINO for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to approve the following abatement for Common Wealth 26280-00648-000-10 M.S. 648 ORO BELLA 3/8 INTEREST for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Sleep-Flanagan) to approve the following abatement for Common Wealth 26280-00649-000-10 M.S. 649 WAGGONER 3/8 INTEREST for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Ewing-Johnson) to approve the following abatement for Common Wealth 26280-00650-000-00 M.S. 650 SUNDAY for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Weisenberg-Flanagan) to approve the following abatement for Common Wealth 26280-00699-000-00 M.S. 699 TWO BEARS for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Weisenberg-Ewing) to approve the following abatement for Common Wealth 26280-00700-000-00 M.S. 700 SONORA for 1997-2012 because the State has taken deed to the property. Motion Carried.

Moved-Seconded (Weisenberg-Sleep) to approve the following abatement for Common Wealth 26280-00712-000-10 M.S. 712 STRAWBERRY CREEK PLACE M & B for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Weisenberg-Flanagan) to approve the following abatement for Common Wealth 26340-00884-000-00 M.S. 884 BISMARK, GOLDEN STAR ETAL for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26340-00927-000-00 M.S. 927 HALEY & THEODOR for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26340-00975-000-20 M.S. 975 DELHIGH BRINGHMAPTON ETAL for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26340-00975-000-30 M.S. 975 ONTARIO for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26380-01069-000-00 M.S. 1069 ALGOL for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26540-01225-000-00 M.S. 1225 DAKOTA MAID & DAKOTA MAID FR for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26680-01575-000-10 M.S. 1575 OSSAMINNA & PELION for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following abatement for Common Wealth 26680-01575-000-20 M.S. 1575 WATERLOO & BUNKER HILL for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following partial abatement for Common Wealth 26340-00926-000-10 M.S. 926 ST PATRICK & SUMMIT 13.35 (13.35 AC) for 1997-2012 because the State has taken deed to the property. Motion Carried

Moved-Seconded (Sleep-Ewing) to approve the following partial abatement for Common Wealth 26340-01031-000-10 M.S. 1031 CARL, FRANKLIN, WHITE & MARIE LODES (37.14 AC) for 1997-2012 because the State has taken deed to the property. Motion Carried

BROHM MINING: Moved-Seconded (Sleep-Ewing) to approve the following partial abatement for Brohm Mining 26999-00002-000-40 IMPROVEMENTS ON LEASED

SITE(BUILDING) SITTING ON M.S. 975 & M.S. 1134 for 2000-2012 because the State has taken deed to the property. Motion Carried

MCKAY: Moved-Seconded (Weisenberg-Sleep) to approve the abatement for Brian McKay on parcel #32640-00200-016-00 and 32640-00200-017-00 because the square footage was wrong on the property. Motion Carried.

CORCORAN: Moved-Seconded (Weisenberg-Ewing) to approve the abatement for Virginia Corcoran on parcel #20050-00602-036-12 because the property was assessed as Ag and Commercial. Motion Carried.

FOREST SERVICE / MOUNTAIN PINE BEETLE PROGRAM: Rhonda O'Byrne, USFS District Manager was present to discuss the Mountain Pine Beetle Program.

UPPER TWO BIT ROAD EASEMENT: Rhonda O'Byrne, USFS District Ranger was present to discuss the F.E.R.T.A. Easment on Upper Two Bit Road. Paul Schipke, Scott Reif and John Mattson were present to express support for keeping the road open but were concerned if it became a County Road that the traffic would increase dramatically. The Board stated this would become a County Secondary Road with minimal to no maintenance but would be open to the public. Moved-Seconded (Ewing-Johnson) to approve and authorize the Chairman to sign the F.E.R.T.A. Easement Application on Upper Two Bit Road. Motion Carried.

2013 MOUNTAIN PINE BEETLE PROGRAM:

EXECUTIVE SESSION: 10:23 a.m. Moved-Seconded (Johnson-Weisenberg) to go into executive session pursuant to SDCL 1-25-2(3), to discuss negotiation and contractual issues. Motion Carried. 10:44 a.m. the Board opened for regular business. Discussion was held on the 2013 MPB Program Request for Proposal(s) Contract Award.

Moved-Seconded (Johnson-Weisenberg) After review of all proposals received to submit a contract offer to Brock Axthelm/DBA Dharma Tree Care and Pacific Coast Contracting as determined by 5-18A-7 to be the responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the purchasing agency taking into consideration price and the evaluation factors set forth in the request for proposals, and allow the Chairman to sign the contracts if no material changes are made to the contracts. Motion Carried.

USFS AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the USFS/County Agreement Modification 12-PA-11020308-0007. Motion Carried.

PUBLIC SAFETY BUILDING: Steve Williams, Williams and Associates was present to discuss the Public Safety Building roof replacement. Moved by Weisenberg to thank Williams

for his work and authorize the bids specs and notice to bidder's documents to be prepared for a bid opening in March 2014. Motion died due to a lack of a second.

Moved-Seconded (Johnson-Flanagan) to authorize contacting Lowes Roofing to do a forensic inspection and repair the roof on the Public Safety Building as long as the costs are under the state bid limit. Motion Carried. The Board will authorize the bid specs at a later date for the replacement of the roof.

MALT BEVERAGE & SD FARM WINE TRANSFER: The public hearing was cancelled on an application to transfer a Retail On-Off sale Malt Beverage and SD Farm Wine License for the Valley Corner Store to Fresh Start Convenience Store because the proper paperwork was not received and the applicant withdrew their application.

PLANNING & ZONING: C.U.P. #298 MYSTIC HILLS CAMPGROUND: Amber Vogt, Planning and Zoning Director updated the Board on C.U.P. #298 (Mystic Hills Campground, Applicant). Moved-Seconded (Weisenberg-Johnson) to follow Planning and Zoning and Staff recommendation and approve the request to extend the completion date for Completion of Fire Plan for C.U.P. #298 Mystic Hills Campground to May 1, 2014. Motion Carried.

ROGER HINES / 2ND RESIDENCE: Jeff Schroeder, Code Enforcement Officer updated the Board on the temporary Second Residence for Roger Hines.

Moved-Seconded (Ewing-Weisenberg) to inform the property owner that they are in clear violation of the Lawrence County Zoning Ordinance and they have one year to rectify the situation and ensure the understanding with all parties that as soon as the tenants of the 2nd Residence are no longer living in said unit, that the 2nd residence shall not be used for any other purpose and shall be removed from the property promptly. The property will be reviewed on a 6 month basis to insure that the agreement is being met. Formal action will take place if the situation is not rectified within one year. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to refund the application fee back to the applicant Roger Hines because a Conditional Use Permit does not apply. Motion Carried.

ANNUAL REVIEWS:

C.U.P. # 329-12 / CINDY GILLIS: An annual review was held on CUP #329-12 2nd Residences (Cindy Gillis). No complaints were received

CUP#363 / REHORST: An annual review was held for CUP #363 for Dennis Rehorst second Residence. No complaints were received.

CUP#380 / WENNBURG: An annual review was held for CUP #383 Charles Wennberg second Residence. No complaints were received.

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 by Sleep to cancel CUP #390. Motion died due to lack of second. Moved-Seconded (Johnson-Weisenberg) to approve a one year extension on CUP #390. Motion Carried.

C.U.P. # 391 / 7TH DAY ADVENTIST CHURCH: An annual review was held on CUP#391 7th Day Adventist Church. No complaints were received

CUP #392 / TERRY & COLLEEN SCHMITZ: An annual review was held for CUP #392 Terry & Colleen Schmitz second Residence. No complaints were received.

C.U.P. #412 / RANDY SACHAU: An annual review was held for CUP #412, Personal Use Airstrip (Randy Sachau). No complaints were received.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,263.17; Treas-\$10,297.15; Comp-\$8,093.84; States Atty-\$11,916.70; Pub Def-\$9,145.89; Gen Govt Bldg-\$8,401.12; Equal-\$11,788.68; Rod-\$7,484.23; Vso-\$1,238.55; Disp-\$12,685.42; Sher-\$32,453.45; Jail-\$22,080.70; Coroner-\$23.08; 24/7-\$151.38; Emerg Mgnt-\$3,740.72; E911-\$1,407.28; Highway-\$38,769.93; Air-\$1,054.20; Weed-\$120.00; Pz-\$5,077.80; County Mpb-\$4,435.25; **Bills:** Albertson,Kirk-\$100.00; Goetsch,Martin-\$59.84; Larson,P-\$95.00; Locken,W-\$377.00; Mowell,R-\$816.00; Thomson,P-\$6.88; Vogt,A-\$98.35; A&B Business,Inc Solutions-\$1,737.58; A-Z Shredding-\$14.55; Abc Business Supply Corp-\$1,945.82; All Weather-\$1,490.39; At&T-\$13.88; Audra Malcomb Consulting-\$559.98; Avi Systems-\$15.00; BH Chemical Company-\$507.39; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Land Analysis-\$2,372.50; BH Pioneer-\$1,040.34; BH Power-\$13,763.87; Bartel,Bill-\$450.00; Black Hills Disposal-\$87.00; Black Hills Funeral Home-\$1,170.00; Black Hills Pure-\$52.50; Bomgaars Supply-\$69.70; Butler Machinery Co-\$2,694.18; Butte Electric Coop-\$417.48; Central Parts-\$2,925.88; Century Business Products-\$364.62; Centurylink-\$2,367.69; Chris Supply Co-\$19.37; Christensen Law Office-\$180.00; City/County Alcohol &Drug-\$560.00; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$3,332.00; Credit Collections Bureau-\$100.00; DWare-\$85.00; Dataspec-\$399.00; Dept Of Hlth Lab Services-\$139.00; Dept Of The Treasury-\$49,707.26; Diversified Collections-\$100.00; Ellingson,Joseph-\$650.95; Ertz,Dewey J-\$650.00; Fastenal-\$98.20; Federal Express Corp-\$37.54; Fidler-Isburg Funeral Chapel-\$1,170.00; Fish,Veronica-\$36.60; Fox&Youngberg-\$175.24; Frederickson,John-\$2,150.40; Fsh Communications-\$60.00; Glaxosmithkline Pharmaceutical-\$372.40; Greens Alignment-\$249.98; Grimm's Pump Service-\$129.41; Havemeier,Leslie-\$49.40; Heartland Paper Co-\$355.67; Jacobs Precision Welding-\$147.33; Kadrmas, Lee And Jackson-\$1,659.61; Kemper's-\$200.00; Kinney, Matthew-\$1,994.54; Knecht True Value-\$37.99; Knology-\$1,388.60; Kosel,Joseph-\$2,530.06; Language Line Services-\$60.09; Lead-Deadwood Regional Hospital-\$130.00; Lead-Deadwood Sanitary-\$540.84; Lee,James-\$15.00; Lewis&Clark Bhs-

\$320.00; Lexisnexis Risk Data Mgnt-\$75.00; Matthew Bender&Company-\$193.73; Mcarthur,Janet-\$50.00; Mcclure,Susan-\$250.00; Mcpherson Propane-\$69.00; Mg Oil Company-\$42,046.17; Montana Dakota Utilities-\$38.95; Ms Mail-\$25.00; International Academy Of Emd-\$50.00; Newman Traffic Signs-\$3,064.11; Nuco Industries-\$60.91; Office Of Child Support-\$815.08; One Call Now-\$304.98; Pennington County Sheriff-\$2,021.85; Pennington County Sts Attny-\$215.00; Pitney Bowes-\$1,078.65; Quill Corporation-\$139.24; RC Finance Office-\$3,010.00; RC Police Dept-\$14.29; RC Regional Hospital-\$261.76; Rabe Elevator-\$881.87; Rapid Delivery-\$10.80; Rapid Transcript-\$627.00; Rasmussen Mechanical Serv-\$360.00; Regional Health-\$406.00; Regional Health Physicians-\$88.33; Rocket Lube-\$71.99; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Legislative Audit-\$15,561.00; SD Paralegal Association-\$85.00; SD Planners Association-\$180.00; SD State Treasurer-\$1,871.63; Sada Systems-\$76.70; Sanford Health Pathology Clinic-\$40.00; Sd Ltap/Sdsu-\$70.00; Sdrs Supplemental Retirement-\$1,179.00; Securus Technologies T-Netix-\$1,050.00; Servall Towel&Linen-\$768.64; Sheehan Mack Sales&Equip-\$196.65; Shepherd Reporting Llc-\$30.00; Spearfish Auto Supply-\$334.33; Spearfish City Of-\$142,166.51; Spearfish Husky-\$6.00; Spearfish Police Dept-\$10,551.30; Tigerdirect-\$190.60; Turbiville Industrial Electric-\$111.32; Turnkey Corrections-\$205.98; Twin City Hardware&Lumber-\$502.05; US Identification Manual-\$82.50; Verizon Wireless-\$104.95; Versatile Carpets&Inter-\$109.17; Victims Of Violence-\$1,530.00; Waste Connections-\$645.70; Watertree-\$37.95; Wells Fargo Business Card-\$1,670.39; Wells Plumbing&Farm Supp-\$122.58; West Group-Thomson Reuters-\$163.28; West River International-\$47.15; Western Communication-\$60.50; Western Sd Juvenile Serv-\$465.00; Wex Bank-\$876.41; White Drug-\$1,440.28; White's Queen City Motors-\$52.39; Wilde&Hunt, Prof-\$2,451.68; Z&S Dust Control-\$25,892.27; **Witness&Jurors:** Ellenbecker,J-\$368.82; Strong-Edstrom,J-\$561.22; Capp,H-\$63.32; Deis,K-\$68.50; Geffre,C-\$62.58; Hannah,J-\$53.70; Holzer,E-\$52.96; Humphrey,P-\$56.66; Johnson,M-\$57.40; Lambert,R-\$64.80; Lesmeister,L-\$57.40; Meyer,D-\$68.50; Morgan,B-\$51.48; Oconnor,S-\$61.84; Ostrom,C-\$61.10; Rentz,D-\$63.32; Walkins,K-\$62.58; Walton,E-\$58.14; Atyeo,T-\$20.00; Johnson,T-\$31.10; Mccrellias,K-\$22.22; Meyer,A-\$97.70; Parsons,C-\$32.58; Strickland,L-\$20.00

ADJOURN: 11:21 a.m. Moved-Seconded (Ewing-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 1, 2013

Chairman Brandon Flanagan 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 1, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of September 24, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Weisenberg-Sleep) to approve a step raise for Jason Fisher as an Appraiser II G3 at the base rate of \$16.54 an hour, effective September 22, 2013. Motion Carried.

INSURANCE PROCEEDS: Bruce Outka discussed the insurance proceeds for damage to the county vehicles from the June hailstorm. Moved-Seconded (Ewing-Weisenberg) to convey to the insurance company that the County will keep the vehicles that were hailed in the second storm in Spearfish. Motion Carried.

SHERIFF BUSINESS: Brian Dean, Chief Deputy Sheriff and Curt Jacobs, Spearfish City Officer were present to update the Board on issues within the Sheriff's Office and the procedures for mental commitments. They are working with local law enforcement and will be attending training in the area to make a more efficient process and to better serve the citizens.

HIGHWAY BUSINESS:

UPPER TWO BIT ROAD EASEMENT: Allan Bonnema, Highway Superintendent was present to discuss the Upper Two Bit Road F.E.R.T.A. Easement. Bonnema expressed concerns with the County accepting this as a secondary road even if it is designated as minimal or no maintenance. Liability and safety concerns were discussed along with a precedence being set with any other forest service road or trail being closed. Bonnema stated he was not in favor of accepting this road and commented that it will ultimately end up costing the county tax payers money in the future. Flanagan stated he felt the forest service would close the road even if the

County doesn't accept it and Johnson stated the County could be putting the citizens at risk by closing the second exit to housing areas. Bruce Demarcus, Arlie Davis and Scott Reif expressed concerns on the increased traffic if this road was maintained. Moved-Seconded (Ewing-Sleep) to reschedule the discussion to the next meeting to allow the Commissioners time to do an onsite of the area. Motion Carried.

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

JUVENILE SERVICES CENTER: The Board discussed the Agreement with the Juvenile Services Center Compact. The Board discussed the pros and cons of being part of the compact. Representatives from the Lawrence County Sheriff's Office and Meade County States Attorneys Office were also present for the discussions. Moved-Seconded (Weisenberg-Johnson) To receive input from the Public Defender and States Attorney office and to review the past two years of statistics for use of the Juvenile Services Center. Motion Carried.

ALCOHOLIC BEVERAGE POLICIES: The Board discussed the current policy on selling alcoholic beverages during the transfer of license time period and also the county policy on fingerprinting and background checks. Moved-Seconded (Sleep-Ewing) to continue the policy of requiring fingerprinting and background check on new application for Alcoholic Beverages. Motion Carried.

PLANNING & ZONING:

CHANGE OF ZONING #302 / ISRINGHAUSEN: First Reading and a Public Hearing was held on COZ #302, A-1 to SRD, Location: Rainbow Road (Bruce Isringhausen, Applicant). No public input was voiced and the public hearing was closed. Second reading will be October 22, 2013.

CHANGE OF ZONING #303 / WALKER: First Reading and a Public Hearing was held on COZ #303, SRD to HSC, Location: Hwy 14A and Upper Valley Road (Beth Walker, Applicant). No public input was voiced and the public hearing was closed. Second reading will be October 22, 2013.

BILLS:

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

Payroll: Comm-\$5,857.13; Aud-\$8,263.17; Treas-\$10,393.95; Comp-\$8,093.84; States Atty-\$11,736.14; Pub Def-\$10,263.97; Gen Govt Bldg-\$7,994.76; Equal-\$11,888.82; Rod-\$7,484.22; Vso-\$1,238.55; Disp-\$12,186.24; Sher-\$30,529.73; Jail-\$20,897.39; Coroner-\$523.08; 24/7-\$151.38; Emerg Mgnt-\$3,743.72; E911-\$1,657.60; Highway-\$39,025.76; Air-\$1,304.87; Mh Serv-\$252.00; Pz-\$4,787.13; County Mpb-\$12,549.35; **Bills:** Mowell, Richard-\$5,172.00; Schroeder, Jeffery-\$33.00; Thomson, Paul-\$71.00; Vogt, Amber-\$144.00; Ruffatto, Robert-\$7.70; American Family Life-\$3,297.24; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; Clerk Of Courts-\$50.00; Credit Collections Bureau-\$100.00; Deadwood Recreation Center-\$635.00; Delta Dental Of South Dakota-\$6,390.84; Dept Of The Treasury-\$50,403.76; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,597.35; Northern Hills Rec Center-\$124.00; Office Of Child Support-\$815.08; SD Dept Of Labor Unemployment-\$50.00; SD Retirement System-\$50,961.23; Sdrs Supplemental Retirement-\$1,179.00; Washington State Support Reg-\$311.00; Wellmark Blue Cross-\$74,442.28; A&B Business, Inc Solutions-\$207.24; A-Z Shredding-\$4.65; Abc Business Supply-\$55.31; Apex Software-\$825.00; At&T Mobility-\$829.31; BH Pioneer-\$18.99; BH Power-\$831.42; Butte Electric Coop-\$273.99; Cedar Shore-\$520.00; Central Parts-\$35.96; Deadwood, City Of-\$1,034.63; Fidler-Isburg Funeral Chapel-\$1,170.00; Fish, Veronica-\$37.40; Gene's Lock Shop-\$28.00; Hamann, Chris-\$100.00; Havemeier, Leslie-\$34.20; Heartland Paper Co-\$484.03; Interstate Engineering-\$18,974.22; John Deere Financial-\$360.00; Kennedy Pier Knoff Loftus Llp-\$190.80; Knology-\$292.85; Kosel, Joseph-\$3,418.24; LC Conservation Dist-\$5,000.00; Lead-Deadwood Regional Hospital-\$59.04; Lizard Tech-\$840.00; Marco-\$33.62; Montana Dakota Utilities-\$1,496.26; Nelson, Tonya-\$250.00; RC Regional Hospital-\$400.81; Radio Shack/Kazco-\$189.98; Reindl, Staci-\$2,542.45; SD Dept Of Labor Unemployment-\$748.58; Safety Benefits-\$195.00; Semerad, Sandra-\$117.20; Thompson, Katie-\$2,950.75; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$54.77; Twin City Hardware&Lumber-\$199.00; **Witness & Jurors:** Culver, K-\$21.84; Lucero, R-\$12.96; Hawki, K-\$101.48; Capp, H-\$63.32; Fish, D-\$52.22; Hannah, J-\$53.70; Holzer, E-\$52.96; Humphrey, P-\$56.66; Johnson, M-\$57.40; Lambert, R-\$64.80; Meyer, D-\$68.50; Morgan, B-\$51.48; Walkins, K-\$62.58; Donat, D-\$33.32; Hehn, J-\$33.32; Reed, R-\$28.14; Richards, T-\$22.22; Axlund, D-\$125.16; Babb, S-\$21.84; Baker, D-\$21.10; Bibler, H-\$122.20; Bryant, A-\$25.54; Cassidy, L-\$21.10; Chandler, J-\$122.20; Christofferson, A-\$21.10; Colberg, N-\$21.10; Daywitt, I-\$12.22; Derby, F-\$12.22; Doerges, J-\$21.84; Fogle, J-\$10.74; Fry, N-\$119.24; Gilbertson, L-\$21.84; Haiwick, G-\$21.10; Hanna, R-\$13.70; Harvey, J-\$122.20; Hefner, D-\$24.80; Hinds, K-\$122.20; Hunt, G-\$26.28; Jahner, K-\$21.10; Kliewer, A-\$24.80; Klinkel, D-\$123.68; Koch, D-\$21.10; Kunkel, M-\$19.62; Lister, D-\$19.62; Marcoe, D-\$122.20; McBride, M-\$21.10; Mcdermott, A-\$21.10; Mcfarland, S-\$24.80; Mitchell, D-\$18.88; Mock, C-\$120.72; Opbroek, J-\$21.10; Parke, H-\$17.40; Pitlick, J-\$22.58; Post, S-\$21.10; Prillwitz, B-\$23.32; Runquist, E-\$107.40; Satterlee, S-\$24.80; Schmidt, J-\$24.80; Schuldt, J-\$24.80; Secrest, K-\$19.62; Silvernail, M-\$19.62; Stagner, J-\$21.84; Steinbach, B-\$122.20; Stott, B-\$10.74; Stuen, L-\$10.74; Tintinger, C-\$21.10; Ventsam, T-\$12.22; Verhulst, T-\$17.40; Weaver, M-\$21.10; Werlinger, T-\$21.10; Williams, A-\$128.12; Abell, M-\$19.62

ADJOURN: 9:53 a.m. Moved-Seconded (Weisenberg-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 22, 2013

Chairman Brandon Flanagan 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 22, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Johnson) to approve the minutes of October 1, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Ewing-Flanagan) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, Tyson Almanza - effective 9-30-2013; Robert Lauer – effective 9-27-2013, Mark Wellman – effective 9-23-2013 - Nate Minkler – effective 9-23-2013, Jayce Coover – effective 10-01-2013 and Jacob Stanley, Randy Dieffenderfer II, David Kegler, Wyatt Myers, Joshua Engel, Clement Ladeaux, James Lee, Jay Jensen, Trevor Arms and Aaron Delatore – effective 10-21-2013. Motion Carried.

SHERIFF: Moved-Seconded (Johnson-Ewing) to approve Emily Abernathy as a permanent full-time Dispatcher II G3 at the base rate of \$17.65 an hour, effective November 17, 2013. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Weisenberg-Sleep) to approve the travel request for Katie Tkach to attend the MCTC Crisis/Hostage Negotiations Level 1, 40-hour course in Johnston, IA on November 18th through the 22nd, 2013. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Sleep-Johnson) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 2013 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)-\$75,087.80; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,194.82; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,650,000; Bank Balance \$3,503,007.23, Money Market \$2,130,898.16; Savings-\$5,419,382.04; Total \$14,784,780.05

CANCELED CHECK RESOLUTION #2013-19: Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign Resolution #2013-19. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2013-19 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 30 checks totaling \$2,108.29 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 22nd day of October, 2013. FOR THE BOARD: Brandon Flanagan, Chairman. ATTEST: Connie Atkinson, Auditor

EMERGENCY DECLARATION RESOLUTION #2013-19A: Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the Resolution #2013-19A For Declaration of Emergency. Motion Carried. Resolution For Declaration of Emergency #2013-19A: Whereas, Lawrence County South Dakota, has suffered damage, brought on by Rain and Snot Storm which took place on the date of October 3-5, 2013, Whereas, Lawrence County has committed all available resources and taken all possible action within the jurisdictional boundaries to combat and to alleviate the emergency, local resources are not adequate to cope with the situation. Now Therefore Be It Resolved by the Lawrence County Commission at an Emergency meeting held on October 8, 2013, it is hereby requested that the Governor of South Dakota declare an emergency to exist in the County of Lawrence. Dated this 8th day of October, 2013 by Brandon Flanagan, Chairman. Attest: Robin Lucero, Deputy Auditor.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of September 30, 2013 is \$3,424,683.56 or 29.83%.

AMBULANCE AGREEMENTS 2014: Moved-Seconded (Ewing-Sleep) to approve and authorize the Chairman to sign the Lead/Deadwood Regional Hospital and Spearfish Ambulance Service Ambulance Agreement for 2014. Motion Carried.

EMPLOYEE INSURANCE 2014: Bruce Outka spoke on behalf of the Insurance Committee. Outka discussed the health insurance quotes received for 2014 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a 4.9% increase for insurance premiums in 2014. Moved-Seconded (Weisenberg-Johnson) to approve and authorize the Chairman to sign the contract with Wellmark for 2014. Motion Carried.

SHERIFF BUSINESS: Brian Dean, Chief Deputy Sheriff updated the Board on the winter storm and how it affected the Sheriff's Office. He commended his employees on how each one handled the storm. The Commissioners commended them as well.

HIGHWAY BUSINESS: Allan Bonnema, Highway Superintendant updated the Board on the winter storm and how it affected his office. He commended his employees on how each one handled the storm. The Commissioners commended them as well.

FUEL QUOTES: The following fuel quotes were submitted as of October 7, 2013: Deadwood Diesel 7200: (prices per gallon) CBH - \$3.459*, Southside - \$3.49; Deadwood Unleaded 3000

gallons: (prices per gallon) CBH – no bid, Southside - \$3.49*; Spearfish Diesel 4000 gallons: (prices per gallon) CBH - \$3.459*, Southside - \$3.49; Spearfish Unleaded 700 gallons: (prices per gallon) CBH - \$3.395, Southside – \$3.31*; Whitewood Diesel 350 gallons: (prices per gallon) CBH - \$3.559, Southside - \$3.49*. *Represents lowest quote awarded. No bid was received from Harms Oil or MG Oil.

SEVERANCE TAX REQUEST / LEAD-DEADWOOD SCHOOL: Lisa Rantappa, Sheila Kinghorn and Joe Williams were present to request funding for the 2013-2014, 4th grade lap-top program. Sleep questioned why school district capital outlay funds were not used for this project.

Moved-Seconded (Weisenberg-Ewing) to approve \$20,000 from the Severance Tax Funds to help fund 80 lap-tops. Motion Carried. Aye-Flanagan, Johnson, Ewing and Weisenberg Nay-Sleep.

JUVENILE SERVICES CENTER: The Board discussed the Juvenile Services Center Compact Agreement including the pros and cons of continuing to be a part of the compact. Joe Gutierrez was present to answer questions concerning the Joint Powers agreement.

Moved-Seconded (Ewing-Flanagan) to authorize the Chairman to sign the Joint Powers Agreement with Western South Dakota Juvenile Services Center. Motion Carried. Aye-Flanagan, Johnson, Ewing and Johnson Nay-Weisenberg.

ALCOHOLIC BEVERAGE TRANSFER: A public hearing was held on an application to transfer a Retail On-Off Sale Malt Beverage and SD Farm Wine License from the Valley Corner Store to Fresh Start Convenience Store. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Weisenberg) to approve the following transfer of **CLASS-RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE: PREVIOUS LICENSE: VALLEY CORNER STORE:** Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. **TRANSFER TO: FRESH START CONVENIENCE STORES INC:** Valley Corner Store: Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. Motion Carried.

EMERGENCY MANAGEMENT: Paul Thomson, Emergency Management Director was present to offer a recap of the recent winter storm and further discussed the Emergency Declaration Resolution signed by the Chairman on October 8, 2013. The Commissioners commended his department on how they handled the storm.

UPPER TWO BIT ROAD EASEMENT: Rhonda O'Byrne and Hillarie Jackson from the USFS were present to discuss the F.R.T.A. easement on the Upper Two Bit Road. Amber Vogt, Planning & Zoning Administrator, was also present to help clarify the exact location of the easement. A letter from Arlie Davis was received and reviewed by the Board. Bruce Demarcus, Paul Schipke, Jon Mattson, Allan Bonnema, Jeff Schroeder and Timothy Johns were also present.

Moved-Seconded (Ewing-Johnson) to postpone the F.R.T.A. easement discussion until November 12, 2013 at 10:15 a.m. In the meantime, the Board members plan to visit the site individually. Motion Carried.

PLANNING & ZONING:

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #192 STRAWBERRY HILL B&B TRANSFER: An annual review was held for CUP #192 Strawberry Hill Bed and Breakfast, Catherine Collins. No complaints were received and will be reviewed on an as needed basis.

Moved-Seconded (Ewing-Johnson) to approve the transfer of CUP #192 to Strawberry Hill Bed And Breakfast, Catherine Collins of CAT Enterprises with the updated Conditions. Motion Carried.

CONDITIONAL USE PERMIT #328 SADDLE MOUNTAIN MINISTRIES: An annual review was held for CUP #328 Saddle Mountain Church. No complaints were received and a review will be held in 12 months.

CONDITIONAL USE PERMIT #381 TARA & ELLEN REDDICK: An annual review was held for CUP #381, Reddick second Residence. No complaints were received and a review will be held in 12 months.

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 and a review will be held in 12 months.

PLATS:

PLAT - WEHNER: Moved-Seconded (Johnson-Flanagan) to treat the Preliminary and Final Plats as Exempt Plats (Lot 1 and Tract 1, in the W1/2NW1/4, Section 34, T6N, R4E), Location: Crook Mountain Road (Irene Wehner, Applicant). Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve the Preliminary Plat of Lot 1 and Tract 1, in the W1/2NW1/4, Section 34, T6N, R4E, Location: Crook Mountain Road (Irene Wehner, Applicant). Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the Final Plat of Lot 1 and Tract 1, in the W1/2NW1/4, Section 34, T6N, T4E, Location: Crook Mountain Road (Irene Wehner, Applicant). Motion Carried.

PLAT – COMES/MEYER: Moved-Seconded (Ewing-Flanagan) to treat the Preliminary and Final Plats as Exempt Plats (Tract A and Lot 1A in Section 26, T5N, R2E), Location: Richmond Hill Road (Comes/Meyer, Applicants). Motion Carried.

Moved-Seconded (Johnson-Ewing) to approve the Preliminary Plat of Tract A and Lot 1A in Section 26, T5N, R2E, Location: Richmond Hill Road (Comes/Meyer, Applicants). Motion Carried.

Moved-Seconded (Johnson-Ewing) to approve the Final Plat of Tract A and Lot 1A in Section 26, T5N, R2E, Location: Richmond Hill Road (Comes/Meyer, Applicants). Motion Carried.

PLAT – KIRKEGAARD/ROSENBOOM/GOEBEL/THURMAN: Moved-Seconded (Johnson-Flanagan) to treat the Preliminary and Final Plats as Exempt Plats (Lots 201 Revised, 202 Revised and 205 Revised, all in Blk 2 of Boulder Canyon Subdivision in Sections 14 & 15 , T5N, R4E), Location: Boulder Canyon (Kirkegaard/Rosenboom/Goebel/Thurman, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve the Preliminary Plat of Lots 201 Revised, 202 Revised and 205 Revised, all in Blk 2 of Boulder Canyon Subdivision in Sections 14 & 15 , T5N, R4E, Location: Boulder Canyon (Kirkegaard/Rosenboom/Goebel/Thurman, Applicants). Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve the final Plat of Lots 201 Revised, 202 Revised and 205 Revised, all in Blk 2 of Boulder Canyon Subdivision in Sections 14 & 15 , T5N, R4E, Location: Boulder Canyon (Kirkegaard/Rosenboom/Goebel/Thurman, Applicants). Motion Carried.

PLAT – ANDERSON/SWEEN/DRONEN: Moved-Seconded (Ewing-Weisenberg) to treat the Preliminary and Final Plats as Exempt Plats (Lot 2A of Wilson Draw S/D and Lot 1A of Wilson Draw S/D #2 in Sections 8 & 9, T3N, R5E), Location: Keough Lane (Anderson,Sween/Dronen, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Flanagan) to approve the Preliminary Plat of Lot 2A of Wilson Draw S/D and Lot 1A of Wilson Draw S/D #2 in Sections 8 & 9, T3N, R5E, Location: Keough Lane (Anderson,Sween/Dronen, Applicants). Motion Carried.

Moved-Seconded (Weisenberg-Johnson) to approve the Final Plat of Lot 2A of Wilson Draw S/D and Lot 1A of Wilson Draw S/D #2 in Sections 8 & 9, T3N, R5E, Location: Keough Lane (Anderson,Sween/Dronen, Applicants). Motion Carried.

ORDINANCE #13-05 AGRI-TOURISM: First Reading and a Public Hearing were held concerning Zoning Ordinance #13-05, Agri-Tourism (amendment to Zoning Ordinance). Matt Wehner spoke in favor of the ordinance stating that the regulatory scheme reflects the historical use of properties in the area. Ron Merkle asked about the impact to the existing zoning classifications in Lower Valley, if the area was annexed by the City of Spearfish. Amber Vogt, Planning & Zoning Administrator, stated that if the area was annexed, that the City of Spearfish could change the zoning classifications, but to her knowledge they had no intentions of doing so. No other public input was voice and the public hearing was closed. The Second reading will be held November 12, 2013 at 9:30 a.m.

CHANGE OF ZONING #302 / ISRINGHAUSEN: Second Reading was held on COZ #302, A-1 to SRD, Location: Rainbow Road (Bruce Isringhausen, Applicant). No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Flanagan) to approve Change of Zoning #302 for A-1 to SRD, Location: Rainbow Road (Bruce Isringhausen, Applicant). Motion Carried

CHANGE OF ZONING #303 / WALKER: Second Reading was held on COZ #303, SRD to HSC, Location: Hwy 14A and Upper Valley Road (Beth Walker, Applicant). No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Sleep) to approve Change of Zoning #303 for SRD to HSC, Location: Hwy 14A and Upper Valley Road (Beth Walker, Applicant). Motion Carried

CHANGE OF ZONING #304 / SCIENCE AUTHORITY/HMC/MACPAR, LLC: First Reading and a Public Hearing was held on COZ #304, PF to I-1, Tracts A, B & E of Yates Subdivision and Tract M of MS 295, all in Section 4, T5N, R3E (132+/- Acres), Location: Kirk Road (Science Authority/HMC/MACPAR, LLC/Lawrence County, Applicants). Julie Stone, representative for the Science Authority, offered background on the area affected by the change of zoning. John Scheetz, spoke in favor of the COZ, and also stated that this COZ was not being done with any future plans in mind. No public input was voiced and the public hearing was closed. The second reading will be held on November 12, 2013 at 9:15 a.m.

CONDITIONAL USE PERMIT #422 / AUER: A Public Hearing was held on C.U.P. #422, Mark Auer, Applicant, Welding/Mechanical Shop, Tract B of Gov't Lot 3, Section 31, T6N, R4E (7.54+/- Acres) (Location: Crook City Road).

Moved-Seconded (Ewing-Sleep) to follow the recommendation for approval from the Planning and Zoning Commission and the staff recommendation for approval, for the reasons set forth in the Staff Report, and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #422, Mark Auer, Applicant, Welding/Mechanical Shop. Motion Carried

CONDITIONAL USE PERMIT #298-13 / MYSTIC HILLS HIDEAWAY: A public Hearing was held on C.U.P. #298-13, Mystic Hills Hideaway, Applicant, Amendment to C.U.P. #298 to Allow 6 Pull-Through R.V. Sites, 24 Additional Long-Term R.V. Camping Sites and Combining 4 Approved Guest Cabins into One 4 Bedroom Cabin, MS 1748, Tract 1 of St. Johns Lode in Section 1, T3N, R3E (29.58 +/- Acres), Location: Custer Peak Road.

Moved-Seconded (Ewing-Weisenberg) to follow the recommendation for approval from the Planning and Zoning Commission and the staff recommendation for approval, for the reasons set forth in the Staff Report, and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #298-13, Mystic Hills Hideaway. Motion Carried

ITEMS FROM COMMISSIONERS: Flanagan stated that he had heard nothing but good feedback on how the winter storm was handled and thanked everyone for their efforts.

Weisenberg made a motion to have all entities incurring costs and expense related to the recent winter storm, send any such bills to County whereupon a discussion as to the fair and equitable division of payment would occur. Died due to lack of second.

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-\$5,857.13; Aud-\$8,263.81; Treas-\$10,394.92; Comp-\$7,954.79; States Atty-\$11,581.63; Pub Def-\$9,906.21; Gen Govt Bldg-\$7,832.55; Equal-\$11,759.11; Rod-\$7,484.22; Vso-\$1,238.55; Disp-\$14,062.87; Sher-\$31,824.56; Jail-\$20,572.37; Coroner-\$23.08; 24/7-\$84.10; Emerg Mgnt-\$5,627.02; E911-\$1,657.60; Highway-\$46,266.79; Air-\$1,054.20; Pz-\$4,957.80; County Mpb-\$26,736.46; **Bills:** Brady,Thomas-\$47.36; Coburn,William-\$47.36; Gould,Gary-\$309.30; Heck,David-\$103.60; Larson,P.Rene-\$15.00; Mccroden,Matthew-\$158.02; Mickelson, Craig-\$35.52; Mowell,Richard-\$1,266.00; Rakow,Julie-\$139.00; Schenk,Travis-\$59.20; Smith, Molly-\$4.00; Stone,Julie-\$18.50; Thomson,Paul-\$51.83; Tysdal,Richard-\$71.04; A&B Business, Inc Solutions-\$802.41; A&B Welding Supply-\$20.46; A&I Distributors-\$2,784.75; A&J Supply-\$22.29; A-Z Shredding-\$9.90; Abc Business Supply Corp-\$370.38; Alco Store-\$4.99; Armstrong Extinguish-\$147.96; At&T-\$10.45; BH Chemical Company-\$354.04; BH Collections-\$204.48; BH Federal Credit Union-\$8,084.00; BH Land Analysis-\$4,745.00; BH Pest Control-\$95.00; BH Pioneer-\$712.96; BH Power-\$11,057.07; BH Resource Conservation-\$2,500.00; Black Hills Pure-\$88.50; Brosz Engineering-\$600.00; Butler Machinery Co-\$2,022.28; Butte Electric Coop-\$174.03; Canyon County Record Mgnt-\$10.00; Cbh Cooperative-\$30,456.50; Central Parts-\$1,331.67; Century Business Products-\$427.73; Centurylink-\$2,371.99; City/County Alcohol &Drug-\$619.50; Clark Printing-\$135.40; Clerk Of Courts-\$50.00; Cody,Denise-\$22.50; Coulls Informatics Corp-\$37.50; Credit Collections Bureau-\$100.00; Dakota Equipment Rental-\$363.92; Dale's Tire&Retread-\$17,356.00; Dept Of Hlth Lab Services-\$376.00; Dept Of The Treasury-\$57,090.82; Diversified Collections-\$100.00; Emergency Services Marketing-\$3,535.00; Esri-\$2,100.00; Fastenal-\$96.64; First Gold Hotel-\$312.00; First Western Ins Deadwood-\$50.00; Frederickson,John-\$1,960.80; Fsh

Communications-\$60.00; Glaxosmithkline Pharmaceutical-\$572.60; Great Western Tire-\$932.75; Grimm's Pump Service-\$156.05; Hamann,Chris-\$100.00; Havemeier,Leslie-\$77.20; Heartland Paper Co-\$197.13; Heisler Hardware-\$252.12; Hills Apts-\$398.00; Inland Truck Parts-\$2,404.42; J G Service-\$2,689.73; Jacobs Precision Welding-\$155.62; Janz,Donald A PhD-\$425.00; Kadrmas, Lee And Jackson-\$1,463.58; Kemper's-\$200.00; Kimbell's Auto Repair-\$289.00; Kinney,Matthew-\$949.73; Koll,Amy-\$100.00; Kosel,Joseph-\$4,604.82; Lead,City Of-\$49.95; Lead-Deadwood Regional Hospital-\$260.00; Lead-Deadwood Sanitary-\$485.54; Lee,James-\$15.00; Lewis&Clark Bhs-\$160.00; Lewno, Lucy-\$172.96; Lexisnexis Risk Data Mgmt-\$75.00; Lynn's Dakotamart-\$179.43; McClure,Susan-\$200.00; Microfilm Imaging Systems-\$6,045.00; Midcontinent Communications-\$33.51; Montana Dakota Utilities-\$55.85; Muth Electric-\$1,411.44; National Assoc Of Counties-\$482.00; National Emergency-\$274.00; Nebraska Salt&Grain Co-\$7,310.56; Nelson,Christy-\$150.00; Neve's Uniforms-\$81.90; Office Of Child Support-\$1,145.54; Office Technology/Supply-\$11.19; Pennington County Sheriff-\$1,744.35; Pennington County Sts Attny-\$430.00; Pitney Bowes-\$263.41; Pollard&Larson Llp-\$174.00; Quill Corporation-\$92.25; RC Regional Hospital-\$620.96; Rchetto,Jerry-\$1,037.10; Rapid Transcript Co-\$630.00; Rasmussen Mechanical Serv-\$433.14; Rear,Kay-\$338.65; Redwood Toxicology Lab-\$207.03; Regional Health-\$406.00; Reliable-\$117.36; Rocket Lube-\$381.92; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Transportation-\$38,879.54; SD State Treasurer-\$2,274.20; Sada Systems-\$35.00; Sdrs Supplemental Retirement-\$1,179.00; Secretary Of State-\$30.00; Semerad,Sandra-\$782.80; Servall Towel&Linen-\$526.70; Sheehan Mack Sales & Equip-\$10.90; Shepherd Reporting-\$45.00; Sierra Design Vinyl Lettering-\$50.00; Silverado-\$918.00; Spearfish Auto Supply-\$866.83; Spearfish City Of-\$78,857.02; Spearfish Husky-\$18.00; Spearfish Motors-\$276.18; Spearfish Police Dept-\$10,400.32; Stadler Ind Service-\$70.00; Sterna,Laura-\$400.00; Sturdevant's Auto Parts-\$11.66; Sturdevant's Auto Parts-\$200.29; Sunshine Inc-\$250.00; Swanda,Karen-\$22.50; Thompson,Katie-\$2,950.75; Tigerdirect-\$230.52; Top Quality Glove-\$130.00; Triple K Tire&Repair-\$70.00; Turnkey Corrections-\$15.79; Twin City Hardware&Lumber-\$175.64; United Parcel Service-\$27.37; Verizon Wireless-\$104.98; Victims Of Violence-\$1,485.00; Washington State Support Reg-\$75.00; Waste Connections-\$645.70; Watertree-\$37.95; Wells Fargo Business Card-\$3,259.06; West Group-Thomson Reuters-\$163.28; West River International-\$1,311.64; West Tire And Alignment-\$630.80; Western Communication-\$60.50; Western Construction-\$225,444.60; Western Sd Juvenile Serv-\$1,035.00; Wex Bank-\$1,138.73; White Drug-\$84.36; White's Queen City Motors-\$290.00; Wilde&Hunt, Prof-\$3,819.61; Wolff Law Office-\$996.40; Yankton Co Sheriff-\$25.00; Yankton County-\$212.50; **Witness & Jurors:** Deis,K-\$68.50; Dietrich,J-\$52.96; Geffre,C-\$62.58; Hart,T-\$52.22; Lesmeister,L-\$57.40; Noren,J-\$61.10; Ostrom,C-\$61.10; Rentz,D-\$63.32; Walton,E-\$58.14; Clanton,C-\$40.72; Ramos,J-\$31.10; Leon,J-\$49.60

ADJOURN: 12:03 p.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 12, 2013

Chairman Brandon Flanagan 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 12, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, 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 submitted. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of October 22, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Weisenberg-Ewing) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective October 21, 2013: Matthew Johnson, Cody Johnson, Craig Conn, Lucas Anerson, Rhonda Creviston, Paul VandeVelde, Jeremy Ruby, Justin Miranda, Joshua McDonald, Robert McDonald, Merryse Gillespie, Steve Dunn, Ruth Gordon-Sartain, Michele Koski, Steve Burron, Anderson Dowling, and JoeRay Miranda. Motion Carried

Moved-Seconded (Ewing-Flanagan) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective November 12, 2013: Mike Garrison and Randy Cook. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the step raise for Matt McCroden as a Deputy II G2 at the base rate of \$22.22 an hour, effective November 3, 2013. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Weisenberg-Flanagan) to approve a raise for Margie Stoflet as a Paralegal G1 at the base rate of \$18.22 an hour, effective December 29, 2013 and to approve a raise for Shelly Baumann as a Paralegal G3 at the base rate of \$21.17 an hour, effective December 29, 2013. 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: Kirk Albertson, Hunter Bradley, Matt McCroden, Megan Radliff, Rick Radliff, and Molly Smith. Motion Carried.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Johnson-Flanagan) to approve the travel request for Jason Fisher and Mike Meehan to attend the US PAP School in Chamberlain, SD on January 20-22, 2014. 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 October 31, 2013 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)-\$1,270,172.49; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$17,723.74; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,650,000; Bank Balance \$13,645,562.86, Money Market \$2,131,325.52; Savings-\$5,419,869.85; Total \$26,137,864.46

AUTOMATIC SUPPLEMENTS:

ROAD & BRIDGE: Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement of \$57,492.84 for Road & Bridge Supplies for grant funds received. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Sleep) to approve the automatic supplement of \$5,374.00 for Sheriff Capitol Assets for grant funds received. Motion Carried.

SURPLUS RIP-RAP MATERIAL: The Board discussed the surplus Rip-Rap material at the airport. The Board took no action and will review again in the spring.

AIRPORT AGREEMENTS: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the State Financial Assistance Agreement for the Black Hills / Clyde Ice Field Project No. 3-46-0065-21-2013. Motion Carried.

ABATEMENTS:

Moved-Seconded (Ewing-Johnson) to approve the abatement on a 1977 Marshfield 14 X 66 mobile home owned by Julie Johnston because the mobile home was disposed of. Motion Carried.

USGS JOINT FUNDING AGREEMENT: Moved-Seconded (Weisenberg-Ewing) 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. Johnson expressed concerns if this is a necessary expense for the County.

SURPLUSED VEHICLE: Moved-Seconded (Johnson-Sleep) to declare the 1985 Ford F250 pickup SN#1FTHF25YXGPB78270 surplus because the insurance totaled the vehicle. Motion

Carried. Moved-Seconded (Johnson-Ewing) to surrender the title for the 1985 Ford F250 pickup SN#1FTHF25YXGPB78270 to the Insurance Company. Motion Carried.

CHRISTMAS LUNCHEON: Moved-Seconded (Weisenberg-Flanagan) to allow the County Offices to close from 12:00-1:30 p.m. on December 10, 2013 for the Christmas Luncheon. Motion Carried.

HOLIDAY OFFICE CLOSING: Moved-Seconded (Ewing-Sleep) to acknowledge the County Office closing for Holiday's on November 28th & 29th & December 24th & 25th, 2013. Motion Carried.

HIGHWAY BUSINESS:

EQUIPMENT PURCHASE: Moved-Seconded (Johnson-Ewing) to approve and authorize the purchase of two dump body, hoist, and hydraulics off of the State Bid from Northern Truck Equipment Corp for \$48,543 each. Motion Carried. This purchase will be delivered and paid for in 2014.

F.R.T.A. EASEMENT: Bonnema stated he was against the Two Bit Springs F.R.T.A. easement and questioned if the Forest Service could enter in an agreement with the Two Bit Springs Road District. Discussion followed on second access to developments.

INSURANCE COMMITTEE / COUNTY PERCENTAGE OF CONTRIBUTION: Greg Dias discussed the Insurance Committee's recommendation to adjust the County's contribution for single coverage to 75% and the family, employee & spouse, and employee & children to 60%. Dias stated this is a stepped approach for compliance with the Affordable Care Act. Dias stated this recommendation is nearly budget neutral. Estimations reflect the County will need to match approximately 80% of a single premium to be compliant. Moved-Seconded (Weisenberg-Flanagan) to follow the recommendation of the Insurance Committee and adjust the County's contribution for single coverage to 75% and the family, employee & spouse, and employee & children to 60%, effective for 2014 premiums. Motion Carried.

ALCOHOLIC BEVERAGE: A public hearing was held on an application for a Retail On-Off Sale Malt Beverage and SD Farm Wine License for Akela Spa of Deadwood. No public input was voiced and the hearing was closed. Applicant Ernie Ruff was present to speak in favor of the Alcoholic Beverage License. Moved-Seconded (Weisenberg-Johnson) to approve the following **CLASS-RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE: AKELA SPA OF DEADWOOD; LOT 3 BLK 1 EX H1 (.68 AC) OAK MT. COUNTRY EST. 18-005-04 B.H.M. LAWRENCE COUNTY SD.** Motion Carried.

COUNTY JUNK ORDINANCE: Kathleen Schmidt was present to discuss the enforcement of the County Junk Ordinance. Schmidt expressed concerns that the County's ordinance requires that the person who files the formal complaint is public and Schmidt stated this should be a more discreet process. Schmidt stated this could be an endangerment depending on the case. Ewing stated the person who has a complaint filed on them should be able to discuss the matter and know who has an issue with their property so hopefully the issues can be resolved. Outka stated that if the complaint goes to court the County could possibly have to call witnesses.

SEPTIC WASTE DISPOSAL: Mike Anderson, M & M Sanitation was present to discuss septic waste disposal and stated something needs to be done as more developments are approved. Anderson stated everyone turns their back on the septic waste disposal discussion and asked the Commission if they would be in support of discussing the possibility with the Lead/Deadwood Sanitary District to take the waste at their facility. Ewing stated the County does allow septic systems and should be a part in finding a solution to the problem. Johnson and Ewing stated they can begin the discussions with the entities involved and see what needs to be done.

TWO BIT ROAD F.R.T.A. EASEMENT: Hillary Jackson was present from the Forest Service to answer any questions on the Two Bit Road F.R.T.A. Easement. Jackson stated the public needs, in which the Forest Service serves, has no use for the road. Weisenberg stated the County approved a development which this road serves and yet the Forest Service is still going to close, even though the County has requested that the road remains open. Discussion followed on the Forest Service closing these roads. Outka stated he asked the Forest Service if a Road District could apply for a F.R.T.A. Easement but was told no. Discussion continued on the County's liability and responsibilities to the public. John Strand expressed concerns if the county gated the road how is that considered access. Jackson stated this would become a public easement and the county than manages the road. Bill Coburn, Planning and Zoning member expressed concerns that this takes away a second access from subdivisions and affecting the public welfare in the area. Coburn asked the Board not to give up this road at this time and maybe look at closing in the future if need be. Paul Schipke stated there are 150 homes in the area and now they do not have a second access. Erica Sprayer expressed concerns of no second access. John Mattson suggested gating the road with strong signage.

Moved-Seconded (Weisenberg-Sleep) to follow the Highway Superintendent and not accept the Two Bit Road F.R.T.A and the County is not in support of adding any more roads on the system. Motion Failed. Aye: Weisenberg and Sleep. Nay: Johnson, Ewing and Flanagan.

The previous action by the commission will stand and the Chairman will sign the application for F.R.T.A easement for the Two Bit Road as stated in September 24th minutes.

JUVENILE DETENTION ALTERNATIVES INITIATIVE: Dominique Charlson from the Youth Wise Program was present to discuss the Juvenile Detention Alternatives Initiative (J.D.A.I.).

MOUNTAIN PINE BEETLE: Dave Heck, Invasive Species Management was present to discuss the Mountain Pine Beetle Program and provided an update on the progress. Heck highlighted the issues and explained why the progress has slowed with the State rules in the new grant program. Heck stated they hope to be finished marking trees by the end of the year and cutting to begin next year. Ewing expressed concerns that this state program has been so micromanaged and has slowed down the progress the County had made in the fight with the mountain pine beetle. Ewing stated he feels this has been detrimental to the County's fight and will discuss this further with those involved at the state level.

Moved-Seconded (Johnson-Ewing) to approve the hiring of an additional 20 temporary seasonal recon employees at the rate of \$12.00 an hour. Motion Carried. This will reflect a total of 65 recon employees.

Heck updated the Board on the employee who had an accident in the woods last week and changes that will be made in the future.

EMERGENCY MANAGEMENT: Paul Thomson, Emergency Management Director was present to discuss the October snow storm and updated the Board on the Emergency Declaration. The Federal Government has agreed to the 75% reimbursement for the Counties expenses but the State has not dedicated to their 10% reimbursement at this time. The preliminary figures of expenses within the County are around two million dollars.

STATE & LOCAL AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Emergency Management FFY2014 State and Local Agreement between the State of South Dakota and Lawrence County. Motion Carried.

TIMBER COMMITTEE: Bill Coburn from the Timber Committee was present to propose recommendations to the U.S.F.S for prioritization of timber sale planning. Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to send a letter to the Forest Service asking them to let the Forest Service know that the County is in support of getting the Polo Project scheduled within the next two years. Motion Carried.

PLANNING & ZONING:

PLATS / VAN BUSKIRK: Moved-Seconded (Weisenberg-Flanagan) to follow Planning & Zoning recommendation and approve the Preliminary Plat, Lots 18A and 26A, formerly lots 18 and 26 of HES 648 in Sections 3 & 4, T3N, R3E, Location: Pahkamaa Road (Steve, Chad, Myron and Joan Van Buskirk, Owners). Motion Carried.

Moved-Seconded (Ewing-Flanagan) to follow Planning and Zoning recommendation and grant the Exempt Plat Status to Lots 18A and 26A, formerly lots 18 and 26 of HES 648 in Sections 3

& 4, T3N, R3E, Location: Pahkamaa Road (Steve, Chad, Myron and Joan Van Buskirk, Owners).. Motion Carried.

Moved-Seconded (Ewing-Flanagan) to follow Planning and Zoning recommendation and approve the Final Plat, Lots 18A and 26A, formerly lots 18 and 26 of HES 648 in Sections 3 & 4, T3N, R3E, Location: Pahkamaa Road (Steve, Chad, Myron and Joan Van Buskirk, Owners). Motion Carried.

VACATION HOMES: The Board received the recommendation from Planning and Zoning to leave the vacation homes policy as is. Discussion followed and the Board was in agreement to leave the vacation home policy as is.

CHANGE OF ZONING #304 / SCIENCE AUTHORITY/HMC/MACPAR, LLC: Second Reading was held on COZ #304, PF to I-1, Tracts A, B & E of Yates Subdivision and Tract M of MS 295, all in Section 4, T5N, R3E (132+/- Acres), Location: Kirk Road (Science Authority / HMC / MACPAR, LLC/Lawrence County, Applicants).

Moved-Seconded (Weisenberg-Johnson) to follow Planning and Zoning recommendation and approve COZ #304, PF to I-1, Tracts A, B & E of Yates Subdivision and Tract M of MS 295, all in Section 4, T5N, R3E (132+/- Acres), Location: Kirk Road (Science Authority / HMC / MACPAR, LLC/Lawrence County, Applicants). Motion Carried

ORDINANCE #13-05 AGRI-TOURISM: Second Reading was held concerning Zoning Ordinance #13-05, Agri-Tourism (amendment to Zoning Ordinance). Discussion followed on the proposed Ordinance. Moved-Seconded (Ewing-Flanagan) to approve Ordinance #13-05 Agri-Tourism (amendment to Zoning Ordinance) and to include the map as a part of the exhibit. 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-\$11,715.06; Aud-\$16,519.55; Treas-\$20,681.98; Comp-\$16,187.67; States Atty-\$23,873.54; Pub Def-\$20,170.18; Ggb-\$16,274.73; Equal-\$23,452.76; Deeds-\$14,968.44; Vso-\$2,477.10; Disp-\$23,204.01; Sher-\$62,466.93; Jail-\$44,364.63; Coroner-\$904.72; 24/7-\$302.76; Emerg Mgnt-\$8,014.60; E911-\$3,149.44; Highway-\$87,036.11; Air-\$2,5920.28; Mh Serv-\$336.00; Weed-\$160.00; Pz-\$9,677.20; County Mpb-\$44,804.74; **Bills:** Heck,David-\$83.62; Lopez,Amber-\$14.80; McCormick,Robert-\$63.00; Mowell,Richard-\$6,306.00; Steffen,Peggy-\$64.00; A&B Business,Inc Solutions-\$517.35; A&B Welding Supply-\$204.77; A&I Distributors-\$838.80; A&J Supply-\$189.38; A-Z Shredding-\$16.50; Abc Business Supply-\$1,142.90; Al's Metal Work-\$612.00; Alco Store-\$37.50; Apco International-\$184.00; At&T

Mobility-\$900.73; Audra Malcomb Consulting-\$610.78; Hudson,Robert-\$2.39; American Family Life-\$3,297.24; Deadwood Recreation Center-\$656.00; Delta Dental Of South Dakota-\$6,466.44; Hartford-Priority Accounts-\$1,597.35; Knology-\$1,685.30; Northern Hills Rec Center-\$124.00; Powerplan-\$86.46; SD Dept Of Labor Unemployment-\$50.00; SD Retirement System-\$53,507.17; Wellmark Blue Cross-\$75,514.64; BH Chemical Company-\$579.59; BH Collections-\$408.96; BH Federal Credit Union-\$16,168.00; BH Land Analysis-\$910.00; BH Pest Control-\$190.00; BH Pioneer-\$1,092.49; BH Power-\$962.08; Balkenhol,Ferd-\$900.00; Big Sky Communications-\$88.00; Bob Barker Company-\$522.35; Butler Machinery Co-\$3,088.62; Butte Electric Coop-\$547.58; Century Business Products-\$49.97; Centurylink-\$106.66; Christian Trucking-\$575.00; City/County Alcohol&Drug-\$700.00; Clerk Of Courts-\$100.00; Dakota Equipment Rental-\$4,470.35; Dale's Tire&Retread-\$582.50; Days Inn (Lead)-\$2,508.12; Deadwood,City Of-\$771.52; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$110,099.80; Diversified Collections-\$200.00; Doc's Repair Service-\$2,100.00; Eagle Aviation-\$44.31; Eddie's Truck Sales/Serv-\$394.62; Esri-\$4,500.00; Fastenal-\$651.82; Federal Express Corp-\$19.81; Federal Signal Corporation-\$50,086.00; Fidler-Isburg Funeral Chapel-\$3,380.00; Fish,Veronica-\$288.80; Grabar Voice Ad Data-\$4,018.00; Great Plains Chemical-\$180.00; Great Western Tire-\$42.00; Grimm's Pump Service-\$308.14; H&S Sand&Gravel-\$17,375.47; Hamann,Chris-\$50.00; Heartland Paper Co-\$1,166.67; Hewlett-Packard Company-\$4,688.97; High Plains Business Forms-\$1,093.67; Indiana State Central-\$160.00; Inland Truck Parts Corp-\$2,440.63; Interstate Engineering-\$412.76; Intoximeters-\$70.00; Jacobs Precision Welding-\$237.93; Jenner Equipment-\$91.66; Kimball-Midwest Co-\$386.46; Kinney,Matthew-\$2,042.56; Knecht True Value-\$20.46; Kosel,Joseph-\$3,439.60; Lawson Products-\$465.17; Lead,City Of-\$71.79; Lead-Deadwood Regional Hospital-\$390.00; Lead-Deadwood Sanitary-\$348.44; Lead-Deadwood School District-\$20,000.00; Lee,James-\$15.00; Liewer Enterprises-\$5,107.59; Lloyd Wheeler Trucking-\$240.00; Lowe Roofing-\$230.00; Lyle Signs-\$225.95; Marco-\$33.62; Marshall&Swift/Boeckh-\$7,069.45; Mcleod's Office Supply-\$830.45; Mcpherson Propane-\$119.00; Midcontinent Communications-\$34.11; Montana Dakota Utilities-\$3,581.13; Moore Medical Llc-\$117.40; Motorola Solutions-\$2,880.00; Nebraska Salt &Grain-\$9,826.64; Newman Traffic Signs-\$580.24; Nuco Industries-\$633.93; Office Of Child Support-\$1,960.62; Office Technology/Supply-\$15.27; Pennington Co Auditor-\$42.00; Pennington County Sts Attny-\$215.00; Pizza Ranch-\$74.00; Plumbmaster-\$232.70; Pmb 0112-\$696.63; Quik Signs-\$43.74; Quill Corporation-\$1,482.19; RC Finance Office-\$770.00; RC Police Dept-\$14.42; RC Regional Hospital-\$169.53; Rabe Elevator-\$881.87; Rchetto,Jerry-\$767.50; Radio Shack/Kazco-\$17.99; Rapid Delivery-\$36.00; Regional Health Physicians-\$8.15; Reliable-\$229.96; Reliance Telephone-\$4.36; Rocket Lube-\$111.48; Rsinet/Thomas W Nichols-\$180.00; SD Assn Of Co Comm-\$3,873.58; SD Assoc Code Enforcement-\$40.00; SD Building Officials Assoc-\$50.00; SD Continuing Legal Education-\$1,150.00; SD Dept Of Labor Unemployment-\$50.00; SD Dept Of Transportation-\$1,521.88; SD State Treasurer-\$14,349.99; Sdrs Supplemental Retirement-\$2,358.00; Semerad,Sandra-\$856.00; Servall Towel&Linen-\$142.38; Southside Oil Co-\$13,369.99; Southside Service-\$30.00; Spearfish Alt/Starter Rebuild-\$124.00; Spearfish Auto Supply-\$3,144.74; Stadler Ind Service-\$245.00; Stan Houston Equip Co-\$750.00; Steinley Real Estate Appraisal-\$620.00; Sterna,Laura-\$250.00; Stielow,John-\$1,945.16; Sturdevant's Auto Parts-\$1,970.43; Sysaid Technologies Ltd-\$110.00; Tigerdirect-\$258.72; Top Quality Glove-\$195.00; Triple K Tire&Repair-\$1,267.45; Twin City Hardware&Lumber-\$736.90; United Parcel Service-\$14.27; Victims Of Violence-\$930.00; Washington State Support Reg-\$150.00; Waste Connections-\$645.70; Watertree-\$57.90; Wayne Ryan Trucking-\$525.00; West River

International-\$8,096.50; Western Communication-\$60.50; Wex Bank-\$639.65; White Drug-\$18.98; White's Canyon Motors-\$113.86; White's Queen City Motors-\$111.61; Williams Properties-\$500.00; Yankton County-\$127.25; **Witness & Jurors:** Ellenbecker,J-\$20.00; Lawler,J-\$77.00; Nelson,M-\$22.22; Strong-Edstrom,J-\$40.00; Allen,B-\$31.10; Capp,H-\$63.32; Deis,K-\$68.50; Dietrich,J-\$52.96; Fish,D-\$52.22; Geffre,C-\$62.58; Hannah,J-\$53.70; Hart,T-\$52.22; Humphrey,P-\$56.66; Johnson,M-\$57.40; Lambert,R-\$64.80; Meyer,D-\$68.50; Morgan,B-\$51.48; Noren,J-\$61.10; Oconnor,S-\$61.84; Ostrom,C-\$61.10; Rentz,D-\$63.32; Walkins,K-\$62.58; Hoover,S-\$31.10; Olson,J-\$47.40; Borsch,C-\$22.59; Demers,T-\$35.87; Gurich,M-\$34.06; Lueders,J-\$34.43; Pierce,S-\$42.20; Satterlee,A-\$31.10; Satterlee,S-\$31.10; Vansickle,S-\$32.58; Waisanen,R-\$32.58; Wall,M-\$32.58

ADJOURN: 11:55a.m. Moved-Seconded (Weisenberg-Ewing) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 26, 2013

Chairman Brandon Flanagan 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 26, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Johnson) to approve the minutes of November 12, 2013 County Commission meeting. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Weisenberg-Flanagan) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective 11-05-2013: Randy Cook; Effective 11-18-2013: Dylan Laney, Jason Johnson, Ben Roth, Cierra Benish, Josh Limpert, Jessica Miller, Edward Fluegel, Tyler Statler and Trenton Heath; Effective 11-25-2013: Adam Bau-Cameron, Sean Farlery, Nicholas Bueno, Finn Abrahamson. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Ewing-Johnson) to approve Marie Carr as a Recording Clerk G3 at a base rate of \$15.31 an hour, effective 12-01-2013. Motion Carried.

HIGHWAY: Moved-Seconded (Ewing-Flanagan) to approve James Burnitt as a full-time permanent Heavy Equipment Operator at the base rate of \$20.54 an hour, effective December 9, 2013; and to approve Toby Harley as a full-time permanent Heavy Equipment Operator at the base rate of \$20.54 an hour, effective January 2, 2014. Motion Carried.

VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS: Moved-Seconded (Weisenberg-Ewing) to approve the following list of Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service: Chad David Krantz and Jared R. Quaschnick. Motion Carried.

ABATEMENTS:

NEWKIRK: Moved-Seconded (Ewing-Johnson) to deny the abatement for Adrian A. Newkirk Jr. on lot 5 & pt lot 6 blk P, Deadwood on 2012 taxes payable 2013 because the landowner had the opportunity to appeal the value on the property or request an abatement at an earlier date. Motion Carried.

SDSU EXTENTION: The Board discussed the SDSU Extension 4-H Youth Program Adviser Evaluation.

2014 STATE / COUNTY COMMUNITY HEALTH NURSE AGREEMENT: Moved-Seconded (Weisenberg-Flanagan) to approve and authorize the Chairman to sign the 2014 State/County Community Health Nurse Agreement. Motion Carried.

VEHICLE DAMAGE REPORT: The Board reviewed the Vehicle Damage Insurance Report from the May and June hail storm. The Board was in agreement to keep all vehicles even if a total loss.

SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Ewing) to declare the rotating siren/transformer/interface surplus and transfer to the St.Onge Township and declare the siren/control/digital voice surplus and transfer to the City of Spearfish pursuant to SDCL 6-13-1 and SDCL 6-5-1. Motion Carried.

SHERIFF BUSINESS: Brian Dean, Chief Deputy updated the Board on the Sheriff's office issues.

HIGHWAY BUSINESS:

EQUIPMENT PURCHASE: Allan Bonnema, Highway Superintendent reported that the state bid for two dump body, body hoist, and hydraulics had expired and he is researching other available bids.

FUEL QUOTES: The following fuel quotes were submitted as of November 18, 2013:
Deadwood Diesel 8250: (prices per gallon) Southside - \$3.29*, MG Oil - \$3.3084; Deadwood Unleaded 3550 gallons: (prices per gallon) Southside - \$2.86*, MG Oil - \$2.8895; Spearfish Diesel 2500 gallons: (prices per gallon) Southside - \$3.31, MG Oil - \$3.3084*; Spearfish Unleaded 900 gallons: (prices per gallon) Southside - \$2.89*, MG Oil - \$2.9095; Whitewood Diesel 400 gallons: (prices per gallon) Southside - \$3.31, MG Oil - \$3.3084*. *Represents lowest quote awarded. No bid was received from CBH Cooperative or Harms Oil.

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for **EMERGENCY DISASTER FUND - \$57,844** Grants \$50,086 Search & Rescue \$5,250 EM Planning \$2,508. 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 #2013-20. Motion Carried.

RESOLUTION #13-20 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **EMERGENCY DISASTER FUND - \$57,844** Grants \$50,086 Search & Rescue \$5,250 EM Planning \$2,508. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 26th day of November, 2013 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 26th day of November, 2013. FOR THE BOARD OF COUNTY COMMISSIONERS. Brandon Flanagan, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

RECESS: 9:00 a.m. Moved-Seconded (Weisenberg-Sleep) to recess the County Commission Meeting. Motion Carried. 9:20 a.m. The Chairman called the meeting back to order.

TREASURER'S TRUST AGREEMENT:

OBAN: Moved-Seconded (Ewing-Johnson) to approve and authorize the Treasurer's Trust Agreement with Randall Oban in West Acres. Motion Carried.

PLANNING & ZONING:

APPLE SPRINGS: Amber Vogt, Planning and Zoning Director updated the Board on Apple Spring's septic system. The Board discussed the building permits and at this time building permits have not been released because the State has not signed off on the system.

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. Moved-Seconded (Johnson-Sleep) To

change the annual review for Conditional Use Permit #255 Spirit of the Hills Wildlife Sanctuary to September. Motion Carried.

CONDITIONAL USE PERMIT #413 / VELOCITEL INC: An annual review 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. Moved-Seconded (Sleep-Flanagan) CUP ##413 Velocitel Inc for AT&T was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

BILLS:

Moved-Seconded (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-\$5,857.93; Aud-\$8,264.78; Treas-\$10,401.16; Comp-\$8,093.83; States Atty-\$11,736.14; Pub Def-\$10,263.97; Gen Govt Bldg-\$8,280.96; Equal-\$11,093.11; Rod-\$7,484.21; Vso-\$1,238.55; Disp-\$12,645.82; Sher-\$32,125.80; Jail-\$22,667.21; Coroner-\$223.08; 24/7-\$134.56; Emerg Mgnt-\$3,740.92; E911-\$1,657.60; Highway-\$38,046.10; Air-\$1,338.65; Mh Serv-\$410.00; Pz-\$4,994.15; County Mpb-\$32,833.80; **Bills:** Allen,Dawn-\$3.34; Evans,Jesse-\$28.56; Lucero,Robin-\$50.00; Mcgruder,Brenda-\$50.00; Weisenberg,Terry-\$138.18; White,Aaron-\$102.02; A&B Business,Inc Solutions-\$2,153.86; A-1 Auto Recyclers-\$100.00; A-Z Shredding- \$22.50; Abc Business Supply-\$942.87; Alco Store-\$95.91; American Family Life-\$3,297.24; Audra Malcomb Consulting-\$960.69; BH Chemical Company-\$73.41; BH Collections-\$224.48; BH Federal Credit Union-\$8,084.00; BH Pioneer-\$167.83; BH Power-\$8,063.70; Ball,Megan-\$150.00; Best Western Plus/Ramkota Hotel-\$419.97; Bob Barker Company-\$84.98; Bomgaars Supply-\$687.30; Butler Machinery Co-\$274.08; Century Business Products-\$362.40; Centurylink-\$2,250.01; City/County Alcohol&Drug-\$980.00; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$30.00; Clubhouse Hotel&Suites-\$129.00; Cna Surety-\$50.00; Contractor's Supply-\$940.00; Dakota Embalming&Transport-\$646.80; Dakota Equipment Rental-\$123.93; Dakota Security Systems-\$439.50; Deadwood Recreation Center-\$686.00; Delta Dental Of South Dakota-\$6,390.84; Dept Of The Treasury-\$56,045.66; Dharma Tree Care Llc-\$2,200.00; Diversified Collections-\$100.00; Election Sys&Software-\$895.92; Ellingson,Joseph-\$3,486.98; Fastenal-\$15.86; Frederickson,John-\$5,510.02; Fsh Communications-\$60.00; Hamann,Chris-\$50.00; Hartford-Priority Accounts-\$1,593.70; Heartland Paper Co-\$343.17; Heisler Hardware-\$54.46; Indiana State Central-\$160.00; Ironhorse Inn-\$400.00; Kinney,Matthew-\$150.00; Knology-\$1,672.25; Kosel,Joseph-\$5,890.92; LC Plan&Zone-\$20.50; Lexisnexis Risk Data Mgnt-\$75.00; Liewer Enterprises-\$235.71; Mack's Auto Body Llc-\$2,309.20; Marco-\$126.32; Mcgas Propane-\$403.65; Mg Oil Company-\$9,624.14; Microfilm Imaging Systems-\$2,320.00; Midwest Alarm Co-\$88.20; Montana Dakota Utilities-\$3,773.19; Ms Mail-\$470.00; Mutchler,Tricia-\$95.00; Nebraska Salt&Grain-\$9,929.80; Northern Hills Rec Center-\$124.00; Office Of Child Support-\$1,272.46; Ohio Child Support-\$136.43; Pennington County Sheriff-\$2,887.80; Powerplan-\$111.69; Quill Corporation-\$12.99; RC Finance Office-\$735.00; RC Police Dept-\$5.33; Rachetto,Jerry-\$450.90; Radiology Associates-\$25.22; Rapid Transcript-\$621.00; Redwood Toxicology Lab-\$30.00; Regional Health-\$1,126.05; Reindl,Staci-\$1,305.00; Reliance Telephone-\$355.00; Reserve Account-

\$6,000.00; Rocket Lube-\$206.47; SD Dept Of Labor Unemployment-\$50.00; SD Retirement System-\$51,187.07; Sdrs Supplemental Retirement-\$1,179.00; Secretary Of State-\$352.66; Securus Technologies T-Netix-\$1,075.00; Servall Towel&Linen-\$1,295.34; Southside Oil-\$39,924.45; Spearfish Police Dept-\$10,343.71; Stadler Ind Service-\$2,598.28; Sturdevant's Auto Parts-\$17.23; Swisher Hygiene/Css-\$145.00; Tigerdirect-\$2,013.77; Triple K Tire&Repair-\$488.72; Twin City Hardware&Lumber-\$424.70; Verizon Wireless-\$105.11; Washington State Support Reg-\$75.00; Wellmark Blue Cross-\$75,004.20; Wells Fargo Business Card-\$11,223.02; West Group-Thomson Reuters-\$171.44; West River International-\$2,215.05; Western Sd Juvenile Serv-\$1,350.00; White Drug-\$2,994.54; White's Canyon Motors-\$166.12; Wilde&Hunt, Prof. Llc-\$1,714.78; Winter Law Office, PC-\$3,905.16; **Witness & Jurors:** Fish,D-\$52.22; Hannah,J-\$53.70; Holzer,E-\$52.96; Humphrey,P-\$56.66; Johnson,M-\$57.40; Lambert,R-\$64.80; Meyer,D-\$68.50; Morgan,B-\$51.48; Walkins,K-\$62.58; Ramos,J-\$31.84; Laffey,C-\$20.00; Luze,A-\$23.70; Culver,J-\$31.10;

ADJOURN: 9:45 a.m. Moved-Seconded (Ewing-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT – November 26, 2013

Chairperson Brandon Flanagan called the Lawrence County Board of Adjustment meeting to order at 9:00 a.m. on August 26, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Bob Ewing, Terry Weisenberg and Richard Sleep present.

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

VARIANCE #138 / KOSKI: A public hearing was held on an application for Variance #138. No public input was voiced and the hearing was closed. Discussion followed that the landowner owns the abutting property affected. The board discussed the option to replat the lots to adjust the lines to keep within compliance.

Moved-Seconded (Ewing-Sleep) to approve Variance #138 Request for a Variance of 7' to the 10' Side Setback for a Detached Garage, Location: Lot 2, Blk 4 of Whitewood Forest Addition #2, Section 20, T6N, R4E (1.16 acres) (Clarence and Vicki Koski, Applicants), because of topography restrictions due to ravine on one side and drain field on the opposite side and with the stipulation that a deed restriction agreement will be filed that if the property (any lot) is ever sold the lot lines will be moved. Motion Carried.

ADJOURN: 9:20 a.m. There being no further business it was Moved-Seconded (Johnson-Ewing) to adjourn. Motion Carried.

Date Approved

Brandon Flanagan, Chairperson

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 10, 2013

Chairman Brandon Flanagan called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 10:00 a.m. on December 10, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of November 26, 2013 County Commission meeting and Board of Adjustment meeting. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Johnson-Flanagan) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective November 25, 2013: David Taylor, Brodie Pearson, Spencer Krueger, Jeremy Addington, Brandon Cleveland, Matthew Tasset and Travis Pearson. Motion Carried

STATES ATTORNEY: Moved-Seconded (Weisenberg-Ewing) to approve Brianna Baumann as temporary part-time employee at a base rate of \$9.00 effective December 10, 2013 through January 13, 2014 in the States Attorney's Office. 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 November 30, 2013 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)-\$133,614.51; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,005.63; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,650,000; Bank Balance \$2,922,626.31, Money Market \$2,132,045.86; Savings-\$9,420,264.02; Total \$18,266,766.33

SDSU EXTENTION: The Board discussed the SDSU Extension 4-H Youth Program Adviser Evaluation. Moved-Seconded (Weisenberg-Flanagan) to accept the 4-H Advisor Evaluation as presented by Sleep. Motion Carried.

JSC AGREEMENT: Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign the Amended JSC Agreement. Motion Carried.

TRANSFER OF FUNDS: Moved-Seconded (Johnson-Flanagan) to approve the following Resolution #13-21 WHEREAS, funds for labor, equipment usage and supplies were expended from the Road and Bridge Fund, which expenses were property chargeable against the Snow Removal Fund, and; WHEREAS, it is necessary to transfer funds in the amount previously expended from the Snow Removal Fund to supplement the Road and Bridge Fund, therefore; BE IT RESOLVED by the Board of Lawrence County Commissioners that the following sum be transferred from the Snow Removal Fund to the Road and Bridge Fund: Total Transfer to Road & Bridge Salaries - \$65,000.00; Total Transfer to Road & Bridge Supplies - \$60,000.00. Dated at Deadwood this 10th day of December 2013. Brandon Flanagan, Chairman, Terry Weisenberg, Daryl Johnson, Richard Sleep and Robert Ewing. ATTEST: Connie Atkinson, Auditor. Motion Carried.

2014 COMMISSION MEETINGS: The 2014 County Commissioners Meeting Dates for 2014 will be as follows: January 7, February 11 & 25, March 11 & 25, April 8 & 22, May 13 & 27, June 5, & 24, July 8 & 22, August 12, September 2 & 23, October 14 & 28, November 6 & 18, December 9 & 30.

SHERIFF BUSINESS: Rick Mowell, Sheriff and Brian Dean, Chief Deputy were present to discuss issues in the Sheriff's Office. Sheriff Mowell announced that he will be retiring as the Sheriff on March 31, 2014. Mowell recommended that the Board appoint Chief Deputy Brian Dean as his replacement. The Board thanked Mowell for his 19 dedicated years of service as Sheriff to the County.

HIGHWAY BUSINESS: Allan Bonnema, Highway Superintendent was present to update the Board on Highway Business.

ALCOHOLIC WINE TRANSFER: A public hearing was held on an application to transfer a Retail On-Off Sale Wine License from the Valley Corner Store to Fresh Start Convenience Store. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Johnson) to approve the following transfer of CLASS-RETAIL (ON-OFF SALE) WINE LICENSE: PREVIOUS LICENSE: VALLEY CORNER STORE: Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. TRANSFER TO: FRESH START CONVENIENCE STORES INC: Valley Corner Store: Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M. Motion Carried

2013 LIQUOR LICENSE RENEWALS: A public hearing was held on an application for renewal of liquor licenses for 2014. No public input was voiced and the hearing was closed.

Moved-Seconded (Ewing-Weisenberg) to renew the following liquor licenses for 2014. 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 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, Block 5 Ironwood Estates Section 31, 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.

HOMESLICE MANAGEMENT LLC (BOULDER GRILLE), 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.; TRIPLE H HILLS LLC (MYSTIC HILLS HIDEAWAY): 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E.; WICHTERMAN AND SONS INC (STEEL WHEEL 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.; FRESH START CONVENIENCE STORES 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.; 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.; REYNOLDS & LIVINGSTON LLC (Cousins Big Chair): 22493 US Hwy 385 So., Deadwood, SD: Lot L Sec 7., T2N, R5E, BHM, Lawrence County;

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for HIGHWAY & BRIDGE RESERVE: - \$115,000. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Flanagan) to approve and authorize the Chairman to sign the following Resolution #2013-22. Motion Carried.

RESOLUTION #13-22 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **HIGHWAY & BRIDGE RESERVE FUND: - \$115,000** (Highway & Bridge Reserve). 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 10th day of December, 2013 at the hour of 10:55 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 10th day of December, 2013. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

SPEARFISH SCHOOL DISTRICT: Dave Peters, Spearfish School District Superintendent was present to request funds for the Student Laptop Program. Peters expressed appreciation to the County Highway Department for clearing the rural routes.

Moved-Seconded (Ewing-Weisenberg) to approve \$20,000 from the Severance Tax Interest Funds to help fund the one-to-one laptop infrastructure technology update for the Spearfish School District. Motion Carried.

Moved-Seconded (Johnson-Ewing) to clarify that the funds awarded to the Lead/Deadwood School District on October 22, 2013 is from Severance Tax Interest Funds. Motion Carried.

HOMESTAKE VISITOR CENTER: Terry Weisenberg stated Ron Wheeler, Vice Chairman SDSTA was not able to attend the meeting. Weisenberg presented the request for funding of \$30,000 for the Homestake Visitor's Center. Moved-Seconded (Weisenberg-Flanagan) to do a contingency transfer of \$30,000 to the Commissioners Professional budget and to donate \$30,000 to Sanford Lab for the Homestake Visitor Center. Motion Carried.

SPEARFISH CANYON: The Board recognized and thanked Neiman Timber Co. Inc for their \$50,000 donation & Nancy Halter and Jarvis Bruhn for their \$50.00 donation for the fight against the Mountain Pine Beetle.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Director updated the Board on Planning and Zoning issues including an update on Apple Springs.

The Commission approved a one time exception to the platting approval procedure to review plats at the January 7th meeting prior to review of Planning & Zoning Board on January 9th due to County Commission only holding one meeting in January. Any approval of a plat by the County Commission will be contingent upon Planning and Zoning approval.

CHANGE OF ZONING APPLICATION #299: Moved-Seconded (Johnson-Sleep) to refund the application fee of \$350 to Allan Crago for Change of Zoning #299. Motion Carried.

PLATS:

Moved-Seconded (Ewing-Flanagan) to approve the Amendment to the Preliminary Plat for lots 31-33 of Whitewood Forest Addition #2 in Section 20, T6N, R4E. Motion Carried.

Moved-Seconded (Ewing-Johnson) to approve the Final Plat of Lot 33, Blk 5 of Whitewood Forest Addition #2, Section 20, T6N, R4E. Motion Carried.

Moved-Seconded (Ewing-Johnson) to approve the Preliminary Plat - Lot 25, Blk 5 of Whitewood Forest Addition #2 in Section 20, T6N, R4E (Wayne and Elizabeth Baye, Applicants). Motion Carried.

Moved-Seconded (Ewing-Johnson) to approve the Final Plat - Lot 25, Blk 5 of Whitewood Forest Addition #2 in Section 20, T6N, R4E (Wayne and Elizabeth Baye, Applicants). Motion Carried.

BILLS:

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

Payroll: Comm-\$5,857.93; Aud-\$8,264.78; Treas-\$10,401.15; Comp-\$8,097.03; States Atty-\$11,778.13; Pub Def-\$10,263.97; Gen Govt Bldg-\$7,832.71; Equal-\$11,749.05; Rod-\$7,484.22; Vso-\$1,238.55; Disp-\$14,254.20; Sher-\$33,416.16; Jail-\$25,774.05; Coroner-\$23.08; 24/7-\$134.56; Emerg Mgnt-\$3,846.68; E911-\$1,657.60; Highway-\$36,868.59; Air-\$1,054.20; Mh Serv-\$496.00; Pz-\$4,838.60; County Mpb-\$37,468.91; **Bills:** Atkinson,Connie-\$130.30; Brady,Thomas-\$59.20; Coburn,William-\$59.20; Dragoo,Shelley-\$87.00; Evans,Jesse-\$79.28; Hansen,Paul-\$87.00; Leveque,Victor-\$87.00; Mcgruder,Brenda-\$73.00; Mickelson,Craig-\$47.36; Mowell, Richard-\$7,962.00; Schenk,Travis-\$35.52; Stone,Julie-\$18.50; Tkach,Katherine-\$208.00; Tysdal,Richard-\$59.20; A&B Business,Inc Solutions-\$341.25; A&B Welding Supply-\$96.34; A&J Supply-\$285.12; A-Z Shredding-\$10.05; Abc Business Supply-\$4,042.72; At&T Mobility-\$1,119.31; BH Chemical Company-\$183.76; BH Federal Credit Union-\$8,084.00; BH Pest Control-\$190.00; BH Pioneer-\$652.89; BH Power-\$1,102.70; Black Hills Disposal-\$87.00; Black Hills Pure-\$93.00; Black Hills Urgent Care-\$55.00; Bob Barker Company-\$720.96; Butte Electric Coop-\$597.89; Cdw Government-\$432.25; Century Business Products-\$50.35; Centurylink-\$106.76; Chemsearch-\$421.00; City/County Alcohol&Drug-\$140.00; Clark Printing-\$385.50; Clerk Of Courts-\$50.00; Dakota Equipment Rental-\$498.85;

Datec-\$1,498.78; Deadwood,City Of-\$811.54; Dept Of The Treasury-\$58,525.20; Diversified Collections-\$100.00; Doc's Repair Service-\$1,200.00; Fastenal-\$2.33; Gene's Lock Shop-\$45.98; H&S Sand&Gravel-\$348.25; Harloff-\$219.00; Havemeier,Leslie-\$30.40; Heartland Paper Co-\$547.20; Indiana State Central-\$88.66; JG Service-\$3,048.91; Jacobs Precision Welding-\$100.28; Janke,Wendy-\$1,700.00; Ken's Camper Sales-\$14.00; Kosel,Joseph-\$374.86; Lar-Jo's-\$76.38; Lawson Products-\$163.76; Lead,City Of-\$58.91; Lead-Deadwood Sanitary-\$362.99; Lee,James-\$15.00; Marco-\$37.35; Mcclure,Susan-\$150.00; Midcontinent Communications-\$33.87; Montana Dakota Utilities-\$618.52; Nelson,Christy-\$200.00; Nelson,Tonya-\$400.00; Neve's Uniforms-\$53.95; Northern Truck Equip-\$19,803.00; Nuco Industries-\$1,268.69; Office Depot-\$1,098.35; Office Of Child Support-\$1,272.46; Ohio Child Support-\$136.43; Pheasantland Industries-\$181.89; Quill Corporation-\$361.67; Rapid Delivery-\$60.60; Reausaw,Bernie-\$400.00; Regional Health Physicians-\$188.13; SD Dept Of Labor Unemployment-\$50.00; SD Federal Property Agency-\$400.00; SD Municipal League-\$85,261.00; SD State Treasurer-\$2,179.21; Sada Systems-\$5,705.00; Sd States Attorney Assoc-\$1,373.00; Sdrs Supplemental Retirement-\$1,179.00; Securus Technologies T-Netix-\$1,050.00; Servall Towel&Linen-\$142.38; Sikich-\$1,465.00; Spearfish Auto Supply-\$496.35; Spearfish City Of-\$127,652.60; Spearfish Motors-\$635.44; State Bar Of South Dakota-\$2,780.00; Sterna,Laura-\$470.00; Stretch's Glass&Mirror-\$368.09; Sturdevant's Auto Parts-\$587.96; Thompson Information Services-\$858.00; Tigerdirect-\$50.18; Triple K Tire &Repair-\$502.96; Twilight First Aid&Safety-\$83.85; Twin City Hardware&Lumber-\$366.39; Two Bit Body Shop-\$800.00; Victims Of Violence-\$846.00; Vinyl Products Mfg-\$2,531.94; Washington State Support Reg-\$75.00; Waste Connections-\$645.70; Watertree-\$37.95; Wells Fargo Bank-\$65.75; West Group-Thomson Reuters-\$321.44; Western Communication-\$188.70; Wex Bank-\$970.84; White's Queen City Motors-\$114.08; Wolff Law Office-\$410.60; **Witness & Jurors:** Deis,K-\$68.50; Geffre,C-\$62.58; Hart,T-\$52.22; Lesmeister,L-\$57.40; Morgan,B-\$51.48; Rentz,D-\$63.32; Walton,E-\$58.14; Fry,N-\$33.32; Satterlee,A-\$31.10; Satterlee,S-\$31.10; Baca,A-\$22.96; Jarvis,R-\$33.32; Langer,L-\$34.80; Lee,K-\$22.96; Mele-Fay,V-\$33.32; Pechacek,L-\$33.32; Simmons,K-\$33.32; Thomas,M-\$33.32; Valdez,K-\$22.22; Willnerd,T-\$33.32; Pearce,R-\$31.10

ADJOURN: 11:38 a.m. Moved-Seconded (Ewing-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Brandon Flanagan, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 31, 2013

Chairman Brandon Flanagan 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 31, 2013 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Robert Ewing, Richard Sleep and Terry Weisenberg present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Sleep) to approve the minutes of December 10, 2013 County Commission meeting. Motion Carried.

TRAVEL REQUEST: Moved-Seconded (Ewing-Sleep) to approve the travel request for Dave Heck to attend the NDWCA 2014 Annual Meeting and Convention in Bismarck/Mandan ND. Motion Carried.

PERSONNEL:

MOUNTAIN PINE BEETLE: Moved-Seconded (Weisenberg-Ewing) to approve the hiring of the following temporary seasonal recon employees at the rate of \$12.00 an hour, effective December 5, 2013: Nicholas Herberg; effective December 10, 2013: Mark Mazza; effective December 16, 2013: Luke Bennett, Jason Nielsen and Joshua Pummel; effective December 23, 2013: Chance Bueno; effective 12/30/2013: Amanda Wiley, Devon Delehoy and Tyler Nelson. Motion Carried

PUBLIC DEFENDER: Moved-Seconded (Ewing-Flanagan) to approve a step raise for Amber Richey as Chief Deputy G10 at the base rate of \$66,883.18, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

Moved-Seconded (Weisenberg-Flanagan) to approve a step raise for G. Matthew Pike as Public Defender G8 at the base rate of \$76,621.63, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

CORONER: (Johnson-Weisenberg) to approve Randall Rosenau as Deputy Coroner at the base rate of \$200.00 per call, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

PLANNING & ZONING: Moved-Seconded (Johnson-Sleep) to approve a Classification Change for Jeff Schroeder as Deputy/Building Official/Code Enforcement G1 at the base rate of \$20.04 an hour, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

VETERAN SERVICE OFFICER: Moved-Seconded (Ewing-Sleep) to re-appoint William Locken as the Veteran Service Officer for a four year term to expire 1-2018 pursuant to SDCL 33A-1-22. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve a step raise for Jordan Hanson as Correctional Officer I G3 at the base rate of 15.88, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

Moved-Seconded (Weisenberg-Sleep) to approve a step raise for Virginia Morago as Correctional Officer II G1 at the base rate of 17.49, effective December 29, 2013. Motion Carried. (New 2014 rate has been applied.)

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

PRECINCT BOUNDARIES RESOLUTION: Moved-Seconded (Johnson-Sleep) to approve and authorize the Chairman to sign the following Lawrence County Resolution #13-23 to Change and Define Precinct Boundaries. Motion Carried.

LAWRENCE COUNTY RESOLUTION #13-23 TO CHANGE AND DEFINE PRECINCT BOUNDARIES: A resolution by the Lawrence County Board of County Commissioners to change and define the precinct boundaries of Spearfish #1, Spearfish #2, Spearfish #3, Lead, Deadwood, Nemo, Rural #1, St. Onge, Whitewood, Rural #2 all located in Lawrence County South Dakota. **WHEREAS**, the Lawrence County Board of County Commissioners recognize the immediate need to change and define the boundaries of the Precincts in Lawrence County, South Dakota, and may by resolution change the boundaries of election precincts as stated in SDCL 12-14-1, and **WHEREAS**, the Lawrence County Board of County Commissioners hereby desire to change and define the boundaries of the following precincts:

1) SPEARFISH 1st: All land lying inside the municipality borders and designated by the City of Spearfish.

2) SPEARFISH 2nd: All land lying inside the municipality borders and designated by the City of Spearfish.

3) SPEARFISH 3rd: All land lying inside the municipality borders and designated by the City of Spearfish.

4) LEAD: All land lying inside the municipality borders of the City of Lead.

5) DEADWOOD: All land lying inside the municipality borders of the City of Deadwood.

6) NEMO: Section 36, inclusive, T4N, R4E; Sections 1, 2, 11 thru 14, inclusive, 23 thru 26 inclusive, and Section 36, T3N, R3E; all of T3N, R4E and T3N, R5E; Sections 1 and 12, T2N, R3E; Sections 1 thru 12, inclusive, T2N, R4E; Sections 1 thru 12, inclusive T2N, R5E, B.H.M..

7) RURAL #1: All land lying outside of the Deadwood City Limits and Lead City Limits in the following Sections, Townships and Ranges: Sections 1, 2, and 11 thru 14, inclusive and 19 thru 36, inclusive, T5N, R2E; Sections 1, 2, 3, 10 thru 36, inclusive, T4N, R2E; Sections 13 thru 36, inclusive, T4N, R1E; All of T4N, R3E; all of T3N, R1E and T3N, R2E; Sections 3 thru 10, inclusive, Sections 15 thru 22, inclusive, and Sections 27 thru 35, inclusive, T3N, R3E; Sections 1 thru 12, inclusive, T2N, R1E; Sections 1 thru 12, inclusive, T2N, R2E and Sections 2 thru 11, inclusive, T2N, R3E, B.H.M.; Sections 7 thru 36, inclusive, T5N, R4E, B.H.M.; Sections 1 thru 35, inclusive, T4N, R4E, B.H.M.; Sections 4 thru 36 inclusive, T5N, R3E, B.H.M.

8) ST. ONGE: Section 1 thru 5, and Section 9 thru 11, inclusive, T6N, R3E; and all of T7N, R3E, B.H.M., lying outside of Spearfish City limits.

9) WHITEWOOD: Section 1, inclusive, T5N, R3E; Section 12, 13, 24, 25, & 36, inclusive, T6N R3E; Sections 1 thru 6, inclusive, T5N, R4E; all of T6N, R4E and T7N, R4E B.H.M.

10) RURAL #2: Sections 1 thru 12, inclusive, T4N, R1E; Sections 4 thru 9, inclusive, T4N, R2E; all of T5N, R1E, and T6N, R1E; Sections 6 thru 8, inclusive, Section 14, inclusive, Section 17 thru 23, inclusive, Section 26 thru 35, inclusive, T6N, R3E; Section 2 & 3, inclusive T5N, R3E; Section and all of T7N, R1E and T7N, R2E lying south of the Redwater River, B.H.M.; Sections 3 thru 10, inclusive, and Sections 15 thru 18, inclusive, T5N, R2E; and all of T6N, R2E lying outside of the Spearfish City limits and Deadwood City Limits.

NOW THEREFORE, BE IT RESOLVED that the Lawrence County Board of Commissioners hereby approve the boundaries of the following precincts of Spearfish #1, Spearfish #2, Spearfish #3, Lead, Deadwood, Nemo, Rural #1, St. Onge, Whitewood, Rural #2 all located in Lawrence County South Dakota. **NOW THEREFORE, BE IT RESOLVED** that if any property in the above described precincts are annexed into City Limits the property will then be put into their respective City wards and or precincts. Dated at Deadwood, South Dakota, this 31st day of December, 2013. ATTEST: Brandon Flanagan, Chairman. Connie Atkinson, Auditor

SECURE & RURAL SCHOOL ACT: Moved-Seconded (Weisenberg-Sleep) to approve and authorize the Chairman to sign the following Resolution of Election to Receive 2013 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

SHERIFF BUSINESS: Brian Dean, Chief Deputy was present to discuss issues in the Sheriff's Office.

EXECUTIVE SESSION: 8:25 a.m. Moved-Seconded (Sleep-Johnson) to go into executive session pursuant to SDCL 1-25-2(1) to discuss personnel. Motion Carried. 8:29 a.m. the Board opened for regular business.

Moved-Seconded (Ewing-Johnson) to appoint Brain Dean as Lawrence County Sheriff effective April 1, 2014 pursuant to SDCL 3-4-3.

HIGHWAY BUSINESS: Allan Bonnema, Highway Superintendent was present to update the Board on Highway Business.

APPROACH PERMIT:

G. ALLYN & LINDA WILLIAMSON: Moved-Seconded (Weisenberg-Ewing) to follow the recommendation of the Highway Superintendent and approve the Approach Permit for G. Allyn & Linda Williamson 250 feet North of Reebe Ranch Street approximately. Motion Carried.

FIRST STEP CHILD CARE CENTER: Kayla Klein, First Step Child Care Center was present to update the Board on the Center and Loan Repayment.

ALCOHOLIC MALT BEVERAGE TRANSFER: A public hearing was held on an application to transfer a Retail On-Off Sale Malt Beverage License from Terrell A. Cobb/Recreational Springs Resort to B&S Resort LLC Brett Marlette. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Ewing) to approve the following transfer of CLASS-RETAIL (ON-OFF SALE) Malt Beverage License from: *PREVIOUS LICENSE:* TERRELL A. COBB/RECREATIONAL SPRINGS RESORT: M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. *TRANSFER TO:* B&S RESORT LLC BRETT MARLETTE: B&S Resort LLC: M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM. Motion Carried

SUPPLEMENTAL BUDGETS: A public hearing was held for a supplemental budget for M & P Fund: - \$1,000. 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 #2013-24. Motion Carried.

RESOLUTION #13-24 TO ADOPT A SUPPLEMENTAL BUDGET, WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2013, 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 2013, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **M & P Fund: - \$1,000** (M&P Services & Fees). 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 31st day of December, 2013 at the hour of 9:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 31st day of December, 2013. FOR THE BOARD OF COUNTY COMMISSIONERS Brandon Flanagan, Chairman. ATTEST: CONNIE ATKINSON. LAWRENCE COUNTY AUDITOR

PLANNING & ZONING:

ORDINANCE #13-06 CONTRACTOR LICENSING: First Reading and a Public Hearing was held on ORDINANCE #13-06, Contractor Licensing. No public input was voiced and the hearing was closed. SECOND READING to be Held January 7, 2014

CONDITIONAL USE PERMIT #424 / STOLEN KISS RANCH: A public Hearing was held on C.U.P. #424, Stolen Kiss Ranch (Gary Coe, Applicant) Request to Allow Horse Boarding, Wedding Venue, Meeting Place, Location: Sections 32 & 33, T6N, R4E/ Crook City Road (20.05 +/- acres). Comments were received from citizen both for and against the CUP. Those writing letters in favor of the CUP were William and Denise Trewhella, Ron and Debbie Waldner. Those against, presented a petition signed by 24 citizens noting their objection.

In furtherance of the discussion regarding potential conditions, Commissioner Flanagan asked the commission to consider the appropriateness of establishing a limit on the number of horses to be boarded at the facility. Other discussion related to control of noxious weeds on the property. Lengthy discussion also took place concerning proposed condition #2 relating to the requirement of a Special Use Permit for wedding events.

Moved-Seconded (Ewing-Sleep) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as

on file in the Planning and Zoning Office with the exception of proposed condition #2 (specifically relating to the operation of a wedding venue, and the necessity for a special use permit), which was to be omitted, Conditional Use Permit #424 for Stolen Kiss Ranch. Motion Carried. Aye-Weisenberg, Ewing, Sleep and Flanagan. Nay-Johnson.

TREASURER: Deb Tridle, Treasurer, was present to give an update on the delinquent taxes in Lawrence County.

ITEMS FROM COMMISSIONERS: Weisenberg and Sleep have been attending regional meetings in reference to the Mountain Pine Beetle. Weisenberg is interested in learning the fund balance remaining after tree cutting is completed as there may be interest among B.H. counties in pooling remaining funds for further tree cutting.

BILLS:

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

Payroll: Comm-\$5,857.93; Aud-\$8,264.78; Treas-\$10,401.16; Comp-\$8,097.03; States Atty-\$11,938.64; Pub Def-\$10,263.97; Gen Govt Bldg-\$7,768.56; Equal-\$11,830.04; Rod-\$7,605.82; Vso-\$1,238.55; Disp-\$12,029.56; Sher-\$12,029.56; Sher-\$31,832.88; Jail-\$20,163.23; Coroner-\$223.08; 24/7-\$168.20; Emerg Mgnt-\$3,610.44; E911-\$1,657.60; Highway-\$37,401.40; Air-\$1,350.68; Mh Ser-\$84.00; Pz-\$4,838.60; County Mpb-\$45,229.51; **Bills:** Aaker,Donald-\$88.80; Albertson,Kirk-\$7.50; Deibert,Randy-\$111.00; Johnson,Daryl-\$99.90; Lantis,Travis-\$111.00; Lopez,Amber-\$37.37; Mccroden,Matthew-\$7.50; Rath,Michael-\$111.00; Wisser,Ricky-\$614.50; A&B Business,Inc Solutions-\$1,768.37; A&B Welding Supply-\$19.80; A&J Supply-\$89.34; A-Z Shredding-\$21.90; Abc Business Supply-\$4,507.35; Aberdeen Llc-\$3,496.00; Active Data Systems-\$150.00; American Family Life-\$3,611.28; At&T-\$10.45; At&T Mobility-\$60.26; Audra Malcomb Consulting-\$584.08; BH Chemical Company-\$183.76; BH Federal Credit Union-\$8,084.00; BH Pioneer-\$523.17; BH Power-\$12,078.27; Barnaud Law Firm-\$887.57; Benson Technical Works-\$1,668.75; Bomgaars Supply-\$181.94; Butler Machinery Co-\$470.17; Cabela's Retail-\$2,399.96; Cbh Cooperative-\$10,821.80; Cdw Government-\$954.60; Century Business Products-\$397.27; Centurylink-\$2,262.30; Clerk Of Courts-\$50.00; Clinical Lab Of BH-\$1,972.00; Community Health Services-\$1,120.00; Dakota Security Systems-\$3,930.73; Datec-\$4,301.28; Deadwood Recreation Center-\$686.00; Deadwood,City Of-\$1,132.95; Dell Software-\$4,982.72; Delta Dental-\$6,725.48; Dept Of Hlth Lab Services-\$210.00; Dept Of The Treasury-\$57,395.06; Diversified Collections-\$100.00; Eagle Aviation-\$2,121.72; Ecolab-\$135.00; Ellingson,Joseph-\$2,599.55; Fastenal-\$259.43; Fidler-Isburg Funeral Chapel-\$230.00; First Interstate Bank-\$39.75; Gene's Lock Shop-\$20.00; Glenney,Tracy-\$200.00; Hamann,Chris-\$250.00; Hartford-Priority Accounts-\$1,677.80; Havemeier,Leslie-\$110.80; Heartland Paper Co-\$2,882.44; Hewlett-Packard Company-\$8,119.19; Hughes,John-\$43.75; Indiana State Central-\$160.00; Inland Truck Parts Corp-\$2,359.42; Jacobs Precision Welding-\$49.20; Janke,Wendy-\$326.00; Kimball-Midwest Co-\$572.25; Knology-\$1,604.82; Kosel,Joseph-\$6,610.00; LC

Assessor-\$20.40; LC Emerg Mgnt-\$25.07; LC Treasurer-\$10.00; Lead-Deadwood Regional Hospital-\$341.23; Lexisnexis Risk Data Mgnt-\$75.00; Mack's Auto Body-\$3,749.50; Matthew Bender&Company-\$93.08; Mcclure,Susan-\$50.00; Microfilm Imaging Systems-\$2,770.00; Montana Dakota Utilities-\$5,960.53; Moss, William Psy-\$1,170.00; Ms Mail-\$325.00; Nasppg Insurance Services-\$2,780.75; Nelson,Tonya-\$100.00; Neve's Uniforms-\$979.91; Northern Hills Rec Center-\$124.00; Office Depot-\$119.94; Office Of Child Support-\$1,272.46; Ohio Child Support-\$136.43; Outdoor Motor Sports-\$4,791.00; Pennington County Sheriff-\$2,203.50; Pennington County Sts Attny-\$215.00; Pitney Bowes-\$1,078.65; Pizza Lab-\$299.25; Quill Corporation-\$365.34; RC Finance Office-\$595.00; RC Journal-\$210.60; RC Regional Hospital-\$1,619.39; Rabe Elevator-\$881.87; Radio Shack/Kazco-\$100.00; Radiology Associates-\$81.72; Rapid Transcript-\$645.00; Raubach, Frederick-\$104.44; Regional Health Physicians-\$224.69; Regional Pharmacy-\$290.90; Reliable-\$29.65; Rena M Hymans PC-\$1,348.64; Rocket Lube-\$118.46; Royal Electric-\$7,103.93; SD Aao-\$275.00; SD Dept Of Labor Unemployment-\$1,235.26; SD Municipal League-\$26,007.00; SD Retirement System-\$51,466.94; SD Sheriff's Association-\$1,072.91; Sada Systems-\$35.00; Sand Creek Printing-\$238.70; Sanford Underground Research-\$30,000.00; Sanitation Products-\$211.32; Sdrs Supplemental Retirement-\$1,179.00; Secretary Of State-\$30.00; Semerad,Sandra-\$71.40; Servall Towel&Linen-\$941.84; Southside Oil Co-\$23,462.00; Southside Service-\$155.40; Spearfish Auto Supply-\$998.39; Spearfish City Of-\$208.84; Spearfish Police Dept-\$10,417.05; Spearfish School District-\$20,000.00; Stadler Ind Service-\$1,397.36; Sterna,Laura-\$50.00; Sturdevant's Auto Parts-\$583.98; Summit Safety-\$142.49; Thompson, Katie-\$453.60; Tigerdirect-\$509.15; Toddy Boy's-\$167.70; Track-\$195.94; Triple K Tire&Repair-\$1,425.29; Turnkey Corrections-\$52.97; Twin City Hardware &Lumber-\$993.42; Usd School Of Law-\$125.00; Verizon Wireless-\$104.98; Washington State Support Reg-\$75.00; Wellmark Blue Cross-\$77,575.53; Wells Fargo Business Card-\$4,937.68; West Group-Thomson Reuters-\$1,239.00; West River International-\$57.59; Western Communication-\$30,120.00; Western Hills Humane Society-\$500.00; Western Sd Juvenile Serv-\$4,725.00; White Drug-\$2,679.87; Wilcox,Chris-\$400.00; Wimactel-\$60.00; **Witness & Jurors:** Fish,D-\$52.22; Hannah,J-\$53.70; Holzer,E-\$52.96; Humphrey,P-\$56.66; Lambert,R-\$64.80; Meyer,D-\$68.50; Morgan,B-\$51.48; Walkins,K-\$62.58; Anderson,J-\$21.10; Best,R-\$114.80; Bryan,O-\$21.10; Buchholz,A-\$10.74; Callaway,D-\$18.88; Carr,L-\$22.58; Creger,J-\$11.48; Dempsey,M-\$21.10; Drolc,C-\$122.20; Flink,M-\$122.20; Gregory,J-\$10.74; Haase,J-\$24.80; Haggerty,T-\$21.10; Heidrich,F-\$21.10; Hill,D-\$19.62; Humbracht,L-\$25.54; Jacobs,M-\$12.22; Jensen,K-\$125.16; Junek,M-\$25.54; Juso,J-\$10.74; Keller,N-\$19.62; Klundt,B-\$12.96; Krueger,E-\$28.50; Lafayette,R-\$17.40; Larsen,D-\$21.10; Larsen,M-\$101.48; Litschewski,S-\$122.20; Loeffen,M-\$12.22; Long,T-\$21.10; Mikkelson,D-\$21.84; Miller,C-\$119.24; Neuhauser,C-\$125.16; Oliver,L-\$19.62; Peacemaker,E-\$119.24; Royall-Mckeown,J-\$23.32; Shama,K-\$104.44; Smock,E-\$21.84; Stagner,S-\$12.22; Taylor,D-\$111.84; Tillman,R-\$21.10; Trucano,B-\$122.20; Waldrop,T-\$24.80

ADJOURN: 10:00 a.m. Moved-Seconded (Ewing-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

Date Approved

Richard Sleep, Chairman

ATTEST:

Connie Atkinson, Auditor