

LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 6, 2004

James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 6, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan, Terry Weisenberg and Connie H. Douglas present.

2004 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRMAN OF COUNTY COMMISSIONERS: Moved-Seconded (Douglas-Ewing) to appoint Commissioner Weisenberg as the Chairman of the Lawrence County Commissioners for 2004. Motion Carried.

VICE-CHAIRMAN OF COUNTY COMMISSIONERS: Moved by Seward to nominate Douglas as Vice-Chairman. Motion died due to lack of a second. Moved-Seconded (Douglas-Weisenberg) to appoint Commissioner Ewing as the Vice-Chairman of the Lawrence County Commissioners for 2004. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Douglas-Flanagan) to designate the B.H. Pioneer and the Lawrence County Centennial as the legal newspapers for 2004. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Douglas-Ewing) To restate the full time positions in the Lawrence County Sheriff's office for 2004 as follows: (1) Chief Deputy (6) Deputies, (3) Detective, (2) Process Servers, (3) Office Personnel (9) Jailers, (1) Bailiff, (2) Cook/Jail Assist. (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

INDIGENT FUNERAL EXPENSE: Moved-Seconded (Ewing-Seward) to continue the indigent funeral expenses paid by the County as stated in the Lawrence County Welfare Program Rule. Motion Carried.

COUNTY BOARDS AND COMMITTEES:

AIRPORT BOARD: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Seward as representative for 2004 and Commissioner Flanagan as alternate for 2004. Moved-Seconded (Flanagan-Seward) to appoint Bob Golay for a five-year term to end 1-2009.

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Seward-Flanagan) to appoint Commissioner Ewing for 2004. Motion Carried.

ENVIRONMENTAL REVIEW PLAN ORDINANCE JOINT COMMITTEE: Moved-Seconded (Douglas-Seward) to appoint Jim Dunn for a (3) year term to expire 1-2007. Motion Carried.

ENVIRONMENTAL REVIEW PLAN ORDINANCE TIMBER COMMITTEE: Moved-Seconded (Seward-Ewing) to appoint Bill Coburn, Brad Gordon, Jerry Jensen and Dean Rasmuson for a (3) year term to expire 1-2007. Motion Carried.

ENVIRONMENTAL REVIEW PLAN ORDINANCE AGRICULTURAL COMMITTEE: Moved-Seconded (Seward-Flanagan) to appoint Dianne Miller and Douglas Symonds for a (3) year term to expire 1-2007. Motion Carried.

ENVIRONMENTAL REVIEW PLAN ORDINANCE WILDLIFE, RECREATION AND TOURISM COMMITTEE: Moved-Seconded (Seward-Weisenberg) to appoint Jonathan Cathey, Steve Silvernagel, and Greg Young for a (3) year term to expire 1-2007. Motion Carried.

EXTENSION BOARD: Moved-Seconded (Seward-Flanagan) To appoint Steve Peters, Marla Loken, Robin Auer, Joanne Goodrich, Kate Johnson, Richard Sleep, and Commissioner Douglas for a one-year term to expire 1-2005. Motion Carried.

FAIR BOARD: Moved-Seconded (Flanagan-Weisenberg) to appoint Gerald Draine for a (3) year term to expire 1-2007 and Commissioner Ewing for 2004. Motion Carried.

MENTAL ILLNESS: Moved-Seconded (Seward-Ewing) to appoint Barbara Hansen to the Mental Illness Board for a (3) year term to expire 1-2007. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Ewing-Weisenberg) to appoint Craig Mickelson for a (5) year term to expire 1-2009 and to appoint Commissioner Flanagan for 2004. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Douglas-Flanagan) To appoint Commissioner Seward and Commissioner Weisenberg and Jerry Apa to the Public Defender Board for 2004.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Seward-Weisenberg) to appoint Charles Nicholas and Rick Tysdal for a three-year term to expire on 1-2007; and appoint Commissioner Ewing for 2004. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Ewing-Flanagan) to appoint Commissioner Douglas for 2004. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Seward-Weisenberg) to appoint Commissioner Weisenberg as Representative and Commissioner Flanagan as Alternate for 2004. Motion Carried.

FIRE ADVISORY BOARD: Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Seward for 2004. Motion Carried.

RESOURCE CONSERVATION & DEVELOPMENT: Moved-Seconded (Seward-Flanagan) to appoint Commissioner Ewing for 2004 and Commissioner Douglas as an alternate. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Flanagan-Seward) to appoint Commissioner Ewing for 2004. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON: Moved-Seconded (Flanagan-Seward) to appoint Chairman Weisenberg and Vice-Chairman Ewing as alternate for 2004. Motion Carried.

USGS WATER & AQUIFER MAPPING COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint Commissioner Weisenberg and Commissioner Flanagan as alternate for 2004.

WELLHEAD PROTECTION PLAN COMMITTEE: Moved-Seconded (Seward-Ewing) to appoint Commissioner Weisenberg and Commissioner Flanagan as alternate for 2004. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Ewing-Flanagan) to appoint Commissioner Seward to the Multiple Use Committee for 2004. Motion Carried.

EDA REVOLVING LOAN BOARD: Moved-Seconded (Seward-Flanagan) to appoint Commissioner Weisenberg as the Commissioner Representative for 2004. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Seward-Flanagan) to appoint Ida Marie Snorteland for 2004. Motion Carried.

WESTERN SD JUVENILE SERVICES CENTER COMPACT: Moved-Seconded (Seward-Flanagan) To appoint Commissioner Douglas to a three-year term to expire Feb 2007.

LOCAL RULE OF ORDER: Moved-Seconded (Ewing-Seward) to adopt the local rule of order requiring three commission members approval to pass a motion for 2004. Motion Carried.

MEETING PER-DIEM RATES: Moved-Seconded (Seward-Flanagan) to set the following per diem rates, per meeting, for the Planning and Zoning Board - \$25.00; Airport Board - \$25.00 and Invasive Species Management Board - \$25.00, effective 1-1-2004. Motion Carried.

2004 WAGES & SCALES: Moved-Seconded (Ewing-Seward) to accept the following 2004 wage scales and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise. Motion Carried.

2004 WAGES (per SDCL 6-1-10): Commissioners: Douglas, Connie-8,652; Ewing,Bob-8,652; Flanagan,Brandon-\$8,652; Seward,James-\$8,652; Weisenberg,Terry-8,652; Barrett,Marlene-37,421.80; Auditor: Atkinson,Connie-44,826.40; Ehnes,Tamera-10.51; McGruder,Brenda-14.24; Nelson,Melody-12.54; Sargent,Debbie-11.09. Treasurer: Tridle,Debora-41,511; Atkinson,Sally-10.16; Hagerty,Sharon-13.13; Haupt,Janice-11.75; Peck,Ina-9.59; Sjomeling,Carol-13.67; Winters,Doris-12.72. Computer: Dias,Gregory-53,175.20; Leatherman,Debra-\$12.47; McGruder,Randall-18.46. States Attorney: Fitzgerald, John-56,025.80; Baumann,Michelle-14.89; Gukeisen,Dan-43,000; Lopez,Amber \$44,290; Silvernail,Janice-10.79; Steele,Brooke - \$10.00; Stoflet,Margie-13.21, Sutter,Jill-\$10.51;. Public Defender: Kosel,Joe-53,555.60; Landeen,Joel-42,436; Smith,Molly-14.06; Bruce,Delores-10.51. Maintenance: Frerichs,Richard-18.82; Carr,Zoe-10.73; Caserio,Clifford-11.64; Enderby,Irene-8.94; Lee,Laura-8.94. Director of Equalization: Piekola,Darlene-48,728.20; Bott,Brandaon-\$11.72; Bridenstine,Nancy-12.78; Carrico,Linda-12.45; Markve,Debbie-\$11.72; Schumacher,Dennis-12.85; Struble,Les-15.57; Woodle,Sharon-12.70; Writer,Jason-13.97. Register of Deeds: Meverden,Judy-41,482.80; Feterl,Florence-9.37; Fisher,Laurie-\$9.90; Green,Sheree-13.11; Slane,Mary-12.47. Veterans Service Officer: Locken,William-17,892.80. Sheriff: Mowell, Richard-52,383.20; Harmon,Joe-46,177; Black,Sue-13.69; Blanks,Katherine-13.15; Fitzgerald,Sara-13.10; Ginsbach,Mark-13.10; Hamilton,Marian-13.32; Maynard,Linda-\$11.39; White,Richard-\$13.10; Wilson,Kristy-13.10; Aplan,Michael-11.14; Bock,Michael-\$9.65; Davis,Judy-14.05; Dean,Brian-18.86; Deneui,Kimberly-9.65; Gabriel,Larry-14.40; Goetsch,Julie-9.65; Goetsch,Martin-17.58; Hagerty,Richard-14.12; Hansen,Paul-17.55; Hubbeling,Paul-12.88; Hulm,Andrew-16.86; Jansevics,Jake-11.14; Kaiser,Daniel-11.14; Kopel,Sandy-12.21; Lechner,Shelly-9.48; Lechner,Tim-9.65; Little,Tavis-16.92; Nelson,Kesha-12.45; Nicholas,Verla-9.65; Rear, Kay-9.65; Rosenau,Randall-17.64; Ruffatto,Robert-11.14; Shafer,Mike-16.91; Shanklin,Karla-10.51; Symonds,Matthew-11.14; Thompson,Colin-16.91; Watts,James-16.86; Weber,Kurt-11.14; Frederickson,Lori-12.59; Allen,Alicia-11.39; Allen,Dawn-11.39; Asheim,Roger-13.18;

Bradley,Anthony-13.10; Brennan, Seth-13.10; Chavez, Rhonda-12.67; Clyne,Donald-13.10; Culver,Kim-13.10; Duncan,Debbie-11.39; Eggebo,Rachel-13.10; Hanel,Clifford-11.39; Heinis,Jeffery-11.39; Juso,Nels-11.39; Kotak,Joe-10.61; Larson,Dale-15.65; Larson,Dan-11.61; Leary,Shannon-13.10; Leveque,Tamera-13.10; Mckeown,Susan-13.10; Williams,Robert C.-13.88; Williams,Robert L.-13.10; Wilson,Cynthia-12.67; Wilson,Randall-11.39; Wood,Charles-13.10; Emergency Management: Thomson,Paul-38,826; Larson,Rene-\$10.51. E911: Sandvick,Thomas-15.67; Hudson,Roger-15.36. Highway: Williams, Charles-\$58,600.60; Agena,Timothy-15.53; Barret,Tim-15.31; Bey,John-19.03; Bureson, Norman-15.39; Dahl,Dennis-16.11; Eide,Curtis-15.88; Engel,Paul-15.31; Fystro,Terry-15.88; Grenstiner,Edwin-16.43; Heying,Bradley-15.51; Hudson,Roger-15.36; Keller,Robert-15.31; Kopel,Lester-15.40; Lensegrav, Richard-15.57; McCormick,Robert-19.54; Patino,Mark-15.31; Rosencranz,Robert-15.36; Ryan,Steve-19.38; Silvernail,Dennis-15.85; Vandenberg,Maria-11.30; Wright,Bonnie-14.31. Airport: Harmon,James-12.88; Extension: Bertch,Alyce-13.53; Ellingson,Constance-9.59; McGuinness,Sherry-9.59; Weed: Heck,David-33,527; Reddeman,Valerie-9.79; Smith,Craig-9.79; Glader,Tate-9.27; Planning&Zoning: Birk,Erik-38,331.60; Maynard,Debora-11.89.

POSITION	GRADE 1	GRADE 2	GRADE 3	POSITION	GRADE 1	GRADE 2	GRADE 3
ACCT CLK / REC CLK	9.59	10.16	11.30	SHERIFF			
SECRETARY / LEGAL SEC I	10.51	11.09	12.21	DISPATCHER I	10.88	11.13	11.39
ADMIN SECRETARY	10.61	11.30	12.46	DISPATCHER II	12.59	12.84	13.10
LEGAL SECRETARY II	11.09	11.80	12.95	DISPATCHER III	13.10	13.36	13.62
				E-911 COORDINATOR	15.07	15.33	15.58
APPRAISERS:				GUARDS/TRANSPORT OFFICER	9.65	NA	NA
APPRAISER I	10.89	NA	NA	JAIL ADMINISTRATOR	14.11	14.37	15.14
APPRAISER II	11.72	11.98	12.24	TRAINEE	7.29	NA	NA
APPRAISER III	12.85	13.11	13.37	CORRECTIONAL I	10.88	11.13	11.39
APPRAISERS IV	13.97	14.22	14.48	CORRECTIONAL II	12.59	12.84	13.10
				CORRECTIONAL SERGEANT	13.10	13.36	13.62
ADMINISTRATIVE ASSISTANTS				COOK I	10.09	10.35	10.61
HIGHWAY ADM ASST	12.80	13.32	13.83	COOK / JAIL ASSISTANT	12.15	12.41	12.67
SHERIFF ADM ASST	12.80	13.32	13.83	PROCESS SERVER	13.61	13.86	14.12
STATES ATTY LEGAL ASST	13.38	13.89	14.41	RESERVE DEPUTY I	NA	NA	11.14
COMPUTER SPECIALIST	16.40	17.43	18.46	RESERVE DEPUTY II	NA	NA	12.88
EQUAL 1ST DEPUTY/APP IV	14.49	15.01	15.52	DEPUTY I	14.99	15.24	15.50
INVESTIGATOR/PARA-LEGAL	13.54	13.80	14.06	DEPUTY II	16.35	16.60	16.86
				SQUAD SERGEANT	16.84	17.10	17.36
AIRPORT				DETECTIVE	17.04	17.29	17.55
MAINTENANCE WORKER	11.85	12.36	12.88	CAPTAIN	18.15	18.41	18.66
***** HIGHWAY & MAINTENANCE *****				*** ELECTED OFFICIALS FIRST DEPUTY ***			
PT. TIME CUSTODIAN	NA	NA	7.10	AUDITOR	NA	NA	14.00

CUSTODIAN I	NA	NA	8.94	TREASURER	NA	NA	12.83
CUSTODIAN II	NA	NA	10.73	REG OF DEEDS	NA	NA	12.83
MAINT. WORKER I	NA	NA	9.59				
MAINT. WORKER II	NA	NA	11.64	WEED			
LIGHT EQUIPMENT OPERATOR	NA	NA	14.56	SPRAYER / GPS	8.65	9.68	10.82
HEAVY EQPMT / MECHANIC	NA	NA	15.31	GPS	9.27	9.79	10.30
FOREMAN/SHOP FOREMAN	NA	NA	18.58				

<i>NEWLY ELECTED BASE</i>	<i>2004 BASE</i>	<i>SDCL #</i>
AUDITOR	\$ 27,305.00	SDCL 7-7-9.1
TREASURER	\$ 27,305.00	SDCL 7-7-9.1
REGISTER DEEDS	\$ 27,305.00	SDCL 7-7-9.1
STATES ATTORNEY	\$ 54,400.00	SDCL 7-7-12
SHERIFF	\$ 38,519.00	SDCL 7-12-15

RESOLUTION #2004-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Seward-Ewing) to approve the following Resolution #2004-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2004-01 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 \$95.00; Judges \$75.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$10.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment at the rate of \$.29 per mile. Extra help hired to work on election night in the Auditor’s Office will be paid at the rate of \$10.00 per hour. DATED this 6th day of January 2003. BOARD OF COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairman, Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #2004-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Flanagan-Seward) to approve the following resolution setting the polling places and precincts in 2004. 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; **Boxelder**-Nemo Church; **Rural #1**-Lawrence County; Administrative Annex; (Trojan-Nahant/Central City/Pluma/Boulder Canyon); **St. Onge**-St. Onge Community Hall; **Whitewood**-Whitewood Hale Hall; **Reeds Crow Peak & Valley 1**-Spearfish Park Pavilion; **Valley 2**-Spearfish Park Pavilion. **DATED** this 6th day of January 2004. BOARD OF COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairman, Connie H.

Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #04-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Seward-Flanagan) to approve the following Resolution #04-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 04-03 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 2004: Wells Fargo-South Dakota 721 Main St. Deadwood, SD; First Western Bank 696 Main St. Deadwood, SD; First National Bank 300 West Main St. Lead, SD; Pioneer Bank 140 E Jackson Blvd Spearfish, SD; and Great Western Bank 526 Main St. Spearfish, SD; 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 2004. Dated this 6th day of January 2004. For the Board of County Commissioners: Terry W. Weisenberg, Chairman Attest: Connie Atkinson, Auditor

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of December 30, 2003. Motion Carried.

PERSONNEL:

TREASURER: Moved-Seconded (Douglas-Ewing) to allow employees to donate leave to Ina Peck due to a family emergency. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Flanagan-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: The Auditor's Account with the County Treasurer as of December 31, 2003 showed the following: Total amount of deposits in banks-\$8,885,318.57; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$49,336.19; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,931.98; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$1,262,132.96; Savings-\$2,681,403.51; GNAM's-\$54,802.55; and Money Market \$1,186,979.55, Total \$8,885,318.57.

PUBLIC DEFENDER CASE LOAD: Joe Kosel, Public Defender, informed the Board that the office is now able to take appointments from the Judges. Kosel stated that twenty-nine appointments for court appointed attorneys needed to be made the last couple of months, however his office continued to receive 11 additional appointments during that time for former clients. Kosel stated he will be discussing with the Public Defender Board to adopt a point level in the future for the office and will keep the County Commission informed.

SD DIVISION OF WILDLAND FIRE SUPPRESSION: Charles Nicholas and Jerome Harvey, representing the Fire Advisory Board, were present to inform the Board of current contract negotiations with the SD Division of Wildland Fire Suppression. Harvey gave some past history on the issue and what is currently being done to correct the problem. Harvey stated the progress is not good and asked the Board for assistance in negotiations. If changes are not done to correct the problem the volunteer fire departments will pass the breaking point and will not be able to afford to provide services. Harvey stated the State wants to be dismissed of the financial responsibility but wants to remain in control of the fire situations. Rob Mattox and Greg Nepstad were also present to voice their concerns. Weisenberg asked the Fire Advisory Board to inform the County Commission of their next negotiation meeting in Pierre so Commissioners and Bruce Outka can attend. Weisenberg stated if the issue can not be resolved the Fire Advisory Board needs to work on legislation to be introduced into this legislative session, and the commission can assist in finding sponsors for the legislation.

COUNTY SAFETY REPORT: Paul Thomson presented the 2003 County Safety Report. Thirteen departments with a total of 108 employees completed the 2003 safety meeting goals and requirements. Four departments with a total of 12 employees did not complete the requirements. A Safety Committee was formed with Ki Caserio, David Heck, Ina Peck, Les Struble, Paul Thomson, Bob Williams, and Bonnie Wright to serve on the Committee.

COMMISSION MEETINGS: Moved-Seconded (Seward-Weisenberg) to continue the 2004 regular commission meetings to the second and fourth Tuesday's of the month. Motion Carried.

NURSE AGREEMENTS: Moved-Seconded (Douglas-Flanagan) to approve and authorize the Chairman to sign the State of SD Nurse Agreement for 2004 for the amount of \$17,740. Motion Carried.

The Board discussed the proposed contract for nursing services with Home Health of the Northern Hills for the northern area of the County. Bruce Outka stated he had conversations with their attorney and they are not in favor of providing certain services in the contract. The Board was in agreement that if they did not want to provide the services they would negotiate the contract with another provider.

PLANNING & ZONING: Brandon Flanagan informed the Board that Planning and Zoning will be discussing the Comprehensive Plan at the next meeting and asked the Board for permission to have Bruce Outka attend. The Board was in agreement that Outka should attend the meeting if possible.

CONDITIONAL USE PERMIT # 291 - MARK AND KAREN VALDEZ: A Public Hearing was held on a request for Conditional Use Permit # 291 - Mark And Karen ValDez - To allow for a retail store to sell jewelry and gifts - Approximately 2½ miles north of Deadwood on the east side of Hwy. 85 on McMasters Corner. Weisenberg informed the Valdez's that after research on the property in question, there is not a deed restriction or anything noted in the minutes about any restrictions on the property. Flanagan stated safety is an issue with the property and needs to be addressed. Ewing stated the location on the corner causes a safety issue and there have been multiple fatal and near fatal accidents on that corner. Ewing stated they will be drawing people who are not familiar with the area and this is a very dangerous corner. Valdez stated Gary Engel, SD Department of Transportation, stated if the business increases they might look at developing a turning lane for the access.

Seward expressed concerns on billboards and signage for the business. Seward asked if the sign could be attached to the building to eliminate the possibility that the sign will look like a billboard. Valdez stated they are currently planning on locating the sign about 100 feet in front of the building, but would not be against placing it on the building. Valdez stated if this is the case he may need to relocate the building differently on the lot to accommodate this. Erik Birk and Bruce Outka stated they would need time to look into this proposal to make sure it doesn't conflict with the sign ordinance. If there is a conflict an amendment to the sign ordinance may need to be done.

Douglas expressed concerns that any new construction come before the Board for an amendment. The Board reminded Valdez that if this CUP is approved it is up for review on a yearly basis and subject to non-renewal if problems arise. Erik Birk stated Planning and Zoning recommended approval on the CUP on a 5-1 vote.

Moved-Seconded (Flanagan-Weisenberg) to approve CUP #291 for Mark and Karen Valdez with the following attached conditions with attention to conditions 7 and 9, realizing that the structure may need to be moved to reflect the sign placement on the building. Motion Carried. Aye-4, Nay-Ewing.

BILLS: Moved-Seconded (Flanagan-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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. Seward,J-\$85.26; A&M Transport-\$192.50; Abc Business Supply-\$19.80; Aldinger,K-\$601.00; Amoco Oil Co-\$104.06; At&T-\$8.89; B H Chemical Company-\$982.55; Butte Electric Coop-\$138.54; Central Parts-\$4.83; Conoco-\$127.04; Dakota Graphics-\$210.00; Dakotaland Equipment-\$9,345.00; Deadwood, City Of-\$459.61; Elan Finanical Services-\$4,133.66; Heisler Hardware-\$11.48; Hood & Nies & Dardis-\$1,496.50; Ikon-\$96.25; L C Centennial-\$299.71; Lead-Deadwood Funeral Chapel-\$1,170.00; Lead-Deadwood Sanitary-\$249.64; Montana-Dakota Util-\$5,983.54; Pitney Bowes-\$117.20; Rabe Elevator-\$541.39; Regan,D-\$349.19; S D Assn Of Co Comm-\$37.50; S D Municipal League-\$52,590.00; Sdaco-\$1,683.12; S D Dept Of Transportation-\$1,840.16; S D Tourism-\$127.75; Spearfish Alt/Starter Rebuild-\$94.95; Spearfish Auto Supply-\$71.78; Spearfish

Chamber Of Commerce-\$100.00; Sun/Sheild Center-\$190.00; Tellinghuisen, Gordon & Percy-\$106.50; Verizon Wireless-\$405.02; Xerox Corporation-\$459.00

ADJOURN: 10:30 a.m. - There being no further business it was Moved-Seconded (Flanagan-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JANUARY 27, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 27, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of January 6, 2004. Motion Carried.

PERSONNEL:

REGISTER OF DEEDS: Moved-Seconded (Douglas-Seward) to approve the following personnel changes in the Register of Deeds: Roxie Feterl – records clerk, grade 1 at \$9.59 base; Laurie Fisher records clerk, grade 2 at \$10.16 base and Mary Slane secretary, grade 3 at \$12.21 base, effective 2-1-2004. Motion Carried.

BOARD APPOINTMENTS:

HOUSING BOARD: Moved-Seconded (Seward-Ewing) to appoint Gordon Campbell to the Lawrence County Housing Board for a five-year term to expire 12/31/2008. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Douglas-Seward) to appoint Terry Weisenberg to the Lead Opera House Board for 2004. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Seward-Flanagan) to appoint Terry Weisenberg, Marlene Barrett, Chuck Vanderziel and Joe Peterson to the Lawrence County Revolving Loan Fund Board for 2004. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Seward to the Spearfish Economic Development Board for 2004. Motion Carried.

TRAVEL REQUESTS:

VETERAN SERVICE OFFICE: Moved-Seconded (Flanagan-Ewing) to approve the travel request for William Locken to attend the Veterans Forum in Faith, SD on January 28, 2004 and in Philip on January 21, 2004. Motion Carried.

Moved-Seconded (Seward-Douglas) to approve the travel request for William Locken to attend the VSO Congressional Forum in Rapid City, SD on January 23, 2004 and the Veterans Commission Meeting in Pierre, SD on February 2-3, 2004. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Douglas-Ewing) to approve the travel request for David Heck to attend the SD Annual Weed and Pest Conference in Mitchell, SD on February 17-20, 2004. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve the travel request for Jerry Boyer and Paul Miller to attend the SD Annual Weed and Pest Conference in Mitchell, SD on February 17-20, 2004. Motion Carried.

SHERIFF:

Moved-Seconded (Seward-Flanagan) to approve the travel request for Tom Sandvick to attend the Introduction to Arcview 8.X in Rapid City, SD on March 10-12, 2004. Motion Carried.

Moved-Seconded (Douglas-Seward) to approve the travel request for Sue Black, Marian Hamilton, Mark Ginsbach and Sara Fitzgerald to attend the EMD Recertification Training in Rapid City, SD on February 18, 2004. Motion Carried.

Moved-Seconded (Ewing-Seward) to approve the travel request for Colin Thompson to attend the DWI Instructor Course in Aberdeen, SD on March 21-26, 2004. Motion Carried.

ABATEMENTS:

HOMESTAKE: Moved-Seconded (Douglas-Flanagan) to approve the abatement on parcel #26680-01568-000-00 for Homestake because the property was transferred to the United States Government. Motion Carried.

CENTRAL CITY: Moved-Seconded (Flanagan-Ewing) to approve the abatement on parcel #27500-00500-000-00 for Central City because the property was purchased from Neighborhood Housing. Motion Carried.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2002 taxes levied for in 2003 was \$23,490,910.72 and the total unpaid as of 12-31-03 was \$399,057.66 which represents a 1.70% delinquency. *Moved-Seconded* (Seward-Weisenberg) to accept the Delinquent Taxes Report of 2003 levied and unpaid taxes as reported by the Auditor. Motion carried.

TRANSFER OF FUNDS:

ROAD & BRIDGE & EMERGENCY DISASTER: Moved-Seconded (Flanagan-Seward) to approve the transfer of \$554,840 from General Fund to Road & Bridge Fund and to transfer \$124,689 from General Fund to Emergency & Disaster Fund. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Ewing) to set a supplemental budget hearing for February 10, 2004 at 9:00 a.m. for Sheriff Equipment - \$65,000; Fire Advisory grants - \$30,000; Law Library supplies \$4,000; Impact & Economic Funding

\$100,000; and Highway Building - \$6,483.81: Revenue: Law Library costs - \$3,000 and interest \$474; Impact & Economic interest -\$50,000. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Douglas-Seward) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. Charles V. Nicholas, Charles W. Nicholas, Sallie J. Nicholas, Bob Patterson, Bob Smith, Doug Symonds, Wade Weaver, Joanne Nicholas, Verla J. Nicholas, Cleo Burghduff, Laura Smith, Loren Benedict, Chad Anderson, Charles Edwards, George Meisner, Todd Nelson, Vance Patterson, Brittanie Smith, William Romey, Brad Trautman, Jerry Atkinson, Tony Balistreri, Ken Fish, Darwin Hoefler, Ron Hoefler, Jerry Hood, Don Kelley, Casey Keough, Mark Nelson, Vince Pfeifle, Larry Rhodes, Bob Richards, Ron Rust, Clint Schell, Terry Schmitz, Fred Schumann, Chad Solaas, Gary Solaas, Rick Krahn, Derrick Bult, Virginia Clark, Paul Dangel, Kim Kelley, Luverne Kraemer, Norma Kraemer, Greg Nepstad, Gary Lattin, Janet Rust, Alisha Schell, Andrew Schell, Mark Schwan, Cindy Solaas, Kathy Stygles, Jim Tatge, Lyle Wickman. Chuck, Bossert, Sunday Bossert, Leonard Burtzloff, Tom Callaway, Leo Derosier, Frank Ensor, Todd Fierro, J.D. Geigle, Mike Ingwersen, Cliff Jensen, Ray Kinghorn, Neilon Millar, Russel Millar, Terry Moe, Warren Moe, Brent Olson, Curt Olson, Ryan Olson, Don Osborne, Penny Osborne, Twyla Reede, Denny Rehorst, Devin Stephens, Glenn Stephens, Jim Tetrault, Tim Tetrault, Jacob Kari, Jason Kari, Mike Habeck, Mitch Johnson, Jack Kari, Wendy Kari, Wade Vissia, David Spilde. Dennis Anderson, Mike Anderson, Scott Anderson, Ron Blotz, Clay Cole, Loren Dobyns, Matt Fortier, Gary Heaton, Robert Mattox, Bryce Quaschnick, Don Quaschnick, Tim Quaschnick, Rhea Travino, Ed Suvada, Loren Vrem, Dave Hall, Van Wire, Chet Borsch, Dick Seaman, Cass Gaughen, Jon Carter, Slade Swedlund.

GOVERNMENT DAY: Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2004. Hink asked the Board to donate \$50.00 and attend the Luncheon that will be provided on Government Day at the Deadwood Fire Hall. Moved-Seconded (Flanagan-Ewing) to participate in Government Day for 2004 and donate \$50.00 for the luncheon. Motion Carried. The Board asked Marlene Barrett to coordinate the event for the County.

HIGHWAY BUSINESS: Moved-Seconded (Flanagan-Seward) to allow Chuck Williams to prepare bid specs and documents for an overlay of the service drive west of Spearfish. Motion Carried.

SLIME PLANT: Chuck Williams discussed the utilities in the slime plant. Williams stated the electric bill would run approximately \$300-\$400 unoccupied and they will need to turn the heat on. The Board instructed Williams to inform Deadwood City and Deadwood City Limits that the County will turn the utilities off, leaving the building unprotected, unless they opt to pay the utility bills as of the 24th of February.

EQUALIZATION BUSINESS: Darlene Piekkola informed the Board that she might need to travel to Pierre on short notice to testify on bills being introduced in legislation.

EQUALIZATION VEHICLE: Moved-Seconded (Douglas-Weisenberg) to approve the purchase of a 2004 Ford Escape from State Bid for \$17,200. Motion Carried.

EMERGENCY MANAGEMENT GRANTS:

Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairman to sign the ODP FY 2003 Part I Equipment Grant award for \$23,123.89 for the Digital Camera Security System. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the SHSGP Exercise Award for \$9,284.15 for exercise training programs for emergency responders. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the 2004 State and Local Agreement for \$29,894.43 to be used for salary and administrative costs related to the operation of the Emergency Management Office. Motion Carried.

TITLE III REQUESTS:

Paul Thomson presented the Lawrence County Search and Rescue 2004 Title III Request for replacement of the 1984, 1 Ton, 4 Wheel Drive, Rescue Truck for \$87,500 with 60% or \$52,500 out of Title III Funds.

The Fire Advisory Board presented the Lawrence County Fire Advisory Boards request for a new County Tender at the estimated cost of \$170,000 with 90% or \$153,000 out of Title III Funds. The Board requested a copy of the calls for documentation of percent on federal lands.

PROJECT LEARNING TREE: Dianne Miller, Project Learning Tree Coordinator, presented an update on the 2003 projects. Miller showed a breakdown of the Title III Grant Funds spent. Miller thanked the Board for the Grant Funds in 2003 and asked the Board to Consider Project Learning Tree for 2004 funds.

CAMPGROUND PATROL AGREEMENT: Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairman to sign the Campground Patrol Agreement 2004 Financial and Operating Plan. Motion Carried.

FOREST PLAN / PHASE II: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the MOU with the SD Department of Agriculture for cooperative input to the revisions of the Black Hills National Forest Plan. Motion Carried.

FIRE ADVISORY: Jerome Harvey and Greg Nepstad spoke on behalf of the Fire Advisory Board relating to current contract negotiations with the SD Division of Wildland Fire Suppression and fire funding issues. Weisenberg asked Commissioner Seward, Bruce Outka and Paul Thomson to work with the Fire Advisory Board to research the issues further and assist the Fire Advisory Board in contract negotiations.

JEANNE PRENTICE / RECLAMATION CONCERNS: Jeanne Prentice discussed the Richmond Hill Mine (LAC) pad leak. Prentice stated the pad liners are not suitable for South Dakota climate. Prentice continued LAC does not operate the water treatment plant in the winter and stated they need to. Prentice expressed concerns on the water supply and stated the Board needs to be proactive in protecting the water. Prentice stated when the mine goes into reclamation is when it is important to get involved and keep track of the quality of reclamation. Prentice requested the Board set up a Citizen Advisory Committee to foresee all reclamation. Weisenberg stated the Board is looking into the leak episode at the mine and will take the request for an Advisory Committee under consideration.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$6,119.96; Treas-\$8,213.91; Comp-\$4,937.48; States Atty-\$10,372.45; Pub Def-\$6,161.82; Gen Govt Bldg-\$4,870.18; Equal-\$10,951.69; Rod-\$5,675.26; Vso-\$745.83; Disp-\$10,394.19; Sher-\$26,784.89; Jail-\$16,317.89; Emerg Mgnt-\$2,090.70; E911-\$1,504.32; Highway-\$32,012.45; Air-\$283.36; Ext-\$1,190.64; Weed-\$1,396.96; Pz-\$2,643.48; **Bills:** Blanks,K-\$22.00; Flanagan,B-\$153.12; Leatherman,D-\$10.16; Lechner,S-\$23.34; Lensegrav,R-\$17.54; Mowell,R-\$5,944.50; Weisenberg,T-\$68.44; A&B Business Equip-\$1,208.42; A&B Welding Supply-\$103.20; A&J Supply-\$2.10; A-1 Auto Recyclers-\$125.00; Abc Business Supply-\$1,078.10; Aberdeen Llc-\$309.00; Accurint Accounts Receivable-\$2.75; Active Data Systems-\$5,233.00; Alco Store-\$175.97; Altaire Enterprises-\$415.00; American Family Life-\$2,804.90; Amcon Distributing-\$292.88; Amoco Oil Co-\$417.83; Apco Institute-\$320.00; Archonix Services-\$4,023.00; Armstrong Extinguish-\$2,787.50; At&T-\$120.14; Avera St Luke'-\$2,600.87; B H Chemical Company-\$1,556.00; B H Collection Service-\$100.00; B H Federal Credit Union-\$15,208.28; Blue Cross-\$46,182.68; B H Fibercom-\$1,395.51; B H Land Analysis-\$3,060.00; B H Medical Center-\$119.45; B H Medical Ctr Pharmacy-\$1,319.50; B H Pest Control-\$95.00; B H Pioneer-\$1,457.84; B H Power & Light-\$8,178.29; Behavior Mngt Systems-\$20,981.67; Belle Fourche Landfill-\$27.94; Bennett County Auditor-\$135.00; Best Business Prod-\$40.44; Black Hills Pure-\$11.50; Bob Barker Company-\$416.45; Broadbent,D-\$40.00; Brown & Saenger-\$103.60; Buckstop Express Mart-\$2,574.00; Butler Machinery Co-\$710.66; Butte Electric Coop-\$462.61; Canon Usa-\$699.00; Cardinal Printing-\$49.40; Carquest Of Spearfish-\$7.73; Cellular One-\$286.63; Central Parts-\$894.67; Chaplin,R-\$1,000.00; Chris Supply Co-\$12.41; Christensen Law Office-\$2,843.00; City/County Alcohol & Drug-\$1,005.00; Clinical Lab Of B H-\$2,254.14; Craig,D-\$1,000.00; Culligan Soft Water Serv-\$174.50; D Ware-\$625.00; Dakota Graphics-\$220.00; Dakota Outerwear Co-

\$743.75; Dartek Computer Supplies Corp-\$1,278.09; Deadwood, City Of-\$38.00; Deadwood Recreation Center-\$131.00; Deckers Food-\$6.98; Dept Of Animal & Range Science-\$14.00; Dept Of Hlth Lab Services-\$350.00; Dept Of The Treasury-\$75,236.48; Desaro,J-\$450.00; Diamond Mowers-\$32.55; Domestic Crisis Outreach-\$410.00; Dynamic Imaging System-\$3,635.00; Eddie's Truck Sales/Serv-\$200.26; Ellingson,J-\$496.62; Ellison,B-\$166.00; Emery-Pratt-\$73.43; Ensignal-\$10.00; Evercom Systems-\$1,272.49; Extension Service-\$182.78; Farmers Union Oil Co-\$15,589.92; Fastenal-\$624.55; Fiduciary Communication-\$106.00; Gall's-\$1,154.90; Genpro Power Systems-\$104.05; Global Computer Supply-\$55.95; Godfrey's Brake Serv-\$543.68; Gold Dust-\$81.78; Golden West Teltech-\$33.00; Great Western Tire-\$136.85; Grimm's Pump Service-\$55.00; Harter,R-\$400.00; Heartland Paper Co-\$1,752.00; Heisler Hardware-\$127.63; Hewlett-Packard Company-\$8,244.00; Hobart Sales & Service-\$264.37; Iaa-\$165.00; Ibm Corp Sqh-\$1,484.84; Ikon Office Solutions-\$61.60; Insight Public Sector-\$1,919.20; Integrity Ford-\$144.92; Jacobs Precision Welding-\$165.75; James & Associates-\$184.60; K Mart-\$2.98; Kadrmas, Lee And Jackson-\$8,408.35; Kar Products-\$397.39; Karpinen,S-\$320.00; Kdsj-\$50.00; Kieffer,T-\$18.70; Kimball-Midwest Co-\$87.68; Koala Electric-\$1,296.17; L C Auditor-\$43.11; L C Centennial-\$256.47; L C Conservation Dist-\$4,500.00; L C Plan & Zone-\$42.86; L C Public Defender-\$12.51; L C Public Health-\$2,208.00; L C Treasurer-\$200.00; L&S Restoration-\$1,615.94; Lawson Products-\$140.93; Lead, City Of-\$36.60; Lee,J-\$15.00; Lewis & Clark Bhs-\$125.00; Light & Siren-\$269.90; Lyle Signs-\$235.40; Macks Auto Body-\$420.00; May,Johnson,Doyle& Becker-\$1,295.80; Mcleod's Office Supply-\$1,155.83; Meade County Sheriff-\$127.20; Metcalf Archaeological-\$14,281.18; Mid States Organized-\$150.00; Mineral Palace Hotel-\$137.09; Montana-Dakota Util-\$1,999.33; Motorola-\$22,976.40; Murphy,J-\$220.10; N H General Hospital-\$1,044.67; N H Family Ymca-\$362.00; Neal's Welding-\$189.00; Nebraska Salt & Grain Co-\$1,231.02; Nelson,T-\$360.00; Novus-\$90.00; Office Of Child Support-\$1,131.00; Optrics-\$1,708.25; Orton Latent Print Services-\$478.58; Pedersen Excavation-\$337.50; Pennington Co Auditor-\$289.00; Pennington Co Jail-\$539.49; Phillips Petroleum Co-\$89.65; Phoenix Investigations-\$4,574.52; Pizza Hut-\$206.00; Postmaster, Deadwood-\$259.00; Queen City Medical Center-\$49.00; Queen City Rocket Lube-\$302.05; Qwest-\$990.15; R C Finance Office-\$2,060.00; R C Police Dept-\$25.00; R C Regional Hospital-\$874.01; Rabe Elevator-\$716.50; Radio Shack/Kazco-\$49.94; Rapid Delivery-\$13.65; Reindl,S-\$323.05; Reliable-\$69.20; Rensch,T-\$16,424.39; Richards Law Firm-\$896.48; Root Spring Scraper Co-\$353.94; Rpm Machine-\$20.00; S D Assn Of Co Comm-\$112.50; S D Association Of County-\$185.00; S D Dept Of Transportation-\$1,566.12; S D Emergency Mngt Association-\$30.00; S D Human Services Center-\$162.00; S D Public Assur Alliance-\$30,178.00; S D School Of Mines & Tech-\$390.00; S D Sheriff's Association-\$41.80; S D Retirement System-\$39,478.57; S D Supplemental Retirement-\$1,699.00; Salzsieder,M-\$3,435.00; Sanito Oil-\$4,974.86; Schmit,A-\$160.00; Sears Commercial One-\$404.99; Servall Towel & Linen-\$481.74; Sharkey Plumbing & Heating-\$136.68; Smartware Corp-\$1,950.00; Southside Service-\$30.00; Spearfish Alt/Starter Rebuild-\$125.00; Spearfish Auto Supply-\$802.14; Spearfish Glass-\$87.20; Spearfish Husky-\$94.00; Stadler Ind Service-\$189.00; State Bar Of South Dakota-\$945.00; Subway-\$26.49; Teen Court-\$7,535.54; Tellinghuisen, Gordon & Percy-\$400.37; Tigerdirect-\$223.96; Triple K Tire & Repair-\$861.93; Truck Vault-\$1,601.91; Trump Law Office-\$1,196.50; Twin City Hardware & Lumber-\$332.85; U S Marshall Service-\$1,172.00; Verizon Wireless-\$351.00; Victims Of Violence-\$410.00; Viking Office Prod-\$502.45; Voelker & Adams-\$5,418.05; Wsi Corp-\$1,560.00; Walmart Store-\$362.23; Waste Connections-\$400.96; Western Communication-\$756.10; Western Sd Juvenile Serv-\$5,089.93;

Western State Fire Protection-\$455.00; Wheeler Lumber-\$500,000.00; Williams Standard Serv-\$44.45; Yankton Co Sheriff-\$33.00; Yankton County-\$89.80; **Witness & Jurors:** Aspen,D-\$11.74; Brockley,M-\$21.60; Burchfield,C-\$23.34; Burke,M-\$16.96; Busse,M-\$18.12; Buth,T-\$58.70; Canfield,J-\$18.70; Carl,R-\$18.70; Chick,T-\$21.60; Church,H-\$52.32; Crago,R-\$24.50; Dahlstrom,T-\$11.74; Dibley,L-\$21.60; Dillman,C-\$11.74; Drill,J-\$18.12; Elliott,S-\$16.96; Findley,F-\$10.58; Fischer,E-\$18.12; Gardner,K-\$11.74; Goodson,A-\$55.80; Gordon,F-\$17.54; Irion,M-\$21.60; Jurgensen,N-\$21.60; Karas,F-\$58.70; Kruse,M-\$11.74; Kyte,W-\$61.60; Lamb,P-\$18.70; Langer,N-\$21.60; Leetch,M-\$14.06; Lloyd,D-\$18.70; Long,W-\$52.90; Lundberg,C-\$59.86; Morrison,M-\$13.48; Nelson,A-\$11.74; Nelson,J-\$18.70; Nelson,M-\$20.44; Otto,R-\$18.70; Palmer,T-\$18.70; Phillips,D-\$18.70; Schaeffer,A-\$16.96; Sorenson,D-\$61.60; Sterna,S-\$11.16; Strickland,L-\$22.76; Turner,J-\$16.96; Twiss,T-\$58.12; Utecht,D-\$55.80; Watson,M-\$18.70; Wermers,K-\$18.12; Whartman,C-\$21.60; Witkop,J-\$24.50; Wright,R-\$18.70; Zeigler,A-\$18.70; Addy,A-\$59.86; Biel,J-\$12.90; Bricher,G-\$10.58; Bubb,R-\$11.16; Cady,C-\$24.50; Caldwell,E-\$11.74; Christainson,B-\$61.60; Claflin,C-\$19.28; Cummings,K-\$18.70; Deichert,S-\$21.60; Dittus,J-\$11.74; Fischer,J-\$18.70; Geist,R-\$19.86; Hall,M-\$12.90; Iverson,M-\$60.44; King,B-\$11.16; Klingman,J-\$27.40; Long,J-\$18.12; Mathisrud,D-\$12.90; Merritt,L-\$58.70; Pederson,D-\$58.70; Perry,N-\$21.60; Rarick,J-\$21.60; Rentz,G-\$63.34; Robertson-Mohr,R-\$58.70; Sabo,B-\$12.90; Sandvig,S-\$21.02; Schultes,C-\$61.60; Seykora,D-\$58.70; Sherman,P-\$10.58; Spatz,F-\$18.70; Strandell,R-\$21.60; Timm,M-\$11.16; Trump,M-\$57.54; White-Aberle,L-\$11.74; Whitlock,C-\$61.60; Widener,D-\$151.74

ADJOURN: 10:45 a.m. - There being no further business it was Moved-Seconded (-) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 10, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 10, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Ewing) to approve the minutes of January 27, 2004. Motion Carried.

8:15 AM: Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss personnel matters. Motion carried.

8:35 AM: The Board reopened for regular business. No action taken.

PERSONNEL:

TREASURER: Moved-Seconded (Flanagan-Weisenberg) to approve Dori Winters as an Administrative Secretary Grade 3 at the base rate of \$12.46 an hour, effective 3-1-2004. Motion Carried.

Moved-Seconded (Seward-Flanagan) to approve Sally Atkinson as an Accounting Clerk, Grade 3 at the base rate of \$11.30 an hour, effective 3-1-2004. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Flanagan-Ewing) to approve Valerie Reddeman and Adrian Anderson as GPS Grade 1, at the base rate of \$9.27 an hour, effective 1-29-2004. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Seward-Flanagan) to approve Manuel J. de Castro Jr. as deputy Public Defender at the base rate of \$41,000 effective 3-1-2004. Motion Carried.

TRAVEL REQUESTS:

AIRPORT: Moved-Seconded (Flanagan-Weisenberg) to approve the travel request for Rodney Deweese, Robert Golay, Neil Clarke, Micky Wink, and Ray Jilek to attend the SD Airport Conference in Deadwood on March 17-18, 2004. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Flanagan) to approve the travel request for Tavis Little to attend the Addiction to Criminal Interdiction class in Sioux City, IA on March 1-4, 2004. Motion Carried.

ABATEMENTS:

DURST & ASKIN: Moved-Seconded (Flanagan-Seward) to approve the abatement for Geoffrey Durst and Roberta Askin on parcel #26280-00482-000-00 because the mineral survey never went to patent. Motion Carried.

WILLIS AYE: Moved-Seconded (Seward-Flanagan) to approve the abatement for Willis Aye on parcel #26280-00482-000-10 because the mineral survey never went to patent. Motion Carried.

LYLE HAAK: Moved-Seconded (Douglas-Ewing) to approve the abatement for Lyle Haak on parcel #20010-00602-072-55 because there was an error in square footage. Motion Carried.

RECLAMATION CONCERNS: Weisenberg reported on the meeting with LAC and DENR on the pad leak at Richmond Hill. Weisenberg stated after researching the need for a Citizen Advisory Committee to foresee all reclamation he did not feel this was necessary. Moved-Seconded (Douglas-Ewing) to authorize the Chairman to send a letter to Jeanne Prentice informing her of the outcome of the meeting and that the Board will not be forming a Citizen Advisory Committee. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Seward-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 31, 2004 showed the following: Total amount of deposits in banks-\$8,083,669.03; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$57,032.39; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,386.36; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$457,786.02; Savings-\$2,683,499.37; GNAMS-\$54,604.18; and Money Market \$1,187,779.46, Total \$8,147,972.78.

RESOLUTION #04-04 TO ADOPT A SUPPLEMENTAL BUDGET: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Resolution #04-04 To Adopt a Supplemental Budget. Motion Carried. WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2004, 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 2004, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND - Sheriff Equipment - \$65,000; FIRE ADVISORY FUND - Fire Advisory grants - \$30,000; *LAW LIBRARY FUND - Law Library supplies \$4,000*; SEVERANCE TAX FUND - Impact & Economic Funding \$100,000; HIGHWAY BUILDING FUND - Highway Building - \$6,483.81; LAW LIBRARY FUND - Revenue: costs - \$3,000 & interest \$474 SEVERANCE TAX FUND - Impact & Economic interest -\$50,000; the funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 10TH day of February, 2004 at the hour of 9:00

o'clock, 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 February 2004. FOR THE BOARD OF COUNTY COMMISSIONERS: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

BRIDGE REINSPECTION PROGRAM RESOLUTION: Moved-Seconded (Flanagan-Seward) to approve and authorize the Chairman to sign the Bridge Re-Inspection Program Resolution For Use With SDDOT Retainer Contracts. Motion Carried. WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and re-inspection at intervals not to exceed two years. THEREFORE, Lawrence County is Desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. Lawrence County requests SDDOT to hire NJS Engineering (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the consulting Engineer for Inspection services rendered, and bill the County for 20% of the cost. Lawrence County will be responsible for the required 20% matching funds. There are a total of 42 bridges in Lawrence County that require inspection. Dated this 10th day of February 2004 at Deadwood, South Dakota. Board of County Commissioners of Lawrence County. Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, County Auditor.

CULVERT SUPPLY BIDS: The Board reviewed the Beadle County Highway Department Bids for Metal Pipe (culverts) & Bridge Material that was awarded to Huron Culvert and Tank Co. Moved-Seconded (Douglas-Ewing) to follow the recommendation of Highway Superintendent, Chuck Williams, and approve the purchasing off the Beadle County Bid for Metal Pipe (culverts) & Bridge Material. Motion Carried.

RESOLUTION APPROVING THE ANNEXATION OF CERTAIN UNPLATTED LANDS BY THE CITY OF SPEARFISH: Moved-Seconded (Seward-Weisenberg) to approve the following Resolution 2004-06 Approving the Annexation of Certain Unplatted Lands by the City of Spearfish, South Dakota. Motion Carried. BE IT RESOLVED, by Lawrence County that the unplatted territory legally described as: N3/4SE1/4NE1/4, excluding Tract A, of Section 13, T6N, R2E, BHM, Lawrence County, South Dakota. (Dodds-27.95 acres) may be annexed by the City of Spearfish, South Dakota, pursuant to its Resolution extending the boundaries of the City of Spearfish as provided in SDCL 9-4-1. This Resolution constitutes approval of the City of Spearfish Resolution extending the boundaries of the City of Spearfish by the County Commissioners for annexation of such unplatted lands as provided in SDCL 9-4-5. Dated this 10th day of February, 2004. TERRY W. WEISENBERG, Chairman. ATTEST: Connie Atkinson, Auditor.

INVASIVE SPECIES MANAGEMENT: David Heck presented a Lawrence County and Municipalities Mosquito Management program that will be managed by LCISM and provided by each municipality in the county. The plan focuses on countywide coverage by cooperative efforts from cities and county interaction, by sharing equipment and personnel for cities under 1,000

people. LCISM will coordinate with all jurisdictions and Lawrence County Emergency Management to inform the communities when adulticiding, larviciding, and educational programs take place. The total project cost is \$101,643.96. The State share is \$50,821.91 and local share is \$50,821.91. Heck stated the County share would be \$20,447.10. Discussion followed on who would be responsible for the Boulder Canyon and Nemo area because they are not a taxing entity. Heck stated it was important to apply for the grant as soon as possible. Moved-Seconded (Ewing-Weisenberg) to approve the application for Grant Funds with Lawrence County initially covering the matching funds of \$50,821.91 and then request the reimbursement from the municipalities for their share. Motion Carried.

INTERGOVERNMENTAL AGREEMENT FOR HAZARDOUS MATERIAL: Moved-Seconded (Seward-Flanagan) to approve and authorize the Chairman to sign the Intergovernmental Agreement for Hazardous Materials Emergency Assistance with Rapid City Department of Fire and Emergency Services. Motion Carried.

RIGHT OF WAY / BOB MOORE: Bob Moore was present to ask the Board for their assistance in a Right of Way Dispute in the Eddy Simons Subdivision. The Board asked Bruce Outka to look into the issue.

BLACK HILLS VISION: Robert Nelson and Mike Derby explained the Black Hills Vision – Investing In Our Future Economic Development Program and requested funding for the program. To be part of the Governance Council a \$50,000 investment is requested. Derby reviewed the measurable goals and objectives for the program. The Board stated they would take their request for funds under consideration.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,925.53; Treas-\$7,979.39; Comp-\$4,937.48; States Atty-\$10,452.48; Pub Def-\$8,061.06; Gen Govt Bldg-\$4,776.08; Equal-\$10,951.70; Deeds-\$5,675.25; Vso-\$745.53; Disp-\$10,899.13; Sher-\$27,316.14; Jail-\$17,900.70; Emerg Mgnt-\$2,048.66; E911-\$1,253.60; Highway-\$32,200.10; Airport-\$399.28; Exten-\$1,180.64; Weed-\$1,396.96; Pz-\$2,643.48; **Bills:** Barrett,M-\$11.74; Bertch,A-\$19.86; Hamilton,M-\$7.00; Kotak,J-\$27.54; Maynard,L-\$7.00; Mowell,R-\$7,569.00; Nelson,K-\$7.00; Struble,L-\$10.58; Weisenberg,T-\$116.00; Woodle,S-\$7.50; A&B Business Equip-\$366.96; A&B Welding Supply-\$124.60; A&J Supply-\$403.32; Abc Business Supply-\$1,404.87; Accurint Accounts Receivable-\$3.75; Altaire Enterprises-\$180.00; Amcon Distributing-\$380.62; American Family Life-\$2,804.92; American Legion Post 31-\$50.00; American Protection-\$1,066.50; B H Chemical Company-\$1,238.67; B H Collection Service-\$50.00; B H Council Of Local Govt-\$6,877.50; B H Federal Credit Union-\$7,804.14; B H Fibercom-\$1,834.77; B H Land Analysis-\$2,295.00; B H Medical Ctr Pharmacy-

\$1,686.32; B H Pest Control-\$95.00; B H Pioneer-\$724.23; B H Power & Light-\$1,071.67; Behavior Mngt Systems-\$239.00; Bickle's Truck & Diesel-\$185.79; Bloomers Flowers & Gifts-\$40.76; Blue Cross-\$46,173.38; Broadbent,D-\$60.44; Buckstop Express Mart-\$5.00; Butte Electric Coop-\$543.42; Bw Black Hills Lodge-\$4.00; Campbell Co Sheriffs-\$20.00; Carlson,D-\$30.00; Cellular One-\$759.33; Central Parts-\$665.68; Clinical Lab Of B H-\$1,667.79; Cna Surety-\$50.00; Commercial Door & Special-\$235.50; Conoco-\$208.57; Culligan Soft Water Serv-\$20.00; Dakota Graphics-\$255.00; Deadwood Home Center-\$70.84; Deadwood Recreation Center-\$124.00; Deadwood, City Of-\$517.99; Deckers Food-\$29.50; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$37,147.96; Dietrich,D-\$304.92; Duffy & Duffy Law Office-\$1,732.90; Dwi Journal-\$265.00; Eddie's Truck Sales/Serv-\$72.48; Ekeren,M-\$30.00; Elan Finanical Services-\$161.00; Ellingson,J-\$2,278.85; Evercom Systems-\$630.00; Fastenal-\$124.13; Fish,V-\$162.00; Frederickson,J-\$809.40; Gold Dust-\$80.63; Golden West Technologies-\$91.00; Great Western Tire-\$473.00; Greens Alignment-\$121.99; Grimm's Pump Service-\$210.13; Hansen & Hubbard-\$3,913.50; Havemeier,L-\$131.40; Heisler Hardware-\$155.28; High Plains Western Heritage-\$150.00; Hood & Nies & Dardis-\$2,348.37; Ikon Office Solutions-\$221.25; Inn Pir Pierre-\$120.00; Johnson Machine-\$659.87; Kadrmas, Lee And Jackson-\$12,640.73; Kar Products-\$817.31; Kinney,M-\$993.02; Knecht True Value-\$76.49; L C Auditor-\$25.00; L C Public Health-\$2,208.00; L C Sheriff-\$7.38; L C Treasurer-\$100.00; Lead, City Of-\$40.00; Lead-Deadwood Sanitary-\$301.28; Meade Co Auditor-\$554.75; Montana-Dakota Util-\$8,464.28; Mutchler,T-\$397.15; N H Family Ymca-\$392.00; National Public Satety-\$116.10; Nebraska Salt & Grain-\$1,295.99; Neenah Foundry-\$750.74; Neighbors,J-\$675.00; Nfpa International \$670.50; Northwest Pipe Fitt-\$428.31; Novus-\$171.20; Office Of Child Support-\$565.50; Parrett,P-\$245.26; Pennington Co Jail-\$139.86; Pennington County Sheriff-\$15.90; Pennington County Sts Attny-\$200.00; Performance One-\$173.49; Peterson,J-\$150.00; Postmaster, Deadwood-\$150.00; Queen City Rocket Lube-\$263.32; Qwest-\$44.82; Ramco-\$1,569.48; R C Regional Hospital-\$3,419.37; Rabe Elevator-\$568.45; Rachtetto,J-\$3,452.67; Rapid Delivery-\$6.30; Reindl,S-\$1,358.88; Richards Law Firm-\$62.68; S D Retirement System-\$39,971.25; S D State Treasurer-\$12,448.36; S D Airport Conference-\$200.00; S D Assn Of Co Comm-\$75.00; S D Human Services Center-\$167.00; S D Public Assur Alliance-\$92,271.03; S D Supplemental Retirement-\$919.50; Sand Creek Printing-\$14.51; Sears Commercial One-\$74.87; Servall Towel & Linen-\$194.55; Spearfish Auto Supply-\$505.85; Spearfish Husky-\$22.00; Spearfish Senior Citizens-\$1,000.00; State Radio Communication-\$2,400.00; Sturgis Chamber Of Commerce-\$60.00; Superior Lamp And Supply-\$1,073.37; Tigerdirect-\$291.98; Trinity United Methodist Church-\$75.00; Triple K Tire & Repair-\$1,025.40; Twin City Hardware & Lumber-\$685.48; U S Dept Of Interior-\$4.40; United Parcel Service-\$12.95; University Of Nebreska-\$52.50; Viking Office Prod-\$93.07; Voelker & Adams-\$6,453.11; Waste Connections-\$362.49; Western Communication-\$294.10; Western Hills Humane Society-\$2,500.00; Williams Standard Serv-\$318.93; Yankton Co Sheriff-\$16.50; Yankton County-\$179.60; Zep Manufacturing-\$231.46; Ziggy's Building Center-\$15.84; **Witness & Juror:** Findley,F-\$50.58; Fischer,E-\$58.12; Gordon,F-\$57.54; Jurgensen,N-\$61.60; Langer,N-\$61.60; Nelson,J-\$58.70; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Watson,M-\$58.70; Bergstrom,T-\$141.46; Damberger,S-\$27.54; Demirtas,D-\$21.74; Dressler,D-\$66.40; Friel,P-\$21.74; Haiwick,R-\$33.34; Henderson,D-\$43.20; Kasper,D-\$46.10; Kleen,S-\$35.66; Kotak,J-\$27.54; Langer,L-\$27.54; Luze,J-\$21.74; Mcbride,R-\$21.74; Medearis,A-\$31.60; Meyers,S-\$28.70; Natali,C-\$27.54; Nelms,S-\$21.74; Plaggemeyer,R-\$28.70; Robataille,A-\$31.60; Roberts,A-\$20.58; Roberts,P-\$20.58; Stiefvater,K-\$28.70; Shafer,M-\$25.80;

Thompson,K-\$37.98; Wickenheiser,T-\$28.70; Adams,R-\$21.60; Anderson,B-\$23.92; Barrett,T-\$103.48; Bjorum,M-\$21.60; Buckneberg,M-\$118.56; Christianson,C-\$24.50; Counts,R-\$129.00; Crotty,K-\$11.74; Dixon,J-\$12.32; Emme,M-\$12.32; Fettig,J-\$22.76; Golliher,D-\$113.92; Harmon,K-\$15.80; Harris,R-\$21.60; Hart,R-\$11.16; Helmer,J-\$19.86; Hepker,M-\$123.20; Hobernicht,R-\$117.40; Huck,R-\$21.60; Huggins,J-\$103.48; Jeffery,J-\$21.60; Kirby,P-\$11.74; Kosel,S-\$15.22; Ladson,C-\$101.16; Logan,L-\$103.48; Marlow,D-\$117.40; Mollman,P-\$10.58; Morgan,S-\$21.60; Peterson,T-\$18.70; Quenzer,N-\$103.48; Reed,R-\$11.74; Richardson,D-\$12.90; Salathe,M-\$16.96; Schenk,T-\$140.60; Trautman,B-\$19.28; Walker,B-\$20.44; Wilson,S-\$11.16; Winchester,M-\$27.40; Woitas,G-\$18.70; Alanson,A-\$13.48; Andrews,J-\$50.58; Barker,J-\$18.70; Barron,N-\$61.60; Berger,H-\$60.44; Bohn,A-\$58.70; Bryant,R-\$12.32; Finley,E-\$21.60; Griffin,H-\$12.32; Hart,J-\$17.54; Hayes,S-\$19.86; Heil,D-\$10.58; Hicks,R-\$16.96; Higbee,P-\$19.86; Jacobsen,R-\$13.48; Kleinheksel,M-\$11.74; Ladson,M-\$21.60; Lemieux,A-\$19.86; Lorensen,B-\$12.32; Losey,K-\$50.58; Mackay,A-\$11.16; Mahoney,K-\$58.70; Maier,K-\$61.60; Miller,C-\$51.16; Monahan,D-\$15.80; Njos,O-\$17.54; Olhausen,M-\$24.50; Plunkett,D-\$58.70; Reller,K-\$11.74; Roberts,K-\$21.60; Sewell,C-\$20.44; Sprynczynatyk,B-\$17.54; Steinlicht,B-\$50.58; Swartz,B-\$18.70; Swiden,H-\$18.70; Vopat,A-\$60.44; Wilson,J-\$10.58; Anderson,C-\$18.70; Anderson,J-\$115.08; Bellantino,C-\$21.60; Brick,A-\$101.16; Crooks,G-\$18.70; Doyle,R-\$123.20; Edwards-Lambert,C-\$117.40; Etem,M-\$18.12; Frasier,L-\$102.32; Grubb,S-\$12.32; Heisinger,W-\$20.44; Horner,M-\$21.60; Huffman,J-\$15.22; Jacobsen,M-\$117.40; Johnson,S-\$21.60; Kemp,J-\$129.00; Killam,D-\$18.70; King,C-\$18.70; Kirby,J-\$11.74; Kortmeyer,M-\$18.70; Krautschun,B-\$27.40; Legge,J-\$12.90; Lerwick,C-\$10.00; Miles,K-\$16.96; Munro,T-\$21.60; Neilson,C-\$18.12; Richards,T-\$12.90; Ridley,T-\$117.40; Rodgers,S-\$111.60; Schneider,R-\$17.54; Schwaner,M-\$16.38; Schwarting,A-\$115.08; Solano,N-\$12.32; Stewart,J-\$105.80; Thompson,J-\$18.70; Varland,R-\$11.74; Weins,S-\$19.86; Widener,J-\$36.96

ADJOURN: 11:30 a.m. - There being no further business it was Moved-Seconded (Douglas-Seward) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – FEBRUARY 24, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 24, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Brandon D. Flanagan and James J. Seward present. Connie H. Douglas Absent.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Flanagan) to approve the minutes of February 10, 2004. Motion Carried. Douglas Absent

PERSONNEL:

EMERGENCY MANAGEMENT: Moved-Seconded to approve Rene' Larson to work up to 29 hours per week. Motion Carried. Douglas Absent.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Flanagan-Ewing) to approve Tom Sandvick, Sue Black, Rick White, Trina Blanks, Kristy Wilson and Marian Hamilton to attend the 2004 North Central Regional Conference of APCO April 21-23, 2004 in Rapid City. Motion Carried. Douglas Absent.

HIGHWAY: Moved-Seconded (Flanagan-Ewing) to approve Chuck Williams to attend the County Highway Superintends Short Course March 2-4, 2004 in Mitchell. Motion Carried. Douglas Absent.

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve Darlene Piekola to attend the NCRAAO Conference June 13-16, 2004 in Kansas City MO. Motion Carried. Douglas Absent.

EXTENSION AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Flanagan) to approve an automatic supplement for Extension Supplies Grant for \$1,178.44 for postage. Motion Carried. Douglas Absent

ABATEMENT:

PATRICIA A MCKENZIE: Moved-Seconded to approve the abatement on parcel #30125-00100-010-00 due to the house being torn down June 21, 2003. Motion Carried. Douglas Absent.

NURSES AGREEMENT: Moved-Seconded (Flanagan-Seward) to authorize the Chairman to sign the Agreement/Contract for Provision of Community Health Services between Lawrence County and West Dakota Health Care Inc. for the year 2004. Motion Carried. Douglas Absent.

DEADWOOD CITY LIMITS: Moved-Seconded (Seward-Weisenberg) to approve a 90 days extension. Motion Carried. Douglas Absent.

Moved-Seconded (Ewing-Flanagan) to leave utilities on in the Old Highway shop until the weather warms up. Motion Carried. Douglas Absent.

PLANNING & ZONING ALTERNATE: Moved-Seconded (Seward-Flanagan) to appoint Terry Weisenberg as an Alternate to the Planning and Zoning Board. Motion Carried. Douglas Absent.

EXTENSION OF CURRENT JOINT POWERS AGREEMENT: A public hearing was held on the extension of the current Joint Powers Agreement with the City of Spearfish for 90 Days. Moved-Seconded (Flanagan-Ewing) to grant the 90day extension. Motion Carried. Douglas Absent.

MAINTENANCE: Moved-Seconded (Seward-Flanagan) to approve Rick Frerichs, Maintenance Supervisor, to redesign the plaza in front of the Annex building. Motion Carried. Douglas Absent.

EMERGENCY MANGEMENT GRANT APPROVAL: Moved-Seconded (Flanagan-Ewing) to approve the Chairman to sign the State of South Dakota Grant Reimbursement Agreement for U.S. Department of Justice FY 2003 Part II Equipment Program Between Lawrence County and the South Dakota Department of Public Safety. The grant is in the amount of \$205,227.33 and is to be used to purchase protective equipment and medical supplies. Motion Carried. Douglas Absent.

ANNUAL REVIEW CUP#240/SEVEN DOWN ARENA: An annual review was held for CUP #240 for Seven Downs Arena. Moved-Seconded (Seward-Flanagan) to continue business as usual and table the annual review until next meeting. Motion Carried. Douglas Absent. Susan Galland reported that the Motor-cross events for the year 2004 would be held on April 25, 2004 and September 12, 2004. Will Lantis reported that starting June 4, 2004 that they would be holding a month long mounted shoot to be held at Seven Downs Arena.

LETTER OF RESIGNATION: Moved-Seconded (Seward-Flanagan) to accept the resignation of Erik Birk Planning & Zoning Administrator. Motion Carried. Douglas Absent. Moved-Seconded (Flanagan-Weisenberg) to waive the 2-week notice for Erik Birk. Aye 3 Nay 1 (Seward) Motion Carried. Douglas Absent. Moved-Seconded (Flanagan-Seward) to reluctantly accept the resignation of Deb Maynard Planning & Zoning Secretary and to waive the 2-week notice. Motion Carried. Douglas Absent.

9:30 AM: Moved-Seconded (Seward-Flanagan) to go into executive session to discuss personnel matters. Aye 3 Nay 1 (Weisenberg) Motion Carried. Douglas Absent

9:55 AM: The Board reopened for regular business. No Action was taken

NOXIOUS WEED PROGRAM: Pam Brown and Tom Smith from the United States Forest Service were present to present to the board the progress on Noxious Weeds. Tom Smith informed the board on his plans for the spraying of the weeds in Lawrence County. He stated that

he has been working very close with Dave Heck, Invasive Species Manager, and making progress in the spraying of the weeds in Lawrence County.

ST ONGE CLERK BOND: Jack Kari asked the board if they would accept the bond for the St Onge Clerk to help protect the taxpayers of St Onge. Jim Seward stated, that the bond needs to be presented to the board before the board can take any action.

10:36 AM: Moved-Seconded (Seward-Flanagan) to go into executive session to discuss personnel matters with John Fitzgerald. Motion Carried. Douglas Absent

10:47 AM: The Board reopened for regular business. No action was taken.

ANNUAL REVIEW CUP#285/CHARLES SNYDER: An annual review was held for CUP #285 for Charles Snyder. No complaints or problems were received. Moved-Seconded (Flanagan-Seward) CUP #285 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. Douglas Absent.

BILLS: Moved-Seconded (Seward-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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. Douglas Absent. **Payroll:** Comm-\$3,351.75; Aud-\$5,570.02; Treas-\$7,453.95; Comp-4,690.04; States Atty-\$9,977.26; Pub Def-\$4,197.95; Gen Govt Bldg-\$4,493.25; Equal-\$10,103.66; Deeds-\$5,354.85; Vso-\$745.53; Disp-\$7,951.31; Sher-\$24,261.30; Jail-\$14,736.16; Emerg Mgnt-\$2,038.15; E911-\$1,253.60; Highway-\$29,986.69; Air-\$508.76; Exten-\$1,082.40; Weed-\$2,405.07; Pz-\$2,548.36; **Bills:**2004 Apco Nc Regional Conferen-\$475.00; A&B Business Equip-\$261.00; Abc Business Supply-\$43.77; Alco Store-\$8.18; Altaire Enterprises-\$20.00; Amcon Distributing-\$336.55; Amoco Oil-\$142.91; At&T-\$75.86; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,804.14; B H Pioneer-\$13.66; B H Power & Light-\$6,258.38; B H Regional Multiple-\$100.00; B H Truck And Trailer-\$9.98; Behavior Mngt Systems-\$198.50; Bennett County Sheriff-\$16.50; Bentz Equipment-\$62.00; Black Hills Pure-\$11.50; Brown & Saenger-\$127.85; Butte County Sheriff-\$36.70; Butte-Lawrence Co-\$3,000.00; Campbell Supply-\$50.97; Carquest Of Spearfish-\$12.43; Christensen Law Office-\$594.00; City/County Alcohol &Drug-\$105.00; Cna Surety-\$25.00; Coburn Insurance Agency-\$3,650.00; Csd-\$82.50; Culligan Soft Water Serv-\$146.50; Dakota Graphics-\$130.00; Deadwood Carnegie Library-\$73,256.00; Dept Of The Treasury-\$32,006.81; Domestic Crisis Outreach-\$130.00; Ecolab-\$90.00; Eddie's Truck Sales/Serv-\$157.06; Esri-\$400.00; Fast Break Screen Printing-\$60.00; Fastenal-\$40.93; Gene's Lock Shop-\$36.50; Gordon,B-\$360.00; Governors Inn-\$165.00; Grace Balloch Mem Library-\$183,872.00; Grimm's Pump Service-\$98.24; Havemeier,L-\$54.40; Ibm Corp-\$3,127.91; Ikon Office Solutions-\$96.25; Infocus-\$699.00; Inn Pir Pierre-\$80.00; Integrity Ford-\$42,065.80; Kar Products-\$85.72; Karpinen,S-\$280.00; Knecht True Value-\$209.96; L C Auditor-\$25.00; L C Centennial-\$204.06; L C Public Defender-\$2.97; L C Sheriff-\$8.60; L C Treasurer-\$100.00; Lead, City Of-\$72,344.00; Lee,J-\$15.00; Lewis & Clark-\$250.00; Lexisnexis Matthew Bender-\$285.65; McMaster-Carr Supply-\$40.08; Midwest Alarm Co-\$84.00; Midwest Teletron-\$295.80; Montana-Dakota Util-\$163.95; Murphy,J-\$1,614.15; N H Alcohol & Drug Services-\$10,000.00; N H Community Development-

\$1,000.00; N H General Hospital-\$5,225.00; N H Training Center-\$5,700.00; Nelson,C-\$45.00; Nelson,T-\$440.00; Nicholas,C-\$40.00; Office Of Child Support-\$565.50; Office Technology/Supply-\$312.48; Pedersen Excavation-\$617.50; Pennington Co Auditor-\$35.00; Pennington Co Jail-\$1,321.26; Pennington County Sts Attny-\$400.00; Phillips Petroleum Co-\$10.00; Pitney Bowes-\$158.60; Praire Hills Transit-\$5,000.00; Profile Evaluations-\$300.00; Queen City Motors-\$17.95; Qwest-\$964.20; R C City Of-\$945.00; R C Regional Hospital-\$6,268.13; Rabe Elevator-\$1,473.85; Radio Shack/Kazco-\$18.98; Resource Roundup-\$15.00; Root Spring Scraper-\$86.39; S D Dept Of Transportation-\$1,553.40; S D Supplemental Retirement-\$919.50; Sand Creek Printing-\$2.00; Sdn Communications-\$26,250.00; Servall Towel & Linen-\$287.20; Shop4tech-\$54.00; Silverado-\$703.53; Spearfish Auto Supply-\$28.44; Spearfish Emergency-\$5,225.00; Specialized Auto Service-\$198.91; Texaco-\$23.58; Tigerdirect-\$122.94; Twin City Hardware & Lumber-\$9.37; Twin City Senior Citizens-\$1,000.00; U S Postal Service-\$4,000.00; Verizon Wireless-\$316.57; Victims Of Violence-\$130.00; Viking Office Prod-\$220.89; Walmart Store-\$541.53; Weed & Pest Conference-\$100.00; Western Communication-\$462.50; Western Sd Juvenile Serv-\$69,832.98; Whitewood Senior Citizens-\$500.00; **Witness & Juror Fees:** Brockley,M-\$61.60; Church,H-\$52.32; Findley,F-\$50.58; Fischer,E-\$58.12; Goodson,A-\$55.80; Gordon,F-\$57.54; Jurgensen,N-\$61.60; Karas,F-\$58.70; Kyte,W-\$61.60; Anger,N-\$61.60; Long,W-\$52.90; Lundberg,C-\$59.86; Nelson,J-\$58.70; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Sorenson,D-\$61.60; Twiss,T-\$58.12; Utecht,D-\$167.40

ADJOURN: 10:55 a.m. - There being no further business it was Moved-Seconded (Ewing-Seward) to adjourn. Motion Carried. Douglas Absent

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – FEBRUARY 27, 2004

Chairman Terry W. Weisenberg called the special meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 27, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

8:00 AM: Moved-Seconded (Flanagan-Ewing) to go into executive session to discuss personnel matters. Motion carried.

8:30 AM: The Board reopened.

Moved-Seconded (Flanagan-Ewing) to advertise for the position of Planning and Zoning Director. Motion Carried.

Moved by Flanagan to advertise for a secretary in the Planning and Zoning Office. Motion died due to lack of second. The Board stated they would wait and allow the new director to advertise and hire a secretary.

ADJOURN: 8:40 a.m. - There being no further business the Chairman adjourned the meeting.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 9, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 9, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Ewing) to approve the minutes of February 24th & 27th, 2004. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Seward-Flanagan) to authorize Bruce Outka to sign Plats on behalf of the County. Motion Carried.

TRAVEL REQUESTS:

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve the travel request for Paul Thomson to attend the West Nile Preparedness & Mosquito Control Conference and the SD Office of Emergency Management Meeting in Pierre, SD on March 14-15, 2004. Motion Carried.

Moved-Seconded (Flanagan-Douglas) to approve the travel request for Rene' Larson to attend the Black Hills Safety Summit in Rapid City on March 23, 2004. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Douglas-Ewing) to approve the travel request for Valerie Reddemen to attend the 2004 Annual Weed and Pest Conference in Mitchell, SD on February 18-20, 2004. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve the travel request for David Heck to attend the West Nile Preparedness & Mosquito Control Conference in Pierre, SD on March 15, 2004. Motion Carried.

COMMISSION: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Marlene Barrett to attend the SD County Welfare Directors Meeting in Pierre, SD on March 30-31, 2004. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Ewing) to approve the travel request for Darlene, Piekkola, Les Struble, Brandon Bott and Deb Markve to attend the Annual Assessor's Conference in Sioux Falls, SD on May 25-28, 2004. Motion Carried.

ABATEMENTS:

DESPERADO INVESTMENTS / FRED ENING: Moved-Seconded (Flanagan-Seward) to approve the abatement for Desperado Investments / Fred Ening on a 1972 Bendix Star Mobile Home that they had burned down. Motion Carried.

HOMESTAKE MINING COMPANY OF CALIFORNIA: Moved-Seconded (Flanagan-Seward) to approve the abatement for Homestake Mining Company of California on parcel #26460-01199-000-00 because the property was double assessed. Motion Carried.

M & W ENTERPRISES: Moved-Seconded (Seward-Weisenberg) to approve the abatement for M & W Enterprises on parcel #32655-01400-100-00 to the purchase price of \$27,062; because the property was assessed as developed market instead of undeveloped market. Motion Carried.

LYLE HAAK: Moved-Seconded (Flanagan-Weisenberg) to approve the abatement for Lyle Haak on parcel #20010-00602-072-55 for 2002 taxes, because there was an error in square footage. Motion Carried.

TREASURER TRUST PAYMENTS: Moved-Seconded (Flanagan-Douglas) to delay taking Mobile home distress warrant and accept partial payments of taxes on a 1994 Magnolia Monument mobile home owned by Jodi Maki and Larry Vrooman. Motion Carried.

TREASURER TRUST PAYMENTS: Moved-Seconded (Douglas-Flanagan) to delay taking tax deed and accept partial payments of taxes on Lot 1-D of Lot 1-C, Eddy-Simon Sub/Div owned by James Wilde. Motion Carried.

SHERIFF PERSONNEL: Moved-Seconded (Flanagan-Ewing) to advertise for a Dispatcher to fill an open position. Motion Carried.

Moved-Seconded (Douglas-Seward) to advertise for a Cook/Jail Assistant to fill an open position. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Seward-Ewing) to approve the Application for Permit to Occupy County Highway Right of Way for Black Hills Power & Light at 0.13 mile north of Talon Rd intersection on Maitland Rd. Co. Rd 195. Motion Carried.

WEIGHT LIMIT ENFORCEMENT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign the Lawrence County Weight Enforcement Resolution 2004-07. Motion Carried.

LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2004-07:
WHEREAS, seasonal climatic changes can be detrimental to our highways and WHEREAS, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and WHEREAS, the Lawrence County Board of County

Commissioners desire the enforcement of weight limitation of Lawrence County Roads as set forth and posted by the Lawrence County Highway Superintendent. NOW THEREFORE BE IT RESOLVED: WHEREAS, the limits on Lawrence County Highways shall be set as six (6) ton per axle on Designated asphalt surface roads during spring thaw period and when limit signs are in place. That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Lawrence County Roads. BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55. Vote of Lawrence County Commission AYE-5 NAY-0. Dated this 9th day of March 2004, at Lawrence County South Dakota. TERRY W. WEISENBERG, Lawrence County Commission Chairperson. Attest: CONNIE ATKINSON, Lawrence County Auditor.

NOTICE FOR BIDS: Moved-Seconded (Ewing-Flanagan) to approve the bid opening for Magnesium Chloride, Asphalt Hot Mix, Asphalt Cold Mix, Gravel Surfacing Aggregate and De-icing Sand for April 13, 2004 at 9:00 a.m. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Seward-Flanagan) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 29, 2004 showed the following: Total amount of deposits in banks-\$7,271,792.67; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$44,621.01; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,434.04; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$394,290.77; Savings-\$1,935,317.70; GNAMS-\$54,404.74; and Money Market \$1,187,779.46, Total \$7,271,792.67.

USGS: Moved-Seconded (Douglas-Flanagan) to approve the extension of the ongoing cooperative hydrologic study in the Northern Black Hills area with the City of Spearfish and the US Geological Survey. Motion Carried.

WIKA / VACATION OF PORTION OF SECTION LINE: Chuck Williams discussed a problem with James Wika's septic system located in a section line right of way. The septic system was approved in 1995 and now needs to be replaced. Williams stated Wika would be presenting petitions to vacate a portion of a section line.

CITY OF DEADWOOD / SLIME PLANT: Chuck Williams stated the City of Deadwood has contacted him for use of the parking lot at the slime plant. The City would like to use the parking lot as a staging area for construction crews for a project being done in Deadwood. The Board asked Williams to work with Outka and draw up a contract for use of the property.

EXECUTIVE SESSION: 9:30 AM: Moved-Seconded (Flanagan-Weisenberg) to go into executive session to discuss personnel matters. Motion carried. Brandon Flanagan excused himself from participating in the executive session. 9:45 AM: The Board reopened for regular business.

Moved-Seconded (Douglas-Weisenberg) to extend the application deadline for Planning and Zoning Administrator to March 19, 2004. Motion Carried.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,643.59; Treas-\$7,496.69; Comp-\$4,690.04; States Atty-\$9,988.42; Pub Def-\$4,197.96; Gen Govt Bldg-4,555.92; Equal-\$10,140.67; Deeds-\$745.53; Disp-\$9,948.45; Sher-\$25,884.22; Jail-\$16,500.84; Emerg Mgnt-\$2,038.15; E911-\$1,253.60; Highway-\$31,012.09; Air-\$122.36; Ext-\$1,082.40; Weed-\$1,971.70; Pz-\$4,647.65; **Bills:** Birk,E-\$6.50; Locken,W-\$167.62; Maynard,D-\$3.25; Maynard,L-\$2.33; Mowell,R-\$6,025.00; Reddeman,V-\$55.00; Williams,C-\$120.88; A&B Business Equip-\$790.66; A&B Welding Supply-\$33.00; A&J Supply-\$220.15; Abc Business Supply-\$931.49; Accurint Accounts Receivable-\$3.25; Adamson Industries Corp-\$99.00; Air Systems Mechanical-\$100.00; Altaire Enterprises-\$20.00; American Family Life-\$2,939.92; Amoco Oil-\$89.57; B H Chemical Company-\$1,305.66; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,804.14; B H Fibercom-\$2,330.33; B H Land Analysis-\$1,980.00; B H Medical Ctr Pharmacy-\$1,254.37; B H Pest Control-\$95.00; B H Pioneer-\$217.24; B H Power & Light-\$836.05; B H State University Career-\$35.00; Behavior Mngt Systems-\$15.00; Best Business Prod-\$40.44; Blue Cross-\$45,835.40; Boyer,J-\$241.40; Broadbent,D-\$40.00; Butler Law Office-\$6,086.57; Butler Machinery Co-\$43.53; Butte Electric Coop-\$68.45; Cadmet-\$112.75; Cellular One-\$905.89; Central Parts-\$1,015.52; Chris Supply Co-\$74.91; Clinical Lab Of B H-\$2,498.95; Coburn Insurance Agency-\$150.00; Cooperative Extension Service-\$147.03; Dale's Tire & Retread-\$2,358.00; Dartek Computer Supplies-\$899.74; Deadwood Home Center-\$35.83; Deadwood Recreation Center-\$124.00; Deadwood, City Of-\$647.28; Deckers Food-\$12.93; Dept Of Hlth Lab Services-\$125.00; Dept Of The Treasury-\$34,444.57; Dodge County Sheriff Office-\$21.08; Eagle Aviation-\$142.89; Eddie's Truck Sales/Serv-\$157.06; Evercom Systems-\$630.00; Family Thrift Center-\$14.27; Fastenal-\$269.51; Fish,V-\$91.20; Frederickson,J-\$460.32; Gall's-\$1,998.70; Gold Dust-\$47.40; Golden West Technologies-\$33.00; Great Western Tire-\$452.57; Greens Alignment-\$50.07; Heisler Hardware-\$52.18; Holiday Inn-\$373.47; Hood & Nies & Dardis-\$1,586.05; Huskii Enterprises-\$112.50; Ikon Office Solutions-\$367.40; Insight Public Sector-\$316.00; Kadmas, Lee And Jackson-\$7,245.32; Karpinen,S-\$200.00; Kieffer,T-\$155.80; Kimball-Midwest Co-\$192.72; King,M-\$307.85; Knecht True Value-\$29.99; Koala Electric-\$2,255.23; L C Centennial-\$66.00; L C Emerg Mgnt-\$39.17; L C Public Health-\$2,208.00; L C Sheriff-\$39.00; L C Treasurer-\$100.00; Lead, City Of-\$40.00; Lead-Deadwood Sanitary-\$323.16; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$158.80; Light & Siren-\$534.80;

Mearthur,J-\$40.00; Mcleod's Office Supply-\$398.00; Menards-\$435.90; Metcalf Archaeological-\$437.50; Microflex-\$165.00; Mid-Continent Testing-\$67.00; Montana-Dakota Util-\$7,663.98; N H Family Ymca-\$406.00; N H General Hospital-\$65.77; Nacvso-\$200.00; National Sheriff's Assoc-\$257.00; Neve's Uniforms-\$98.95; Novus-\$45.00; Office Of Child Support-\$565.50; Office Of Secretary Of State-\$25.00; Office Technology/Supply-\$63.58; Pennington County Sts Attny-\$400.00; Peterson,J-\$70.00; Postmaster,Spearfish-\$28.60; Qwest-\$167.88; Rabe Elevator-\$73.80; Radio Shack/Kazco-\$46.04; Reliable-\$211.89; Reuer,A-\$60.00; S D Retirement System-\$37,058.70; S D State Treasurer-\$60.00; S D Supplemental Retirement-\$919.50; Sanito Oil-\$3,260.19; Sears Commercial One-\$0.99; Servall Towel & Linen-\$194.56; Sharon Green Counseling-\$120.00; Spearfish Auto Supply-\$278.67; Stephens, Walter F. Jr-\$289.65; Summit Signs & Supply-\$2,944.00; Tellinghuisen, Gordon & Percy-\$3,985.83; Thelen Funeral Home-\$1,170.00; Tigerdirect-\$31.94; Twin City Hardware & Lumber-\$1,229.41; Viking Office Prod-\$499.17; Walmart Store-\$669.19; Waste Connections-\$223.93; Wells Plumbing & Farm Supp-\$1.82; West Group-\$565.50; Western Communication-\$627.25; Whitewood Library-\$45,528.00; Williams Standard Serv-\$10.00;**Witness & Jurors:** Barnholtz,D-\$21.74; Blevins,T-\$21.74; Church,H-\$52.32; Goodson,A-\$55.80; Karas,F-\$58.70; Kyte,W-\$61.60; Long,W-\$52.90; Lundberg,C-\$59.86; Sorenson,D-\$61.60; Twiss,T-\$58.12; Utecht,D-\$55.80; Wickenheiser,T-\$28.70; Aden,T-\$31.60; Blewett,T-\$31.60; Bruce,A-\$28.70; Cottril,J-\$28.70; Darland,G-\$31.60; Davis,J-\$22.90; Gamber,A-\$46.10; Harlan,J-\$21.74; Hinds,R-\$21.74; Huber,M-\$232.28; Janes,D-\$20.00; Janssen,E-\$20.87; Janssen,L-\$20.87; Johnson,C-\$21.74; Lee,B-\$21.16; Mcglone,L-\$31.60; North,P-\$28.70; Renner,D-\$20.58; Rowley,T-\$20.00; Schuldies,C-\$35.08; Sloan,N-\$29.28; Warnock,Z-\$28.70; Wilcox,B-\$21.74; Wilde,V-\$20.58; Williams,K-\$21.74; Wolfe,K-\$20.58; Zeeb,B-\$65.22

ADJOURN: 9:50 a.m. - There being no further business it was Moved-Seconded (Seward-Ewing) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 23, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 23, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Douglas-Flanagan) to approve the minutes of March 9, 2004. Motion Carried.

PERSONNEL:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Flanagan) to approve Valerie Reddemen as a GPS Grade 2 at the base rate of \$9.79 an hour, effective 3-16-2004. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Tamara Leveque as a full time Cook/Jail Assistant Grade 3 at the base rate of \$12.67 an hour, effective 3-23-2004. Motion Carried.

Moved-Seconded (Flanagan-Douglas) to advertise for a full time Correctional Officer. Motion Carried.

TRAVEL REQUESTS:

VSO: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for William Locken to travel to Fort Carson Colorado to assist the returning South Dakota National Guard Troops with VA Benefits and help them file applications for VA health care. Motion Carried.

Moved-Seconded (Douglas-Seward) to approve the travel request for William Locken to attend the SD Veterans Commission meeting in Hot Springs on April 5-6, 2004. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve the travel request for William Locken to attend the VSO Mini Conference in Rapid City, SD on April 13, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Seward) to approve the travel request for Paul Thomson to attend the Hazmat Conference in Pierre, SD on May 3-5, 2004. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for David Heck and one Board member to attend the 2004 Supervisors Training in Pierre, SD on April 14-17, 2004. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the travel request for David Heck to attend the 2004 Nebraska Supervisors Training in Chadron Nebraska on March 30-31, 2004. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Ewing) to approve the travel request for James Watts to attend the Risk Management meeting in Mitchell, SD on March 7-11, 2004. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve the travel request for Marty Goetsch to attend the Grant Training Class held in Sioux Falls, SD on April 21-23, 2004. Motion Carried. Aye-4, Nay-Seward.

Moved-Seconded (Flanagan-Weisenberg) to approve the travel request for Randall Rosenau to attend the Detective and New Criminal Investigator Training Course and Seminar in Commerce City, Colorado on April 18-23, 2004. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Flanagan-Weisenberg) to approve the travel request and travel advance for Joseph Kosel to attend the 2004 Criminal Law Training Seminar in Sioux Falls, SD on April 14-16, 2004. Motion Carried. Aye-4, Nay-Seward.

ABATEMENTS:

HERTEL, RAYMOND & ELOISE & STEVEN: Moved-Seconded (Seward-Flanagan) to approve the abatement for parcel #30900-00166-000-50 because the property was double assessed. Motion Carried.

BARNETT, KENNETH & PATRICIA: Moved-Seconded (Flanagan-Seward) to approve the abatement for parcel #20060-00602-063-35 because they were assessed for a bunk house that is no longer on the property and the shed was assessed as a barn. Motion Carried.

HIGHWAY BUSINESS:

014A OVERLAY: Moved-Seconded (Ewing-Flanagan) to set the bid opening for County Road 014A Overlay for April 27, 2004 at 10:00 a.m. Motion Carried.

UTILITY PERMITS: Moved-Seconded (Flanagan-Weisenberg) to approve the Application for Permit to Occupy County Highway Right of Way for Black Hills Power from the Pine Subdivision across Co. Rd 198 Benchmark and at 0.10 miles south of Bald Eagle Rd to intersection on Maitland Rd on Co. Rd 195. Motion Carried.

2004-1 PROJECT AGREEMENT BH NATIONAL FOREST & USDA FOREST SERVICE: Moved-Seconded (Seward-Flanagan) to approve the 2004-1 Project Agreement

between Lawrence County, Black Hills National Forest and USDA Forest Service. Motion Carried.

NORTHERN HILLS ALCOHOL & DRUG SERVICES: Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the letter of Core Service Agency for NH Alcohol & Drug Services. Motion Carried.

ST. ONGE TOWNSHIP TREASURER BOND: Moved-Seconded (Douglas-Ewing) to approve the St. Onge Township Treasurer Bond for \$20,000 on Sheila Kinghorn. Motion Carried.

NEW LEAD AMBULANCE SERVICE: Dr. Jeffery Bachau was present and informed the Board about a new Christian Ambulance Service in Lead. Bachau stated they would like to be operational by April 1, 2004. They will provide advanced life support in the Lead area and requested the 911-service center dispatch the new ambulance service in the Lead area. Bachau stated they have applied for a hardship exemption so only one certified EMT personnel needs to be in the vehicle with a driver. Bachau stated they are not asking for any subsidy from the County. The Board questioned the need for another ambulance service in the area and expressed concerns on the additional responsibilities it would put on the dispatchers. Joe Harmon, Chief Deputy stated serious details needed to be worked out before an agreement could be reached. State licensing and certified personnel were also discussed. Don Nelson, N.H. General Hospital & Ambulance Service, questioned the need for an additional ambulance in the area and stated they have provided ambulance service since the 80's and are committed to provide the service in the area. The Board stated they needed time to research the issue and Chairman Weisenberg asked for written comments from the Sheriff's Office, Emergency Management Office and E911 Coordinator. The Board will reconsider on April 13, 2004.

FOREST ROAD RESEARCH PROJECT: Randy Deibert, Black Hills Surveying and Brad Gordon, Timber Committee were present to update the Board on the Forest Road Research Project for RS2477 roads. Deibert stated they did a test area in Boulder Canyon and also worked on the Rifle Pit area. Deibert stated when the Forest Service closes a road he investigates the road to see if it qualifies for RS2477 status, if it qualifies and the Forest Service doesn't acknowledge the road then the legal process starts. The board asked Brad Gordon to prepare a form for citizens to fill out if they want a specific road, that has been closed, to be investigated. The form would be returned to the County Commissioners and could then be forwarded to Mr. Deibert if further research was requested.

RECLAMATION OF YATES WASTEROCK FACILITY: Todd Duex and Karl Burke presented the plan for reclamation of the Yates Waste Rock Facility. The plan would stabilize the site, relocate the County Road and Mickelson Trail and reroute Whitewood Creek. The project would close the County Road and Mickelson Trail for 2-3 months and would be a two-year

project. Burke stated they will work with the Mickelson Trail Events Coordinator to have the trail open for special events. Closures will be posted through out the trail. Paul Thomson, Emergency Management, expressed concerns for emergency reasons when the road is closed. Thomson stated communication is essential so emergency personnel are kept updated on closures. Duex stated Lawrence County, SD Game Fish and Parks, and the US Army Corps of Engineers must sign off on the plan. Chuck Williams asked if the petition process would need to be followed to move the County Road. The Board asked Bruce Outka and Williams to research the issue further.

12:30 PM - EXECUTIVE SESSION: Moved-Seconded (Douglas-Ewing) to go into executive session for personnel. Motion Carried. Aye-Weisenberg, Ewing and Douglas. Absent – Seward and Flanagan. The Board reopened at 3:20 p.m. No action taken.

BILLS: Moved-Seconded (Douglas-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,473.93; Treas-\$8,202.53; Comp-\$4,937.49; States Atty-\$10,375.45; Pub Def-\$5,947.57; Gen Govt Bldg-\$4,870.18; Equal-\$11,256.48; Rod-\$5,698.32; Vso-\$745.53; Disp-\$9,179.70; Sher-\$26,167.73; Jail-\$14,540.05; Emerg Mgnt-\$2,227.73; E911-\$2,054.80; Highway-\$32,556.78; Air-\$582.23; Exten-\$1,095.93; Weed-\$2,400.13; Pz-\$94.59; **Bills:** Engel,P-\$9.00; Kosel,J-\$339.64; Smith,M-\$54.81; 4hccs Distribution Center #03-\$25.75; A&J Supply-\$14.66; A-Z Shredding-\$121.25; Abc Business Supply-\$974.41; Aberdeen Llc-\$2,816.00; Active Data Systems-\$15,877.00; Ag Communications Center-\$39.00; Altaire Enterprises-\$20.00; Amoco Oil-\$100.22; At&T-\$69.48; Audiss,J-\$34.80; B H Collection Service-\$50.00; B H Federal Credit Union-\$7,804.14; B H Medical Center-\$57.40; B H Pioneer-\$90.00; B H Power & Light-\$6,922.95; B H Travel Agency-\$276.90; B H Truck And Trailer-\$28.72; Behavior Mngt Systems-\$293.10; Best Western Ramkota Inn-\$162.00; Black Hills Pure-\$11.50; Butler Machinery Co-\$247.84; Butte County Sheriff-\$8.20; Butte Electric Coop-\$431.94; Campbell Supply Co-\$67.89; Carlson,D-\$15.00; Cellular One-\$139.78; Chavez,G-\$50.00; Chief Supply-\$166.11; Chris Supply Co-\$173.22; Christensen Law Office-\$447.00; City/County Alcohol & Drug-\$345.00; Conoco-\$114.82; Conversion Graphics-\$60.00; Corral West-\$116.80; Culligan Soft Water Serv-\$103.00; Dakota Graphics-\$380.00; Dartek Computer Supplies Corp-\$224.86; Dept Of Hlth Lab Services-\$122.00; Dept Of The Treasury-\$34,830.28; Dietrich,D-\$119.72; Domestic Crisis Outreach-\$330.00; Ekeren,M-\$15.00; Ellingson,J-\$873.51; Family Thrift Center-\$63.00; Fastenal-\$170.79; Gall's-\$28.32; Gene's Lock Shop-\$15.90; Gold Dust-\$50.85; Hall Welding-\$23.40; Hartung,J-\$839.12; Hosmer, David M Law Office-\$138.64; Iaa0-\$48.00; Ikon Office Solutions-\$103.33; Johnson Machine-\$363.17; Kar Products-\$939.36; Karpinen,S-\$320.00; Ken's Camper Sales-\$55.00; Kieffer,T-\$125.80; Kinney,M-\$714.34; Knecht True Value-\$84.65; L C Centennial-\$140.97; L C Sheriff-\$97.77; L C Treasurer-\$100.00; Lance,A-\$243.00; Lewis & Clark Bhs-\$125.00; Lexisnexus Matthew Bender-\$64.80; Light & Siren-\$175.15; Mayer Radio-\$726.25; Mcarthur,J-\$80.00; Meade County Sheriff-\$41.70; Montana-Dakota Util-\$1,726.58; N H General Hospital-\$420.00; National Sheriff's Assoc-\$100.00; Nelson,T-\$440.00; Neve's

Uniforms-\$499.00; Nlada-\$400.00; Office Of Child Support-\$565.50; Otis,T-\$300.00; Overhead Door Company Of Rapid-\$3,982.00; Pennington Co Auditor-\$72.00; Pennington Co Jail-\$447.75; Phillips Petroleum Co-\$54.65; Pitney Bowes-\$1,245.00; Postmaster, Deadwood-\$68.00; Presho Oil-\$27.00; Queen City Motors-\$473.06; Queen City Rocket Lube-\$157.73; Qwest-\$173.88; R C City Of-\$1,085.00; R C Community Health-\$34.70; R C Regional Hospital-\$8,614.71; Rabe Elevator-\$1,667.55; Reindl,S-\$3,879.05; Reliance Telephone-\$59,125.60; Richards Law Firm-\$445.58; Rombough,D-\$58.62; Root Spring Scraper-\$7.89; Sdtla-\$200.00; S D Municipal League-\$10.00; S D Aao-\$300.00; S D Association Of County-\$90.00; S D Continuing Legal Ed-\$150.00; S D Dept Of Labor Unemployment-\$703.32; S D Dept Of Transportation-\$1,328.12; S D Supplemental Retirement-\$907.00; Sand Creek Printing-\$31.00; Schmit,A-\$120.00; Servall Towel & Linen-\$287.20; Slowey,Y-\$25.00; Spearfish Alt/Starter Rebuild-\$190.00; Spearfish Auto Supply-\$632.06; Spearfish Building Supply-\$19.78; Spearfish Extinguisher Service-\$12.00; Spearfish Husky-\$89.00; Spearfish Motors-\$39.65; Torgerson,L-\$263.50; Traffic Technologies-\$190.00; Triple K Tire & Repair-\$186.40; Twin City Hardware & Lumber-\$50.31; U S Postal Service-\$600.00; Univ Of Mn-Extension Serv #02-\$24.00; Verizon Wireless-\$321.24; Victims Of Violence-\$330.00; Voelker & Adams-\$6,806.75; Waste Connections-\$138.56; Western Sd Juvenile Serv-\$3,564.48; Yankton Co Sheriff-\$49.50; Yankton County-\$89.80; **Witness & Jurors:** Brockley,M-\$61.60; Fischer,E-\$58.12; Gordon,F-\$57.54; Jurgensen,N-\$61.60; Langer,N-\$61.60; Palmer,T-\$58.70; Watson,M-\$58.70; Damberger,S-\$31.60; Wickenheiser,T-\$28.70; Anderson,M-\$21.74; Barker,C-\$37.40; Berg,H-\$46.10; Brandow,T-\$20.58; Brewer,S-\$28.70; Bruhn,J-\$89.60; Bukovac,W-\$59.72; Campbell,E-\$20.58; Chalcraft,D-\$51.90; Christian,G-\$28.70; Clift,S-\$34.50; Conway,A-\$28.70; Deal,G-\$223.00; Dittus,K-\$31.60; Dower,L-\$22.90; Eivins,Z-\$29.28; Griffith,R-\$28.70; Hicks,C-\$28.70; Karinen,T-\$31.60; Kieper,M-\$101.20; Lara,A-\$20.58; Liggett,L-\$20.58; Newton,J-\$23.48; Peters,A-\$27.54; Peterson,M-\$49.00; Raabe,D-\$27.54; Reams,A-\$20.58; Schlandweiler,D-\$31.60; Schulz,D-\$28.70; St George,J-\$20.00; Studt,D-\$31.60; Studt,R-\$31.60; Sylvester,S-\$28.70; Trandahl,T-\$31.60; Wainman,W-\$112.20

ADJOURN: 3:26 p.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried. Absent-Seward and Flanagan.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MARCH 29, 2004

Chairman Terry W. Weisenberg called the special meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 6, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, Brandon D. Flanagan and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

8:00 AM - EXECUTIVE SESSION: Moved-Seconded (Douglas-Ewing) to go into executive session for personnel. Motion Carried. Aye-Weisenberg, Ewing, Seward and Douglas. Abstained – Flanagan. Flanagan excused himself from the meeting. The Board reopened at 9:00 a.m.

PLANNING & ZONING:

Moved-Seconded (Douglas-Ewing) to appoint Brandon Flanagan as the Planning and Zoning Director, upon resignation of County Commissioner, at the base rate of \$36,000 a year, effective 3-29-2004. Motion Carried. Aye-Weisenberg, Ewing, Seward and Douglas. Abstained – Flanagan.

Brandon Flanagan presented the Board with his letter of resignation.

Moved-Seconded (Douglas-Ewing) to accept the letter of Resignation from Brandon Flanagan, effective 3-29-2004. Motion Carried. Aye- Weisenberg, Ewing, Seward and Douglas.

Moved-Seconded (Douglas-Seward) to advertise for a secretary for Planning and Zoning. Motion Carried. Aye-4.

COUNTY COMMISSIONER APPOINTMENT:

Moved-Seconded (Seward-Weisenberg) to appoint George Opitz as County Commissioner, to serve for the remainder of 2004, according to SDCL 3-4-4. Motion Carried. Aye-4

ADJOURN: 9:15 a.m. - There being no further business it was Moved-Seconded (Seward-Ewing) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 13, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 13, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Douglas-Weisenberg) to approve the minutes of March 23 & 29, 2004. Motion Carried.

TRAVEL REQUESTS:

SPRING/SUMMER WORKSHOP: Moved-Seconded (Douglas-Opitz) to approve travel for all interested County Personnel to attend Spring and Summer Workshop in Pierre, SD for 2004. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Ewing-Weisenberg) to approve Janice Silvernail as a Legal Secretary I grade 3 at the base rate of \$12.21 an hour and Jill Sutter as a Legal Secretary I grade 2 at the base rate of \$11.09 an hour, effective 4-6-2004. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Weisenberg) to approve Rachael Eggebo as a full time Correctional Officer II, grade 3 at the base rate of \$13.10 an hour, effective 4-1-2004.

Moved-Seconded (Seward-Weisenberg) to approve Angela Mckee as a part time Correctional Officer I, grade 3 at the base rate of \$11.39 an hour, effective 4-11-2004. Motion Carried.

Moved-Seconded (Seward-Ewing) to appoint Robert Ruffato as part time Dispatcher I, grade 3 at the base rate of \$11.39 an hour, effective 4-13-2004. Motion Carried.

BOARD APPOINTMENTS:

PLANNING & ZONING BOARD: Moved-Seconded (Seward-Weisenberg) to appoint Chairman Weisenberg as Planning and Zoning Commission Board Member and to appoint Bob Ewing as alternate for the remainder of 2004. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Ewing-Douglas) to appoint Commissioner Opitz as Alternate for 2004. Motion Carried

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Douglas) to approve an automatic supplement of \$176,834.46 (grants) in the Emergency Management Budget to cover grant fund expenditures. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to set a supplemental budget hearing for Emergency Management Grants for April 27, 2004 at 8:45 a.m. for \$184,476.20. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2004 showed the following: Total amount of deposits in banks-\$7,761,103.53; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$77,866.32; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,383.19; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$1,484,531.85; Savings-\$1,336,708.39; GNAMS-\$50,455.21; and Money Market \$1,189,408.08, Total \$7,844,238.04.

ABATEMENTS:

HOMESTAKE: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for Homestake Mining Company on parcel #31870-00100-100-20, 31870-00100-110-00 and 31870-00100-140-00 because the structures were removed and the land should be included in the mine formula. Motion Carried.

KEELER, JERRY & LUCAS: Moved-Seconded (Seward-Opitz) to approve the abatement for parcel #32740-00800-033-00 this tax bill was paid by the means of a registered mobile home. Motion Carried.

NEW LEAD AMBULANCE SERVICE: Moved-Seconded (Seward-Ewing) to deny the request of Dr. Jeffery Bachau to have the Lead Ambulance dispatched because the State of South Dakota denied the hardship waiver requested; E911 and the Lawrence County Sheriff is against the request, The majority at the Lead town meeting were against the request, Northern Hills General Hospital was against the request, at the town meeting Dr. Bachau withdrew his request and Dr. Bachau never filled out an application through the Emergency Management Office. Motion Carried.

TRANSFER: RETAIL (ON-OFF SALE) MALT BEVERAGE FISH 'N FRY

CAMPGROUND: A public hearing was held on an application to transfer a malt beverage license as follows: ***PREVIOUS LICENSE: RANDALL L. HAVLIK (FISH 'N FRY CAMPGROUND)*** HCR 73, Box 801, Deadwood, SD 57732-9708. Legal description: Lot 2 except Lot A of HES 297, Section 18, T4, R4, Lawrence County, SD. ***NEW LICENSE: BLACK HILLS HOSPITALITY, INC (FISH 'N FRY CAMPGROUND)*** 21390 US Highway 385, Deadwood, SD 57732. Legal description: 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. No public was present to speak against the application.

Moved-Seconded (Seward-Douglas) to approve the transfer of a malt beverage license for Hospitality, Inc (Fish 'N Fry Campground). Motion Carried.

TRANSFER: RETAIL AND SUNDAY ON-SALE LIQUOR LICENSE – BRANDING IRON BAR TO SPEARFISH CANYON BAR: A public hearing was held on an application to transfer a Retail and Sunday On-Sale Liquor License as follows: **PREVIOUS LICENSE:** KIM J. RHODES, BRANDING IRON BAR & REST., Nemo, SD, Nemo Placer Mineral Survey 1368, Section 27, Township 3 north, Range 5 east, Lawrence County, SD. **TRANSFER TO:** GARY L. & LISA M. LUTZ / SPEARFISH CANYON BAR., 523 Spearfish Canyon Road, Spearfish, SD 57783: Lot 3B of Tract A of the SW1/4SW1/4 Section 14, T6N, R2E, BHM, Lawrence County, SD.

Tom Brady was present as Attorney for Gary and Lisa Lutz. Lutz explained they will be remodeling the building and living in the residence next to the restaurant and bar. Lutz stated they have other property in the area and plan to build a home in the future and then would like to turn the existing residence into a boutique. Brady stated the proposed location of the restaurant/bar and the existing residence consists of about 2/3 of an acre. Lutz's will be operating a year around enterprise and making a huge investment in the property. The property is zoned Highway Service Commercial and a motel is also located in the area.

Seward questioned the occupancy load and parking availability. Brady stated all building codes will be met and parking is available on lot 3A where the residence is located. Lutz stated they would be making additional parking available on lot 3A.

Dennis Goracke stated he lives a half block from the driveway to the proposed site and asked when parking fills up where will everyone park and expressed concerns about noise, garbage and location of the bar next to residences. Jim Wika expressed concerns about increased traffic in Spearfish Canyon and questioned if Live Bands would be part of the restaurant/bar. Todd Burke stated he lived in the area when the business was previously a bar. He talked about the increased traffic, people trespassing on his property and other late night activities. Wika and Burke both stated they are not opposed to a supper club but are against a bar.

Lutz's stated they do not plan on having live bands every weekend but may occasionally have a live band. They stated they will have their residence with children located next to the business and plan on running a reputable business. Brady stated this is a transfer of a current license and will be renewed on a yearly basis.

Commissioner Douglas stated this area has a history of an alcoholic beverage license in the building and stated the commissioners have the option not to renew this license if there are problems.

Moved-Seconded (Douglas-Weisenberg) to approve the transfer of Liquor License to GARY L. & LISA M. LUTZ / SPEARFISH CANYON BAR. Motion Carried. Aye-4 Nay-Seward.

HIGHWAY BUSINESS:

MODIFICATION TO 2003-1 PROJECT AGREEMENT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the signature of the Modification to 2003-1 Project Agreement between Lawrence County and the Black Hills National Forest. Motion Carried.

APPLICATION OF OCCUPANCY ON RIGHT OF WAY: Moved-Seconded (Douglas-Opitz) to approve and authorize the Chairman to sign the Application for Occupancy on the

Right of Way of County Highways for Qwest Communications for a cable occupancy of Highway – Whitewood Valley Road in Section 1, T7N, R4E, Lawrence County, SD. Motion Carried.

HIGHWAY BIDS:

MAGNESIUM CHLORIDE: The following bids were received for Magnesium Chloride: Z&S Dust Control - \$63.25 per ton and \$25.00 application; Enviro Tech - \$73.30 per ton and \$7.00 application; Hill Brothers - \$56.95 per ton and \$7.00 application.

Chuck Williams expressed concern that Hill Brothers would not be able to perform and stated he needs to have the material available and in supply. Williams stated Z&S Dust Control has a proven track record. Williams stated he doesn't know anything about the low bidder. Williams stated if Hill Brothers were not able to produce he would have to contact another supplier immediately. The Board stated they understood the problem and were also aware that Z&S would not be locked into their bid under this situation.

Moved-Seconded (Douglas-Weisenberg) to accept low bidder of Hill Brothers at \$56.95 per ton Motion Carried.

HOT MIX ASPHALT & COLD MIX and GRAVEL SURFACING AGGREGATE: No bids were received.

Moved-Seconded (Seward-Ewing) to set the bid opening for **HOT MIX ASPHALT & COLD MIX and GRAVEL SURFACING AGGREGATE** for May 11, 2004 at 9:00 am. Motion Carried. Aye-4 – Douglas absent.

DE-ICING SAND: Moved-Seconded (Douglas-Weisenberg) to accept the only bid for De-Icing Sand from Fisher Sand & Gravel at \$7.15 per ton. Motion Carried.

HISTORICAL DISPLAY: Barb Mattson and Mary Kopko were present to discuss a historical display in the annex building. Kopko stated a grant from Historic Preservation of \$5,000 is available to help offset the costs. Match money would be needed, but in kind services could be used toward match funds. The Board discussed locations and the limited space available. The Board stated they would take their request under consideration.

BUREAU OF LAND MANAGEMENT / MARION ATKINS: Marion Atkins, Bureau of Land Management, updated the Board on Lawrence County projects. Atkins stated within ½ mile of Deadwood the contractors will be cutting down trees that are 10 inches or less in the Grizzly Gulch fire area. The Hearst sale is completed and slash piles will be mulched. Nevada Gulch Wildland Urban Interface area will be thinned to reduce the potential of fires getting out of control. The BLM will be working on the Sheeptail and Roosevelt area. They will be working in the Yellow Creek area for fire containment zones. Bald Mountain will be looked at for bug trees and thinning and they will do thinning in the Blacktail area also. The Board applauded the BLM for the work they are doing in the area.

TIMBER COMMITTEE / SUMMARY OF THE RESEARCH/ROCHFORD EA: Bill Coburn and Brad Gordon were present to review the Summary of the Research/Rochford EA. They overviewed the Custom, Culture and Economic Stability, General Comments, Area Description and size, and the Purpose and Need for Project. Reducing Susceptibility to Insects and Disease, Reducing Hazardous Fuels, Producing Timber, Sustaining Future Timber Yield, Enhancing Vegetative Diversity, Reducing Road Density and Enhancing Big Game Habitat were addressed. Gordon discussed the RS2477 Roads affected in the area and stated more research needed to be done. Gordon stated they need to check if the roads meet the criteria for the RS2477 roads and then county policy for RS2477 roads.

Moved-Seconded (Seward-Ewing) to accept the draft summary and have the final summary emailed to the Board members prior to the Chairman signing the comments that will be forwarded to the Forest Service. Motion Carried.

NATIONAL TELECOMMUNICATORS WEEK / APRIL 11-17, 2004: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign a Proclamation declaring April 11-17, as National Telecommunicators Week. Motion Carried.

VACATE PORTION OF HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE / WIKA: A public hearing was held on a request from James Wika to vacate a portion of highway, part of which is located on a section line.

Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the following Resolution #04-48 to vacate a portion of highway, part of which is located on a section line. Motion Carried.

LAWRENCE COUNTY RESOLUTION #04-08 RESOLUTION & ORDER TO VACATE PORTION OF HIGHWAY, PART OF WHICH IS LOCATED ON A SECTION LINE:
WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Centennial, once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: **Legal Description For The Vacating Of A Portion Of Section Line:** LEGAL DESCRIPTION FOR THE VACATION: A portion of a section line row consisting of the South 26 feet of the section line ROW between sections 14 and 23, T6N, R2E, BHM, Lawrence County, SD, beginning at a point on the East ROW of U.S. Highway 14A, said point being 461.12 feet East of the corner common to sections 14, 15, 22, and 23, T6N, R2E, BHM, thence East along said section line a distance of 343 feet to the point of terminus. LANDOWNERS: Homestake Mining Co. & United States Forest Service. Dated this 13th day of April, 2004. TERRY W. WEISENBERG, CHAIRMAN. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

BILLS: Moved-Seconded (Douglas-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,001.25; Aud-\$6,309.91; Treas-\$8,243.65; Comp-\$5,184.92; States Atty-\$10,804.88; Pub Def-\$6,299.41; Gen Govt Bldg-\$5,364.36; Equal-\$11,762.73; Rod-\$6,083.60; Vso-\$745.97; Disp-\$8,465.24; Sher-\$27,893.66; Jail-\$15,741.52; Emerg Mgnt-\$2,469.06; E911-\$1,504.32; Highway-\$34,591.00; Air-\$77.28; Exten-\$1,298.88; Weed-\$2,470.56; Pz-\$645.84; **Bills:** Barrett,M-\$136.10; Heck,D-\$100.84; Kosel,J-\$7.21; Mowell,R-\$5,332.50; White,R-\$7.00; A&B Business Equip-\$420.15; A&B Welding Supply-\$33.00; A&J Supply-\$266.82; A&M Transport-\$423.00; A-Z Shredding-\$35.75; Abc Business Supply Corp-\$627.87; Accurint Accounts Receivable-\$5.25; Ag Communications Center-\$19.55; Air Connection-\$74.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$315.99; American Family Life-\$2,857.98; Amoco Oil Co-\$30.59; Armstrong Extinguish-\$103.67; Asap Software Express-\$97.92; Audiss,J-\$159.56; B H Chemical Company-\$1,457.41; B H Collection Service-\$50.00; B H Federal Credit Union-\$8,404.14; B H Fibercom-\$681.08; B H Land Analysis-\$3,960.00; B H Medical Ctr Pharmacy-\$1,038.89; B H Pest Control-\$95.00; B H Pioneer-\$773.42; B H Power & Light-\$992.38; B H Window Cleaning-\$15.00; Behavior Mngt Systems-\$1,322.65; Best Western Ramkota Inn-\$110.00; Black Hills Pure-\$11.50; Blue Cross-\$44,986.52; Bob Barker Company-\$287.62; Butler Law Office-\$2,606.42; Butte Electric Coop-\$462.02; Carlson,D-\$30.00; Cellular One-\$250.00; Central Parts-\$456.78; Christensen Law Office-\$789.50; City/County Alcohol & Drug-\$210.00; Clark Printing-\$156.00; Clinical Lab Of B H-\$5,053.22; Conoco-\$98.52; Culligan Soft Water Serv-\$30.50; Dakota Graphics-\$358.00; Dakota Laser Tech-\$75.75; Dartek Computer Supplies Corp-\$275.34; Deadwood Home Center-\$411.11; Deadwood Recreation Center-\$123.00; Deadwood, City Of-\$463.84; Deckers Food-\$4.33; Dept Of The Treasury-\$37,270.84; Dietrich,D-\$241.64; East West Motor Express-\$450.00; Elan Financial Services-\$1,145.10; Election Sys & Software-\$1,515.62; Equipment Services-\$4,600.00; Evercom Systems-\$630.00; Exit 8 Trailer Sales-\$75.00; Extension Annual Conference-\$37.00; Family Thrift Center-\$6.03; Fastenal-\$141.83; Frederickson,J-\$442.90; Gene's Lock Shop-\$89.00; Genpro Power Systems-\$145.00; Gold Dust-\$77.18; Golden West Technologies-\$33.00; Gordon,B-\$288.00; Great Plains Chemical-\$360.00; Great Western Tire-\$231.32; Heisler Hardware-\$142.60; Hewlett-Packard Company-\$4,806.00; Hills Products Group-\$265.44; Hood & Nies & Dardis-\$6,425.35; Ibm Corp Sqh-\$1,181.35; Jacobs Precision Welding-\$10.00; Johnson Machine-\$252.62; Karl's-\$449.00; Kieffer,T-\$2,021.60; Kinney,M-\$920.38; Kittelson,J-\$30.00; Knecht True Value-\$1,089.10; L C Auditor-\$25.00; L C Centennial-\$792.52; L C Conservation Dist-\$4,500.00; L C Public Health-\$2,208.00; L C Sheriff-\$76.22; L C Treasurer-\$100.00; Lance,A-\$54.00; Lead, City Of-\$40.00; Lead-Deadwood Sanitary-\$232.44; Lee,J-\$15.00; Lee,T-\$207.32; Lewis & Clark Bhs-\$250.00; Liedtke,C-\$250.00; Mcarthur,J-\$45.00; Montana Dakota Utilities-\$300.00; Montana-Dakota Util-\$5,834.35; N H Family Ymca-\$376.00; N H General Hospital-\$240.00; National 4-H Council Sup Serv-\$67.18; National Assoc Of Criminal-\$125.00; Neve's Uniforms-\$759.95; Northern Hills Casa-\$3,048.81; Novus-\$147.00; Office Max-\$50.15; Office Of Child Support-\$565.50; Office Technology/Supply-\$397.95; Outdoor Motor Sports-\$37.39; Pedersen Excavation-\$617.50; Pennington County Sheriff-\$34.80; Pennington County Sts Attny-\$600.00; Pitney Bowes-\$117.20; Postmaster, Deadwood-\$222.00; Public Agency Training Council-\$395.00; Qwest-\$124.12; R C Police Dept-\$25.00; R C Regional Hospital-\$2,865.32;

Rachetto,J-\$662.40; Radio Shack/Kazco-\$369.96; Regan Battery Maint Services-\$26.46; Richard J Condon & Assoc-\$350.00; Richards Law Firm-\$1,892.65; Rombough,D-\$117.36; S D Assn Of Co Comm-\$112.50; S D Retirement System-\$39,093.98; S D State Treasurer-\$4,585.74; Sdaco-\$225.00; S D Supplemental Retirement-\$907.00; Salzsieder,M-\$3,435.00; Sand Creek Printing-\$94.70; Sanito Oil-\$15,711.61; Sd Family & Youth 4-H Office-\$420.00; Servall Towel & Linen-\$194.56; Slowey,Y-\$125.00; Spearfish Auto Supply-\$393.40; Spearfish Emergency-\$20,777.00; Spearfish Husky-\$569.40; Technology Center-\$589.98; Teen Court-\$2,070.24; Tellinghuisen, Gordon & Percy-\$491.18; Texaco-\$61.06; Twin City Hardware & Lumber-\$337.42; United Building Center-\$14.45; United Parcel Service-\$10.45; Univ Of Mn-Extension-\$24.00; Verizon Wireless-\$168.68; Viking Office Prod-\$546.70; Voelker & Adams-\$2,787.40; Walmart Store-\$528.85; Warne Chemical-\$1,659.91; Waste Connections-\$508.02; Wells Fargo Bank-\$127.00; Western Communication-\$294.10; Western Stationers-\$275.00; Williams Standard Serv-\$1.90; Xerox Corporation-\$159.00; Yankton Co. Sheriff-\$16.50; Yankton County-\$182.10; **Witness & Juror:** Buth,T-\$58.70; Church,H-\$52.32; Goodson,A-\$55.80; Karas,F-\$58.70; Kyte,W-\$61.60; Long,W-\$52.90; Lundberg,C-\$59.86; Sorenson,D-\$61.60; Twiss,T-\$58.12; Utecht,D-\$167.40

Douglas left at 11:30 a.m.

COMMUNITY HEALTH NURSING: Denise Rosenberger presented the Board with the January –March, 2004 quarterly report, reviewing the Family Planning services, WIC, MCH (Maternal Child Health) services, meetings, office related matters and flu vaccinations.

ADJOURN: 11:35 p.m. - There being no further business the Chairman adjourned the meeting. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order at 1:00 p.m. on Tuesday, April 13, 2004, with the following members present: Terry Weisenberg, Bob Ewing, James Seward and Connie Douglas. George Opitz was absent. The 2004 Board of Equalization was signed.

All motions were passed by unanimous vote unless stated otherwise.

COUNTY APPEALS:

#0001 SCHMIDT, WOLFGANG ETAL: 10000-00305-040-60 T-003 R-05 TRACTS C & E OF HES 88 Moved-Seconded (Weisenberg-Ewing) No change in land values. No change in structure values. Motion Carried: Absent: (Opitz) Remarks: Fair market value increase.

#0002 OBERLANDER, MICHAEL PAUL & ANGEL: 26940-00003-002-15 LOST CAMP VALLEY AC. TR C LOT 15 BLK 2 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value increase.

#0003 NELSON, DONALD D & SANDRA K: 24000-00702-184-10 T-007 R-02 NE1/4 SE1/4 Moved-Seconded (Douglas - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value increase.

#0004 MATTSON, JON & BARBARA: 26540-01222-000-00 MINERAL 1217 THRU 1298 M.S. 1222 SILVER GLANCE ETAL Moved-Seconded (Douglas-Weisenberg) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Not eligible for AG classification, not contiguous.

#0005 MATTSON, JON & BARBARA: 26280-00340-000-00 MINERAL 108 THRU 758 M.S. 340 OLD LEXINGTON Moved-Seconded (Weisenberg - Seward) Change land value from \$12,900 to \$1,130. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Reclassification to Ag.

#0006 MATTSON, JON & BARBARA: 26500-01208-000-06 MINERAL 1208 THRU 1216 M.S. 1208 LOT 6 OF RAY PLACER Moved-Seconded (Weisenberg - Seward) Change land value from \$14,550 to \$220. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Reclassification to Ag.

#0007 BOULDER PARK SUBD HOMEOWNERS ASSOCIATION: 18600-00504-150-70 BOULDER PARK 14 & 15-5-4 BLOCK 2 Moved-Seconded (Douglas - Weisenberg) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Not eligible for AG.

#0008 BESLER, RALPH E & RENAE D REVOCABLE TRUST: 22000-00604-164-30 T-006 R-04 PT SW1/4 1/4 EX LOTS H-1 & H-2 Moved-Seconded (Weisenberg - Douglas) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Owner Occupied not received in time for 2004.

#0009 FREDERICKSON, JOHN R & PAULETTE: 17000-00503-260-00 T-005 R-03 TRACT 42 Moved-Seconded (Douglas - Weisenberg) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0010 FREELAND, WAYNE A: 26760-01832-000-45 MINERAL 1765 THRU 1887 M.S. 1832 LOT 2B (.44), 2C (.20) & PT. ADJ LOT 2C (.33) OF CANNON BALL Moved-Seconded (Weisenberg - Douglas) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0011 CRAGO, ROGER L & SHARON K: 26680-01703-000-60 MINERAL 1564 THRU 1742 M.S. 1703 3 LOTS M & B Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0012 MILLARD, CLINTON TIM & TERESE L HRUSKA: 26680-01703-000-15 MINERAL 1564 THRU 1742 M.S. 1703 LOT C S/D & PT 60' X 100' M.S. 1703 Moved-Seconded (Douglas - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0013 NELSON, ARTHUR L & KAREN L: 26680-01703-000-20 MINERAL 1564 THRU 1742 M.S. 1703 TRACT 1 S/D Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure values. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0014 NELSON, CHARON R ETUX: 26760-01832-000-35 MINERAL 1765 THRU 1887 M.S. 1832 LOT 2A OF CANNON BALL Moved-Seconded (Weisenberg - Ewing) Change land value from \$12,000 to \$9,600. No change in structure value. Motion Carried: Absent: (Opitz): Remarks: Revalue land, site smaller then normal for this neighborhood.

#0015 BOSCHEE, VICTOR M & DIANNE D: 26680-01703-000-70 MINERAL 1564 THRU 1742 M.S. 1703 LOT EH-1 Moved-Seconded (Seward - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0016 CARTER, JERRY & BARBARA: 26680-01703-000-80 MINERAL 1564 THRU 1742 M.S. 1703 M & B DESCRIPTION Moved-Seconded (Douglas - Weisenberg) Change land value from \$12,000 to \$9,600. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Revalue land, site smaller then normal for this neighborhood.

#0017 MATHISRUD, DIANA & RYAN, WAYNE L SR & BETTY: 26680-01703-000-45 MINERAL 1564 THRU 1742 MATHISRUD TRACT Moved-Seconded (Ewing - Seward) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0018 DERBY, TIMOTHY E AND/OR GAIL L: 13000-00403-060-25T-004 R-03 TRACT 38B Moved-Seconded (Douglas - Weisenberg) Change land value from \$12,000 to \$2,130. No

change in structure value. Motion Carried: Absent: (Opitz) Remarks: Remove site value. This parcel is contiguous with parcel #13000-00403-060-20.

#0019 DERBY, TIMOTHY E AND/OR GAIL L: 13000-00403-060-20 T-004 R-03 TRACT 38A Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Seward-Opitz) Remarks: Fair market value.

#0020 RYAN, WAYNE L SR ETUX: 13000-00403-060-15 T-004 R-03 TRACT 37 EXCEPT LOT A (.26) & EXCEPT A POR. IN MATHISRUD TRACT(.30) Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0021 RYAN, DAVID & WILMA: 26880-02020-000-04 MINERAL 1995 THRU 2079 M.S. 2020 LOT B OF HIDDEN WEALTH #1 Moved-Seconded (Douglas - Seward) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0022 KRUSE, MICHAEL J & DALE P C/O KRUSE, ANTHONY B ETUX: 26880-02020-000-20 MINERAL 1995 THRU 2079 M.S. 2020 HIDDEN WEALTH #1 & #2, LOTS 21 THRU 26 Moved-Seconded (Seward - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0023 DERBY, STANLEY R & CAROLYN M TRUSTEES: 26580-01370-000-11 MINERAL 1299 THRU 1398 M.S. 1370 LOT 7 Moved-Seconded (Seward - Douglas) Change land value from \$6,000 to \$0. Change structure value from \$15,360 to \$0. Motion Carried: Absent: (Opitz); Remarks: Delete parcel #26580-01370-000-11 Value improvements and land on parcel #26580-01370-000-10. Combine to one.

#0024 DERBY, STANLEY R & CAROLYN M TRUSTEES: 26580-01370-000-10 MINERAL 1299 THRU 1398 M.S. 1370 LOTS 1-A & 1-B Moved-Seconded (Ewing - Seward) No change in land value. Add additional building charge of \$15,360 in structure value. Motion Carried: Absent: (Opitz) Remarks: Combine parcels to one. Delete parcel #26580- 01370-000-11. Add improvements and land value to parcel #26580-01370-00-10.

#0025 CUDMORE, THEODORE D & JANET M: 26580-01370-000-50 MINERAL 1299 THRU 1398 M.S. 1370 LOT 13 Moved-Seconded (Seward - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0026 AKER, ALAN & HEIDI: 26680-01673-000-00 MINERAL 1564 THRU 1742 M.S. 1673 BULL HILL FR, BELLIGERENT, BELLIGERENT F R, BELLIGERENT~#3 & BELLIGERENT #4 Moved-Seconded (Douglas - Weisenberg) Change land value from \$27,090 to \$5,750. Change abstract class from NA to AG Motion Carried: Absent: (Opitz) Remarks: Revalue the land, reflecting a change of use from non-agricultural to agricultural. Property owner has provided proof of agricultural use.

#0027 AKER, ALAN & HEIDI: 26540-01289-000-05 MINERAL 1217 THRU 1298 M.S. 1289 ESTER, AMES & AMES FRAC Moved-Seconded (Seward - Weisenberg) Change land

value from \$18,460 to \$2,820. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalue the land, reflecting a change of use from non-agricultural to agricultural. Property owner has provided proof of agricultural use.

#0028 BARNETT, KENNETH M & PATRICIA K: 20060-00602-063-35 PINE OAKS SUB/D LOT 35 Moved- Seconded (Seward - Douglas) No change in land value. Change structure value from \$137,650 to \$112,860. Motion Carried: Absent: (Opitz) Remarks: Bunkhouse removed, garage added, horse barn changed to shed-no floor or footings; 120 square feet of residence, square footage removed and added to garage square footage.

#0029 CHRISTOPHERSON, MYRON & LOY: 20570-00602-024-00 CORNELL S/D LOT X-1A(9.85),X-2(5.17) X-3(5.17), S/D OF LOT X OF NW1/4 CORNELL S/D Moved- Seconded (Seward - Douglas) No change in land value. No change in structure value. Change structure value from \$9,250 to \$6,950. Motion Carried: Absent: (Opitz) Remarks: As a secondary structure (add-a-bldg) on the property, it should not have received the economic adjustment. Depreciation was adjusted to off-set the economic adjustment to the property.

#0030 COMMNET CELLULAR OPERATIONAL TAX MANAGER: 26999-00003-000-12 BLDGS. ON LEASED GROUND BLDG IN NE1/4 NE1/4 SEC 11-4-2 Moved-Seconded (Douglas-Weisenberg) Change structure value from \$1,100 to \$0. Motion Carried: Absent: (Opitz) Remarks: This property is now exempt from real property taxation according to SDCL 10-33A-19, effective 7-1-2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0031 COMMNET CELLULAR OPERATIONAL TAX MANAGER: 20000-00602-084-01 T-006 R-02 COMMUNICATION SITE LOCATED IN SE1/4 Moved-Seconded (Douglas - Seward) Change structure value from \$56,070 to \$0. Motion Carried: Absent: (Opitz) Remarks: This property is now tax exempt from real property taxation according to SDC L 10-33A-19, effective 7-1-2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0032 CONSOLIDATED PAPERS INC C/O HILLS PRODUCTS GROUP: 22000-00604-212-36 T-006 R-04 LOT 3A OF SE1/4 NW1/4 & SW1/4 NE1/4 Moved-Seconded (Seward - Weisenberg) No change in land value. Change structure value from \$58,890 to \$35,290. Motion Carried: Absent: (Opitz) Remarks: On-site inspection completed on 3-17-2004. Structure reassessed according to present use, scale lowered to flat value of \$5,000 (currently not being used, but still functional). Sale price for property \$60,000, but only offered to Hills Products, not advertised per consolidated paper representative, so is not considered an arms length sale.

#0033 DERBY, ROSE M: 18000-00504-031-00 T-005 R-04 SE1/4 NE1/4 Moved-Seconded (Seward-Weisenberg) Change land value from \$54,750 to \$34,150. Motion Carried: Absent:(Opitz) Remarks: Revalued the land, considering topography and access. The majority of parcel is hillside and for the most part is inaccessible, existing logging trails (approximately 20 years old) are not maintained and eroded. The parcel will be moved into a low NBHD reflecting the site value.

#0034 HERRICK, MICHAEL J & SHERRI K HERRICK, JEROME & ARDITH: 18000-00504-132-00 T-005 R-04 LOT E OF NW1/4 NW1/4 EX RW & EX THE W 235' OF S 50 ' (THIS LOT E SAME AS LOT 1) Moved- Seconded (Weisenberg - Ewing) No change in land value. Change structure value from \$64,660 to \$60,920. Motion Carried: Absent: (Opitz) Remarks: Revalued the improvements based on the field inspection conducted on March 24, 2004.

#0035 HERRICK, MICHAEL J & SHERRI K HERRICK, JEROME & ARDITH: 18000-00504-132-30 T-005 R-04 LOT 1A EX H1(.02 AC) & H3(.06 AC) OF LOT 1 NW1/4 N W1/4 Moved-Seconded (Seward - Douglas) No change in land value. Change structure value from \$63,720 to \$58,770. Motion Carried: Absent: (Opitz) Remarks: Revalued the improvements based on the field inspection conducted on March 24, 2004.

#0036 JAMNIK, FRANK J & CHARLOTTE A: 04000-00204-123-02 T-002 R-04 SUMMER PLACE TRACTS 1,2 & 3 Moved-Seconded (Weisenberg - Ewing) No change in land value. Change structure value from \$62,610 to \$53,880. Motion Carried: Absent: (Opitz) Remarks: Revalued the improvements associated with this parcel by updating the depreciation.

#0037 JOHNSON, DENNIS L & LINDA L: 18700-00504-151-35 ALICE S/D W 1/2 NE 1/4 LOT 16 15-5-4 Moved-Seconded (Seward - Weisenberg) Change land value from \$17,360 to \$12,150. Motion Carried: Absent: (Opitz) Remarks: Topography and access affects the site value of this property. Homeowner agrees to on-site review of this parcel this summer.

#0038 JOHNSON, ROBERT W & JOAN M TRUST ETAL: 22000-00604-152-10 T-006 R-04 NW1/4 NE1/4 EX 5 ACRES-NE1/4NW1/4- SW1/4NW1/4-NW1/4NW1/4 Moved-Seconded (Seward - Weisenberg) No change in land value. Change structure value from \$30,920 to \$0. Change structure value from \$30,990 to \$40,880. Motion Carried: Absent: (Opitz) Remarks: All four cabins are rental cabins, deleted as Ag residential and put in as commercial cabins, (no land). If sold, will be sold and removed.

#0039 KAROL, CLAIRE E & JANELLE E: 26540-01289-000-10 MINERAL 1217 THRU 1298 M.S. 1289 CLOUD, THUNDER, LIGHTNING & DICK LODES Moved-Seconded (Douglas - Seward) Change land value from \$28,020 to \$3,570. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, reflecting a change of use from non-ag to ag. Property owner has provided proof of ag use.

#0040 KAROL, JANELLE E & CLAIRE E: 26580-01388-000-20 MINERAL 1299 THRU 1398 M.S. 1388 SYLVANITE #1 Moved-Seconded (Weisenberg - Seward) Change land value from \$7,520 to \$1,560. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, reflecting a change of use from non-ag to ag. Property owner has provided proof of ag use.

#0041 LEHIGH GROUP INC: 26280-00491-000-00 MINERAL 108 THRU 758 M.S. 491 ONTARIO Moved-Seconded (Seward - Douglas) Change land value from \$23,620 to \$5,780. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, considering topography and access.

#0042 LEHIGH GROUP INC: 26280-00492-000-00 MINERAL 108 THRU 758 M.S. 492 WANDA Moved-Seconded (Seward - Ewing) Change land value from \$12,500 to \$3,210. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, considering the topography and access.

#0043 LEHIGH GROUP INC: 26280-00493-000-00 MINERAL 108 THRU 758 M.S. 493 R.B. HAYES Moved-Seconded (Weisenberg-Seward) Change land value from \$26,720 to \$6,900. Motion Carried: Absent:(Opitz) Remarks: Revalued the land, considering the topography and access.

#0044 LEHIGH GROUP INC: 26760-01867-000-20 MINERAL 1765 THRU 1887 M.S. 1867 CROW LODGE Moved-Seconded (Douglas-Seward) Change land value from \$37,410 to \$31,800. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, considering topography and access.

#0045 MATTI, HAROLD A & DARLENE C: 26985-00009-000-61 SPEARFISH CANYON LOTS LOT 61 SEC. 31-4-2 Moved-Seconded (Weisenberg - Ewing) Change land value from \$56,420 to \$52,420. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, considering the property has no power.

#0046 MCKEE, KEVIN J: 26380-01135-000-12 MINERAL 1035 THRU 1135 M.S. 1135 STERLING, STERLING 1 & 2,& DENTON #2 Moved-Seconded (Seward - Weisenberg) Change land value from \$75,220 to \$3,340. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, reflecting a change of use from non-ag to ag. Property owner has proof of ag use.

#0047 MCKEE, KEVIN J: 04000-00204-124-50 T-002 R-04 NE1/4 SE1/4 LYING W OF HWY 85 EX LOTS 1,2,3,4,5 & 6-8 HAVEN MEADOWS S/D Moved-Seconded (Seward - Weisenberg) Change land value from \$34,000 to \$0. Motion Carried: Absent: (Opitz) Remarks: Deleted this parcel as all remaining acres of the original parcel (prior to the Haven Meadows S/D) are contained in ROW of SD Hwy 385.

#0048 MCKEE, KEVIN J,SUSAN E & JAMES L MCKEE, MICHAEL T,KAREN M & LAURA: 04000-00204-124-30 T-002 R-04 LOT 4 PT IN 7-2-5 & SE1/4 SE1/4 EX TR A & EX LOTS 3-5 & 6-8 HAVEN MEADOWS S/D 2-2-4 Moved-Seconded (Seward - Douglas) Change land value from \$34,000 to \$0. Motion Carried: Absent: (Opitz) Remarks: Deleted this parcel as all remaining acres of the original parcels (prior to the Haven Meadows S/D) are contained in ROW of SD HWY 385.

#0049 GALI TRUSTEE, FRED & IWALANA C/O MCKEE, KEVIN (CD): 26380-01135-000-04 MINERAL 1035 THRU 1135 M.S. 1135 DENTON #3-#4 & VIOLA #4-5-6 Moved-Seconded (Seward - Weisenberg) Change land value from \$51,320 to \$3,400. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalued the land reflecting a change of use from non-ag to ag. Property owner provided proof of ag use.

#0050 OWENS, JERRY L & CAROLINE G: 14000-00404-360-40 T-004 R-04 TRACT C OF SEC. 25 & 36 Moved-Seconded (Ewing - Seward) Change land value from \$39,940 to \$3,900. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Revalued the land reflecting a change of use from non-ag to ag. Property owner provided proof of ag use.

#0051 TERNES, DUWAYNE & SHARON: 13000-00403-300-50 T-004 R-03 HES 139 TR B-1 OF TRACT B Moved-Seconded (Seward - Douglas) Change land value from \$72,740 to \$44,460. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Revalued the land. Parcel is currently located in a NHBD consisting of small acre parcels. The parcel will be moved into a NBHD consisting of larger acre parcels.

#0052 WELKE, KENNETH L: 26760-01845-000-10 MINERAL 1765 THRU 1887 M.S. 1845 LOT 1 OF LOTS B & M & S 201.57' OF LOT N Moved-Seconded (Seward - Weisenberg) No change in land value. Change structure value from \$47,020 to \$36,750. Motion Carried: Absent: (Opitz) Remarks: Condition and depreciation affect the primary structure located on this parcel. The owner agrees to an on-site inspection this summer.

#0053 WESTERN WIRELESS CORP TAX DEPARTMENT: 26999-00003-000-11 BLDGS. ON LEASED GROUND BLDG IN SE1/4 NE1/4 SEC 11-4-2 Moved-Seconded (Seward - Douglas) Change structure value from \$1,620 to \$0. Motion Carried: Absent: (Opitz) Remarks: Deleted this parcel as it is tax exempt from real property taxation according to SDCL 10-33A-19, effective 7-1-2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0054 WESTERN WIRELESS CORP TAX DEPARTMENT: 26999-00003-000-10 BLDGS. ON LEASED GROUND BLDG IN NW1/4 SE1/4 SEC 11-6-2 Moved-Seconded (Seward - Weisenberg) Change structure value from \$1,210 to \$0. Motion Carried: Absent: (Opitz) Remarks: Deleted this parcel as it is now exempt from real property taxation according to SDCL 10-33A-19, effective 7-1-2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0055 WOLD, STEVEN P & LAVONNE: 08100-00303-210-10 BULLDOG RANCH SUB. TR 1 OF BULLDOG RANCH S/D OF HES 621 Moved-Seconded (Weisenberg - Seward) Change land value from \$58,000 to \$43,500. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Revalued the land, considering an unusable portion of the property.

#0056 AKROP, PAUL GREGORY: 26920-00001-006-01 LOST CAMP VALLEY AC. TR A LOT 1 BLK 6 Moved-Seconded (Weisenberg - Douglas) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0057 BELL, THOMAS D & J D C/O JORGENSON, RONALD & LISA(CD): 13000-00403-250-30 T-004 R-03 TRACT C OF HES 54 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value, paid \$140,000 for the property.

#0058 BOMBERG, WILLIAM H & DEBRA J: 20650-00602-228-98 MT. PLAINS DEVELOPMENT #2 LOT 198 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0059 CUNDY, DWIGHT E: 18900-00504-231-62 EDDY-SIMON S/D NE 1/4 LOT H & N1/2 LOT J OF 9B Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0060 DEADWOOD REAL PROPERTY HOLDINGS: 26500-01208-000-75 MINERAL 1208 THRU 1216 M.S. 1208 BUENA VISTA TRACT (OUTSIDE CITY)(BEING A POR. OF M.S. 343,681,685,686,788,840,920,1208) 23 & 24-5-3 Moved-Seconded (Weisenberg - Douglas) Change land value from \$49,250 to \$800. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of Agricultural use.

#0061 DUNBAR INC: 17000-00503-140-00 T-005 R-03 TRACT 2 A S/D OF HES 37 EX H1(.14 AC) SEC. 11-12 & 14 Moved-Seconded (Douglas - Ewing) Change land value from \$15,710 to \$350. Change abstract class from NA to AG. No change to structure. Motion Carried: Absent: (Opitz) Remarks: Provided proof of Agricultural use.

#0062 DUNBAR INC: 17000-00503-110-00 T-005 R-03 GOV'T LOTS 1, 5,10,12,13,14,17,19, & 20 Moved-Seconded (Douglas - Weisenberg) Change land value from \$407,800 to \$18,760. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0063 DUNBAR INC: 17000-00503-130-00 T-005 R-03 GOV'T LOTS 3 & 4 Moved-Seconded (Douglas - Seward) Change and value from \$89,880 to \$2,670. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0064 DUNBAR INC: 17000-00503-120-30 T-005 R-03 GOV'T LOTS 3, 4, 5, 6, 10,11,12,13,14,15, & 18 Moved-Seconded (Weisenberg - Seward) Change land value from \$892,000 to \$34,090. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0065 DUNBAR INC: 17000-00503-140-10 T-005 R-03 GOV'T LOT 10, POR.11(13AC) & 12 Moved-Seconded (Seward-Weisenberg) Change land value from \$78,780 to \$2,880. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0066 DUNBAR INC: 17000-00503-150-00 T-005 R-03 TRACT 1 A S/D OF HES 37 SEC. 11-12 & 14 Moved-Seconded (Weisenberg - Douglas) Change land value from \$180,280 to \$3,720. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0067 HILLS, CHRISTOPHER: 20970-00015-033-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 33 BI-CENTENNIAL CRT Moved-Seconded (Seward - Douglas) Change

structure value from \$20,330 to \$18,640. Motion Carried: Absent: (Opitz) Remarks: Adjusted depreciation.

#0068 JOCHIM, MARK: 24000-00702-012-20 T-007 R-02 S. REDWATER LOT 2 Moved-Seconded (Seward - Weisenberg) Change land value from \$58,900 to \$11,790. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG use.

#0069 JOHNSON, ALLEN SELMER: 18200-00504-133-12 VALHALLA S/D W 1/2 SW 1/4 LOT 9 EX H1(.08 AC) & LOT 10 EX H1(.08AC) Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Land sales in area support assessment.

#0070 JORGENSEN, LISA M & RONALD L: 26580-01302-000-10 MINERAL 1299 THRU 1398 M.S. 1302 TRACT A Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0071 KOOIMAN, JAKE & RUTH: 26920-00001-004-11 LOST CAMP VALLEY AC. TR A LOT 11 BLK 4 Moved-Seconded (Douglas - Weisenberg) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value. Sales in area support the assessment.

#0072 KRAEMER, LUVERNE A TRUSTEE: 05000-00205-024-40 T-002 R-05 HES 295 & PT HES 83 EX H-3 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0073 LARIVE, DOMINIC A & WALTER, FRANCIS D: 20050-00602-036-06 SUB 3-6-2 SW1/4 NW1/4 PT Moved-Seconded (Seward - Weisenberg) Change land value from \$34,260 to \$5,260. Motion Carried: Absent: (Opitz) Remarks: Land is contiguous to home site, but can't be combined until brother's name is removed. Received contiguous value status for 2004 only until they get the name changed.

#0074 LIEN, THOMAS E: 21000-00603-354-30 T-006 R-03 LOT A PT W1/2 SE1/4 LYING E OF HWY 85 Moved-Seconded (Seward-Ewing) Change land value from \$8,320 to \$570. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG.

#0075 LIEN, THOMAS & JUDITH: 17000-00503-011-20 T-005 R-03 TRACT 1 NE1/4 SW1/4 NE1/4 Moved-Seconded (Seward - Weisenberg) Change land value from \$34,300 to \$820. Change abstract class from NA to AG. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG.

#0076 LIEN, THOMAS E & JUDITH J: 21000-00603-364-20 T-006 R-03 SW1/4 SE1/4 Moved-Seconded (Weisenberg - Seward) Change land value from \$59,000 to \$1,820. Change abstract class from NA to AG. Motion Carried: Absent: (Opitz) Remarks: Provided proof of AG.

#0077 MADSEN, ROBERT H STICH, LYNN M: 26800-01914-000-31 MINERAL 1887 THRU 1917 M.S. 1914 VERNON Moved-Seconded (Seward - Weisenberg) Change land value from \$29,140 to \$26,230. No change in structure values. Motion Carried: Absent: (Opitz) Remarks: Revalued the land considering the portion that is unusable.

#0078 MOSSET, ROGER & BRENDA: 20000-00602-056-35 T-006 R-02 LOT 6 OF OUTLOT A E1/2 NW1/4 Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: No signed stipulation was received.

#0079 ROARK, BRADFORD J & BARBARA K: 26920-00001-002-16 LOST CAMP VALLEY AC. TR A LOT 16 & 17 BLK 2. Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0080 VAN GERPEN, JEFF & CYNTHIA: 26920-00001-003-11 LOST CAMP VALLEY AC. TR A LOT 11 BLK 3 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0081 WOITAS, GREGORY P ETUX: 20450-00602-050-36 DEBRG S/D SW 1/4 SE 1/4 LOT 15 Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0082 WOLF, DOMINIC & TRACY: 26540-01276-000-20 MINERAL 1217 THRU 1298 M.S. 1276 DEWEY, THREE STAR & ANNIE Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Absent: (Opitz) Remarks: Fair market value.

#0083 VOORHEES RANCH INC C/O JAMES VOORHEES: 21000-00603-194-21 T-006 R-03 TR. A OF POLICKY TRACT SW1/4 SE1/4 (SPF. RURAL SER V. DIST. /ORD. #505 ANNEXED IN SPF. CITY LIMIT S 1982) Moved-Seconded (Weisenberg - Ewing) Change land value from \$340 to \$0. Motion Carried: Absent: (Opitz) Remarks: Delete parcel, already being assessed as tract F.

ADD-ON:

#0084 GRAWN, CHARLOTTE E: 32090-06700-060-00 Portion Lot 6 Lying E of Spearfish Creek Blk 67 City of Spearfish Moved-Seconded (Douglas-Seward) To get property back on assessment rolls. Motion Carried: Absent (Opitz) Remarks: Property omitted from books.

TAX EXEMPT REQUESTS:

#0085 PARAPLEGIC VETERAN PROPERTY TAX EXEMPT: 32655-00100-010-00 Lot 1A-1 BLOCK 1 SANDSTONE HILLS ADDN CITY OF SPEARFISH Moved-Seconded (Weisenberg-Seward) To grant tax exempt status. Motion Carried: Absent (Opitz).

#0086 ST JOSEPH CATHOLIC CHURCH: 32570-04900-120-10 E1/2 LOTS 11& 12 BLK 49 Moved-Seconded (Seward-Ewing) To grant tax exempt status. Motion Carried: Absent (Opitz) Remarks: Used for Religious Education.

#0087 FIRST BAPTIST CHURCH: 21200-00603-085-45 SUB OF 8-6-3 LOT 3A SUB OF TR3 SE1/4 SE1/4 Moved-Seconded (Douglas-Weisenberg) To grant tax exempt status. Motion Carried: Absent (Opitz) Remarks: New Rectory.

#0088 FIRST BAPTIST CHURCH: 31840-00100-040-00 THIRD ST EXTENSION TO BE LOT 4 Moved-Seconded (Douglas-Weisenberg) To put property back on assessment rolls. Motion Carried: Absent (Opitz) Remarks: To be sold.

#0089 OUR SAVIOR'S LUTHERN CHURCH: 32720-02900-020-00 LOTS 1&2 BLK 29 UHLIG ADDN SPEARFISH Moved-Seconded (Weisenberg-Ewing) To grant tax exempt status. Motion Carried: Absent (Opitz)

#0090 NEMO VOLUNTEER FIRE DEPT.: 26580-01368-000-33 LOT FS M.S. 1368 Moved-Seconded (Seward-Douglas) To grant tax exempt status. Motion Carried: Absent (Opitz)

#0091 SPEARFISH CANYON FIRE PROTECTION DISTRICT: 26680-01742-000-18 MINERAL 1564 THRU 1742 M.S. 1742 & M.S. 991 LOT 2 5-06 T-004 RD2 Moved-Seconded (Ewing-Seward) To grant tax exempt status. Motion Carried: Absent (Opitz) Remarks: New fire department.

#0092 SPEARFISH AMBULANCE SERVICE: 32180-14200-020-00 LOT 2-B A SUBDIVISION OF THE SW1/4 NW1/4 SECTION 14 TOWNSHIP 6 NORTH RANGE 2 EAST BLACK HILLS MERIDIAN Moved-Seconded (Weisenberg-Seward) To grant tax exempt status. Motion Carried: Absent (Opitz)

#0093 NORTHERN HILLS TRAINING CENTER: 32660-01600-160-00 LOTS 1-16 BLOCK 16 LOTS 1-16 BLOCK 17 SCHAAR'S ADDITION CITY OF SPEARFISH Moved-Seconded (Seward-Douglas) To grant tax exempt status. Motion Carried: Absent (Opitz).

#0094 SPEARFISH SENIOR SERVICE CENTER: 32540-00100-000-12 TRACT 2-A OF PARK PLACE CITY OF SPEARFISH Moved-Seconded (Douglas-Weisenberg) To grant tax exempt status. Motion Failed: Absent (Opitz) Remarks: Need to replat bare lot.

Moved-Seconded (Weisenberg-Seward) To accept 2004 listing of Exempt Properties with a continuing Exempt Status, as presented by the Director of Equalization. Motion Carried: Absent (Opitz).

11:00 a.m. the Board of Equalization recessed until 11:16 p.m. on April 20, 2004.

The 2004 Board of Equalization reconvened at 11:16 p.m. with Bob Ewing, Terry Weisenberg, and James Seward present.

ADJOURN: Being no further appeals to be heard the 2004 Board of Equalization adjourned at 11:17 am. the 20th day of April 2004.

DATE

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY CONSOLIDATED BOARD OF EQUALIZATION

The Lawrence County Consolidated Board of Equalization was called to order at 9:00 a.m. on Wednesday, April 14, 2004, with the following members present: Terry Weisenberg, Connie Douglas, Bob Ewing, Tom Nelson (City of Lead), and Michele Percy (Lead/Deadwood School). Nelson left at 11:15 a.m. and Francis Toscana (City of Deadwood) arrived at 1:00 pm.

All motions were passed by unanimous vote unless stated otherwise.

The Consolidated Board of Equalization Oath was signed.

LEAD CITY APPEALS

#0095 SCHMIDT, WOLFGANG & KATHLEEN L: 31090-03200-020-00 ORIGINAL TOWN LEAD LOT 520 Moved-Seconded (Ewing - Nelson) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and market support assessment.

#0096 PRINCE, RUSSELL A: 31425-00200-007-00 HEARST SUB. LOTS 6 & 7 BLK 2 Moved-Seconded (Douglas - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Prince explained the history on his property and stated the property is over assessed. He stated his property is assessed at \$2.51 per square foot compared to \$1.67-\$1.83 in the area. The Equalization office presented sales and comparables in the area and recommended no change.

#0097 GR LEAD LLC 31510-04000-135-00 DENVER S/D LEAD TRACT D BLK Y Moved-Seconded (Nelson - Percy) No change in land value. Change structure value from \$2,113,450 to \$1,858,210. Motion Carried. Remarks: Rich Turbiville stated the property was purchase for \$2 million in 2000 and considers this to be a fair value for the property. Occupancy rate is down and so is the nightly rate. This is a unique property to the Lead area. The Equalization office stated this is the only property like it in the Lead area and they are not able to use comparables in the Deadwood area, the closest comparable would be the Holiday Inn in Spearfish.

#0098 MEADE, JOHN A & THERESA H 31425-00200-011-00 HEARST SUB. LOT 11 BLK 2 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and market support assessment.

#0099 MEADE, JOHN A & THERESA H 31090-02600-070-00 ORIGINAL TOWN LEAD S 40' OF LOT 7 BLK 26 Moved-Seconded (Douglas - Weisenberg) No change in land value. Change structure value from \$73,450 to \$56,620. Motion Carried. Remarks: After review of property the value was adjusted due to deterioration.

#0100 HEUPEL, MARLO & DEBRA 31425-00600-008-00 HEARST SUB. LOT 8 BLK 6 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Heupel stated they have not made any improvements to the property in the last 11 years and they tried to sell the property 5 years ago for \$150,000 and could not get

an offer on the property. The Equalization office showed sales and comparables in the area supporting the assessment.

#0101 EXON, STEPHEN J & KATHLEEN O SEWARD, JOHN R & LYNNE E 31090-03500-140-00 ORIGINAL TOWN LEAD SE PT LOT 14 BLK 35 Moved-Seconded (Ewing - Nelson) No change in land value. No change in structure value. Motion Carried. Remarks: Exon stated the assessment on the property has been fairly constant at \$19,000 for the past few years. He purchased the property in 2002 for \$35,000. He stated he has the smallest home in his neighborhood but it is valued the highest. He showed pictures of homes in his neighborhood and stated valuations for the properties. Exon stated the topography and location of the property is poor. Equalization Office showed sales and comparables to support the assessment and stated the access and topography is reflected in the assessment.

#0102 KULLBOM, TERRENCE LEE & JULIE RAE 31425-00600-014-00 HEARST SUB. LOT 14R BLK 6 Moved-Seconded (Douglas - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Kullbom showed properties around the area and city and the values of property. He stated they average between 7 ½ to 10 percent increase. His property increased by 10% and is against the increase. He stated he didn't think this is a fair evaluation. He stated he would ask for more than the valuation for his house if he would sell but the taxes in Lead are affecting the sales in the city. Equalization showed sales and comparables in the area supporting the assessment.

#0103 BALKENHOL, FERD 31120-00300-030-00 ARLINGTON HEIGHTS S/D LEA LOT 3 BLK 3 Moved-Seconded (Douglas - Ewing) No change in land value. Change structure value from \$40,660 to \$14,190. Motion Carried. Remarks: After review of dwelling adjustment was made to lower value due to major structure damage and condition of dwelling.

#0104 DESIGNED IV INC 31440-00500-002-00 HOMESTAKE S/D LEAD LOT 2 TRACT 5 Moved-Seconded (Percy - Weisenberg) No change in land value. Change structure value from \$85,200 to \$75,160. Motion Carried. Remarks: Adjusted to reflect current sale price.

#0105 EGGERS, TIMOTHY C & CHARLENE R 31510-04000-160-00 DENVER S/D LEAD LOT B SUB OF 13, 14, & 15 BLK Y Moved-Seconded (Weisenberg – Nelson) No change in land value. Change structure value from \$74,140 to \$63,290. Motion Carried. Remarks: Adjustment made after review and measurement of property.

#0106 SANDER, DUANE E 31090-02900-080-80 ORIGINAL TOWN LEAD LOT 8C SUB OF LOTS 5-6-7 & 8 BLK 29 Moved-Seconded (Percy - Weisenberg) No change in land value. Change structure value from \$12,000 to \$0. Motion Carried. Remarks: Dwelling was demolished.

#0107 GROEGER, THOMAS J & ELIZABETH K 31810-01400-050-00 SUNNYSIDE S/D LEAD 624 SUNNYHILL ON HARRISON LODE M.S.1049 & GOLDEN SUMMIT LODE~M.S. 1057 Moved-Seconded (Nelson - Percy) Change structure value from \$42,490 to \$36,590 No change in land value. Change structure value from \$200,110 to \$183,320. Motion Carried. Remarks: After review of the property adjustment was made to the depreciation.

#0108 KOCH, JOANN M 31090-03000-200-00 ORIGINAL TOWN LEAD LOT 20 BLK 30 Moved-Seconded (Nelson - Weisenberg) No change in land value. Change structure value from \$40,730 to \$18,830. Motion Carried. Remarks: Adjustment made due to mold problem in house.

11:15 a.m. the Consolidated Board recessed until 1:00 p.m.

CENTRAL CITY APPEALS: NO APPEALS WERE FILED.

The Consolidated Board of Equalization reconvened at 1:00 p.m. with Bob Ewing, Connie Douglas, Terry Weisenberg, Michele Percy and Frances Toscana (City of Deadwood) present.

The 2004 Consolidated Board of Oath was signed.

DEADWOOD CITY APPEALS:

Date: 04/15/2004

#0109 FOUR ACES HOTEL CORP; 30025-01100-050-00 ORIGINAL TOWN DEADWOOD LOTS 1,2,3,4 & 5 BLK 11 Moved-Seconded (Weisenberg - Percy) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value.

#0110 FOUR ACES HOTEL CORP; 30900-00216-000-06 MINERAL – DEADWOOD TIF #4 M.S. 216 PT Moved-Seconded (Ewing - Toscana) No change in land value. Motion Carried: Remarks: Fair market value.

#0111 FOUR ACES HOTEL CORP; 30025-01200-160-00 ORIGINAL TOWN DEADWOOD TRACT 1 & 2 BLK 12 Moved-Seconded (Percy - Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value.

#0112 FOUR ACES HOTEL CORP; 30025-01300-290-00 ORIGINAL TOWN DEADWOOD LOTS 25 & 27 & REAR 40' OF LOT 29 BLK 13 Moved-Seconded (Toscana - Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value.

#0113 FOUR ACES HOTEL CORP; 30025-01300-230-00 ORIGINAL TOWN DEADWOOD LOTS 21 & 23 BLK 13 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Remarks: Fair market value.

#0114 FOUR ACES HOTEL CORP; 30025-01300-330-00 ORIGINAL TOWN DEADWOOD BAL. LOT 29 & ALL LOTS 31 & 33 BLK 13 Moved-Seconded (Percy - Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value.

#0115 FOUR ACES HOTEL CORP; 30025-01300-190-00 ORIGINAL TOWN DEADWOOD

LOTS 13-15 & NLY 70' OF LOT 19 BLK 13 Moved-Seconded (Weisenberg - Ewing) No change in land value. Motion Carried: Remarks: Fair market value.

#0116 GR DEADWOOD LLC; 30025-01400-190-00 ORIGINAL TOWN DEADWOOD LOTS 13-15-17 & 19 BLK 14 Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried: Remarks: Fair market value.

#0117 GR DEADWOOD LLC; 30025-01400-310-00 ORIGINAL TOWN DEADWOOD LOTS 21-23-25-27 & 29 Moved-Seconded (Ewing - Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value.

#0118 GR DEADWOOD LLC; 30025-01400-350-00 ORIGINAL TOWN DEADWOOD LOTS 31, 33,35, 37, 39, & TR A-1 (FORMERLY LOTS 41, 43,45 & PT 47) BLK 14 Moved-Seconded (Toscana - Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Fair market value.

#0119 HAUGO, CHRISTIAN T & ALISON; 30025-01900-000-00 ORIGINAL TOWN DEADWOOD LOT B BLK 19 Moved-Seconded (Toscana - Percy) No change in land value. Change structure value from \$212,090 to \$131,090 Motion Carried: Remarks: Structure needs some major renovations to make it feasible as a business. Applied a 25% functional and reduced the basement value to reflect storage only.

#0120 KARAS, LESTER M ETUX; 30425-00000-110-00 GRANTZ S/D LOT 11 Moved-Seconded (Percy - Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support valuation.

#0121 COMMNET CELLULAR OPERATIONAL TAX MANAGER; 30999-00003-000-12 BUILDINGS ON LEASED GROUN TOWER LOCATED IN SE1/4 23-5-3(WHITEROCKS) Moved-Seconded (Douglas - Percy) Change structure value from \$27,430 to \$0 Motion Carried: Remarks: Recommendation is to delete this parcel as it is now exempt from real property taxation according to SDCL 10-33a-19, effective July 1, 2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0122 KATON, DENNIS KEITH TRUSTEE; 30900-00058-000-00 MINERAL - DEADWOOD P.C. 58 EX LOT H2 (.02 AC) Moved-Seconded (Douglas - Percy) No change in land value. Motion Carried: Remarks: Added value of \$129,470 for dwelling to parcel

#0123 KATON, DENNIS KEITH TRUSTEE; 30900-00107-000-43 MINERAL - DEADWOOD M.S. 107 (PART OF) EX LOT H2 (1.45 AC) & LOT H3 (.02) Moved-Seconded (Weisenberg - Toscana) Change structure value from \$129,470 to \$0 No change in land value. Motion Carried: Remarks: Removed house value from this legal to 30900-00058-000-00

#0124 KEEHN, JOSH; 30025-04600-150-00 ORIGINAL TOWN DEADWOOD LOTS 10 THRU 15 BLK 46 Moved-Seconded (Toscana - Percy) No change in land value. Change

structure value from \$57,690 to \$54,230 Motion Carried: Remarks: After review property on 03/09/2004, recommend lowering value due to dwelling condition.

#0125 OBERLANDER, BRUCE O ETUX ETAL; 30025-07500-320-00 ORIGINAL TOWN DEADWOOD LOT 32 BLK 75 Moved-Seconded (Toscana - Percy) No change in land value. Change structure value from \$15,830 to \$12,570 Motion Carried: Remarks: After review of property with owner, agreed to lower value because of no sewer, elec., heat or finished. Property is unlivable.

#0126 T & M INC (GOLD STRIKE GIFT SHOP #2); 30025-01900-160-00 ORIGINAL TOWN DEADWOOD LOT 16 BLK 19 Moved-Seconded (Ewing - Weisenberg) No change in land value. Change structure value from \$324,250 to \$246,430 Motion Carried: Remarks: The 2nd & 3rd floors were doubled.

#0127 WESTERN WIRELESS CORP TAX DEPARTMENT; 30999-00003-000-13 BUILDINGS ON LEASED GROUN COMM SITE LOCATED SE1/4,SW1/4; 23-5-3 Moved-Seconded (Toscana - Douglas) Change structure value from \$8,340 to \$0 Motion Carried: Remarks: Recommendation is to delete this parcel as it is now exempt from real property taxation according to SDCL 10-33a-19, effective July 1, 2003. The owner is now required to pay a 4% gross receipts tax based on retail sales.

#0128 WIERINGA, ANNE MONFRED; 30100-00100-110-00 AULSBROOK S/D S 1/2 LOT 9 & ALL LOTS 10 & 11 BLK A Moved-Seconded (Douglas - Weisenberg) No change in land value. Change structure value from \$50,010 to \$25,140 Motion Carried: Remarks: After review of property with owner dwelling is unlivable at this time. Recommend to lower value to reflect dwelling condition.

#0129 BLACK HILLS CONFERENCE CENTER INC; 30900-00848-000-05 MINERAL – DEADWOOD P.C. 848 TRACT 4 OF WILMINGTON Moved-Seconded (Douglas - Weisenberg) Change land value from \$21,650 to \$300 Change abstract class from NA to AG-D Motion Carried: Remarks: Non-Ag to Ag classification.

#0130 BLACK HILLS CONFERENCE CENTER INC.; 30900-00848-000-10 MINERAL – DEADWOOD M.S. 848 TRACT 1 OF WILMINGTON P.C. Moved-Seconded (Weisenberg - Toscana) Change land value from \$165,440 to \$2,670 Change abstract class from NA to AG-D Motion Carried: Remarks: Non-Ag to Ag classification.

#0131 DEADWOOD REAL PROPERTY HOLDINGS; 30900-00840-000-00 MINERAL – DEADWOOD M.S. 840 BUENA VISTA TRACT(INSIDE CITY)(BEING A POR. OF M.S. 343,681,685,686,788,840,920,1208) 23 & 24-5-3 Moved-Seconded (Weisenberg - Ewing) Change land value from \$458,800 to \$14,040 Change abstract class from NA to AG-D Motion Carried: Remarks: Non-Ag to Ag classification.

#0132 MATTSON, JON W & BARBARA; 30900-00788-000-00 MINERAL - DEADWOOD

M.S. 788 DALE PLACER EX. PT. INSIDE BUENO VISTA TRACT (1.37) Moved-Seconded (Douglas - Weisenberg) Change land value from \$13,650 to \$2,270 Change abstract class from NA to AG-D. Motion Carried. Remarks: Non-Ag to Ag classification.

3:10 p.m. the Consolidated Board recessed until 9:00 a.m. on April 20, 2004.

The Consolidated Board of Equalization reconvened at 9:00 a.m. on Tuesday, April 20, 2004 in Spearfish City Hall, with the following members present: Terry Weisenberg, James J. Seward, Bob Ewing, Teri Dunwoody (40-2 School) and Jerry Krambeck (City of Spearfish).

The 2004 Consolidated Board of Oath was signed.

All motions were passed by unanimous vote unless stated otherwise.

SPEARFISH CITY APPEALS:

#0133 SPEARFISH PARK PLACE PROP LLC: 32540-00100-000-12 PARK PLACE ADDN. SPEARFISH LOT A-2AR OF LOT 1. Moved-Seconded (Ewing - Krambeck) Change land value from \$105,330 to \$27,460. Motion Carried. Remarks: Adjusted value due to the property was owned by the Senior Citizen center 80% of the year.

#0134 SCHABAUER INVESTMENTS LP: 32210-19011-050-01 GREEN ACRES ADDN. SPEARFISH LOT X-1 OF TRACT B3 OF GOVT. LOT 2 SW1/4NW1/4 SEC. 19-6-3. Moved-Seconded (Krambeck - Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0135 WINTER, FREDERICK W & VIOLA TRUSTEES: 32635-00000-110-00 RILEY S/D LOT 11 Moved-Seconded (Weisenberg - Krambeck) No change in land value. No change in structure value. Motion Carried. Remarks: State Law sets the deadline for Owner Occupied Status applications and the law does not allow any flexibility in the date.

#0136 LADSON, MELVIN L & LINDA J: 32210-19010-180-00 GREEN ACRES ADDN. SPEARFISH LOT 18 OF GOV. LOT 1 NW1/4 NW1/4. Moved-Seconded (Ewing - Weisenberg) No change in land value. Motion Carried. Remarks: Spearfish will check and see if a building permit would be allowed on the property to help determine the true value of the land.

#0137 LADSON, MELVIN L: 32210-19010-170-00 GREEN ACRES ADDN. SPEARFISH LOT 17 OF GOV. LOT 1 NW1/4 NW1/4. Moved-Seconded (Seward - Weisenberg) Change land value from 11,980 to \$2,400. Motion Carried. Remarks: Adjusted to reflect 5% useable value of the land.

#0138 FORTAK, WERNER H: 32090-07900-060-00 ORIGINAL TOWN SPEARFISH FRACTION OF LOTS 1 THRU 6 BLK 79 Moved-Seconded (Seward - Weisenberg) Change land value from \$2,040 to \$410. Motion Carried. Remarks: Adjustment for contiguous land.

#0139 FORTAK, WERNER H PACKING PLANT: 32360-00000-000-10 LOOKOUT ADDN. SPEARFISH PT NW1/4 NW1/4 TR A 14-6-2. Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Depreciation and functional already applied to property. Board advised to have a visual inspection scheduled to verify measurements and condition of property.

#0140 FORTAK, WERNER H ETUX: 32090-06100-060-00 ORIGINAL TOWN SPEARFISH LOTS 5 & 6 BLK 61 Moved-Seconded (Seward - Weisenberg) No change in land value. No change in structure value. Motion Carried. Aye - 4 Nay: (Krambeck) Remarks: Sales and comparables support assessment. Functional adjustment has already been applied due to heating, floor layout, and water damage. Fortak expressed concern that the property location needs to be taken into consideration. Surrounding property has devalued their property.

#0141 BONSELL, RUSSELL E & LESLIE K: 32740-00800-022-00 MTN. SHADOWS EST. MH SITS ON LOT 22 BLK 8 MTN SHADOWS. Moved-Seconded (Seward - Weisenberg) Change structure value from \$38,900 to \$30,670 Motion Carried. Remarks: Reviewed property and made adjustment due to change in depreciation and quality.

#0142 BENNING, JAMES A: 32740-00300-019-00 MTN. SHADOWS EST. MH SITS ON LOT 19 BLK 3 MTN SHADOWS. Moved-Seconded (Krambeck - Ewing) Change structure value from \$31,200 to \$25,020. Motion Carried. Remarks: Owner sold for \$20,000 on a contract for deed, but did not advertise or list it. Valued on cross-reference with NADA book.

#0143 EDWARDS, G A BARRY, CHRISTY: 32660-00600-030-00 SCHAR ADDN. SPEARFISH S 35' OF 2 & N 25' OF LOT 3 BLK 6. Moved-Seconded (Dunwoody - Weisenberg) No change in land value. Change structure value from \$110,380 to \$103,240. Motion Carried. Remarks: Reviewed property and adjustment of 2% functional was applied to reflect current condition.

#0144 JENSEN, CHRISTOPHER H OR KATHY C C/O ISEMAN CORP dba ISEMAN HOMES: 32740-00300-020-00 MTN. SHADOWS EST. MH SITS ON LOT 20 BLK 3 MTN SHADOWS. Moved-Seconded (Seward - Dunwoody) Change structure value from \$35,870 to \$29,530. Motion Carried. Remarks: Adjustments made after review of property.

#0145 MECHALEY, TARA M: 32740-00300-037-00 MTN. SHADOWS EST. LOT 37 BLK 3. Moved-Seconded (Krambeck - Weisenberg) No change in land value. Change structure value from \$35,940 to \$31,760. Motion Carried. Remarks: NADA lists the mobile home at \$30,090, and since it is on its own lot, traditionally resale value is higher. Currently receiving Owner-Occupied at 535 Nash, so Owner-Occupied status was removed from this property.

#0146 PRICE, RICKY OR CATHY: 32740-00700-001-00 MTN. SHADOWS EST. MH SITS ON LOT 1 BLK 7 MTN SHADOWS. Moved-Seconded (Seward - Dunwoody) Change

structure value from \$34,050 to \$27,160. Motion Carried. Remarks: Adjusted depreciation to reflect loan value of mobile home. Owner is selling to Daughter and the adjusted value is what the bank is willing to loan on this year of mobile home.

#0147 PYLE, BARBARA E: 32320-00100-011-00 HILLSVIEW ADDN. SPEARFISH TRACT P (FLOOD PLAIN-44% IN ZONE AE) Moved-Seconded (Seward - Ewing) Change land value from \$20,000 to \$17,800. No change in structure value. Motion Carried. Remarks: Land adjusted for flood plain. 44% of this property is in flood plain. (Percentage adjustment is based on other flood plain neighborhood).

#0148 ROBINSON, JERRY L & ROBIN G: 32655-01400-050-06 SANDSTONE HILLS ADDN. LOT 5C-2 BLK 14 Moved-Seconded (Dunwoody - Seward) Change land value from \$34,790 to \$28,990. Motion Carried. Remarks: Land adjustment was made to reflect unusable portion (hillside) and proximity to Butte Electric's substation.

#0149 FINLEY, VICTOR, ERIN, MEGHAN, MICHAEL TRUST: 32570-02100-030-00 RAMSDELL ADDN. SPEARFISH LOT 3 BLK 21. Moved-Seconded (Ewing - Dunwoody) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0150 FURNISH, RICHARD P & BARBARA J: 32645-00400-010-10 FALCON CREST S/D LOT 1A BLK 4 Moved-Seconded (Weisenberg - Krambeck) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0151 JONES, CHESTER S ETAL C/O SUKSTORF, JEFFERY & REBECCA: 32320-00100-011-01: HILLSVIEW ADDN. SPEARFISH TRACT S (FLOOD PLAIN-44% IN ZONE AE) Moved-Seconded (Seward - Dunwoody) Change land value from \$19,120 to \$17,800. No change in structure value. Motion Carried. Remarks: Adjustment for flood plain.

#0152 REED, NORMAN E & MARY D: 32570-01500-080-00 RAMSDELL ADDN. SPEARFISH W 70' OF 7 & 8 BLK 15. Moved-Seconded (Ewing - Dunwoody) No change in land value. No change in structure value. Motion Carried. Remarks: State Law sets the deadline for Owner Occupied Status applications and the law does not allow any flexibility in the date.

#0153 SHRADER, ANGELA M: 32660-00300-030-00 SCHAR ADDN. SPEARFISH LOT 2 & N 33 1/3' OF LOT 3 BLK 3 Moved-Seconded (Krambeck - Weisenberg) No change in land value. No change in structure values. Changed front foot of 88' and \$35.33 to 83" and \$33.20. Motion Carried. Remarks: Sales and comparables support assessment but adjustment was allowed for front foot.

#0154 WYOMING-DAKOTA INC: 32030-02300-060-10 ORIGINAL TOWN SPEARFISH LOT 6A & 6B BLK 23 Moved-Seconded (Weisenberg - Ewing) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0155 HUBER, RENAE L: 32570-00600-050-00 RAMSDELL ADDN. SPEARFISH LOT 5 BLK 6. Moved-Seconded (Dunwoody - Ewing) No change in land value. No change in

structure value. Motion Carried. Remarks: State Law sets the deadline for Owner Occupied Status applications and the law does not allow any flexibility in the date.

#0156 DEROSIER, GEORGE D & YVONNE L: 32090-05100-060-00 ORIGINAL TOWN SPEARFISH LOTS 4, 5, 6 & 6A BLK 51. Moved-Seconded (Ewing - Krambeck) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0157 VOORHEES RANCH INC C/O JAMES VOORHEES: 32730-00500-000-00 VOORHEES ADDN LOT 5D. Moved-Seconded (Weisenberg - Seward) No change in land value.

Change structure value from \$7,440 to \$0. Motion Carried. Remarks: Building should be assessed on parcel#32730-00500-030-00.

#0158 VOORHEES, MARC BRANDON: 32730-00500-030-00 VOORHEES ADDN LOT 5A-3 Moved-Seconded (Seward - Weisenberg) No change in land value. Add structure value of \$7,440. Motion Carried. Remarks: Building moved from parcel #32730-00500-000-00.

#0159 DOWNTOWN TOWN HOUSE ASSOCIATION C/O JANET WILKEN: 32030-03100-020-50 ORIGINAL TOWN SPEARFISH LOT E BLK 31 (COMMON AREA). Moved-Seconded (Seward - Weisenberg) Remove front foot assessment. Motion Carried.

#0160 BETTEN, STEVE & JANET & R SHAW & SCOTT & BARBARA GRASLIE: 32360-00000-000-30 LOOKOUT ADDN. SPEARFISH LOT 1A NE1/4 NW1/4. Moved-Seconded (Seward - Weisenberg) Remove front foot assessment. Motion Carried.

#0161 WILLIAMS, JESSIE M: 32090-10000-030-00 ORIGINAL TOWN SPEARFISH S 15' OF LOT 2 & ALL LOT 3 BLK 100. Moved-Seconded (Seward - Weisenberg) Remove front foot assessment. Motion Carried.

#0162 CAPP, LARRY C & PENNY: 32695-00000-006-12 SWISHER ADDITION LOTS 6A-2 & 7C OF 6 & SW1/4 SW1/4. Moved-Seconded (Seward - Weisenberg) Remove front foot assessment. Motion Carried.

#0163 STRANDELL FAMILY TRUST C/O STRANDELL, DONALD & RAMONA: 32090-08500-080-10 ORIGINAL TOWN SPEARFISH W 80' OF LOTS 7 & 8 BLK 85. Moved-Seconded (Seward - Weisenberg) Changed front foot of 100' and \$40 to 80' and \$32. Motion Carried.

ADJOURN: Being no further appeals to be heard, the 2004 Consolidated Board of Equalization adjourned at 11:15 a.m. on the 20th day of April 2004.

DATE

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – APRIL 27, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 27, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of April 13, 2004, 2004 Board of Equalization and 2004 Consolidated Board of Equalization. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve Dennis Schumacher as an Appraiser 3 Grade 3 at the base rate of \$13.37 an hour, effective 4-16-2004. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Opitz-Seward) to approve Cindy Ostert as an Administrative Secretary Grade 1 at the base rate of \$10.61 an hour, effective 4-27-2004. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to grant administrative leave, without pay, to Brandon Flanagan from May 17-26, 2004 as requested. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Opitz-Ewing) to approve the advertising of a Maintenance Worker 1, less than 30 hours. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Weisenberg) to approve the advertising of a full time Heavy Equipment Operator. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Douglas-Seward) to allow employees to donate sick leave to Laurie Fisher. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Laurie Greeley as a full time dispatcher II grade 2 at the base rate of \$12.84 an hour, effective 5-1-2004. Motion Carried.

Moved-Seconded (Ewing-Seward) to approve Geraldine Mykleby as a Secretary grade 2 at the base rate of \$11.09 an hour, effective 4-26-2004. Motion Carried.

Moved-Seconded (Douglas-Opitz) to approve Nathan Klingaman as a part time Correctional Officer I grade 3 at the base rate of \$11.39 an hour, after the completion of 40 hours of training at \$7.29 an hour, effective 5-1-2004. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Ewing-Seward) to approve the travel request for Tavis Little to attend the 2004 Working Dog Seminar in Yankton, SD on May 3-6, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Douglas-Seward) to approve the travel request for Paul Thomson to attend the 2004 – SD Hazmat Conference in Pierre, SD on May 3-5, 2004. Motion Carried.

RESOLUTION #04-09 SUPPLEMENTAL BUDGET: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairman to sign the following Resolution #04-09 to Adopt a Supplemental Budget for the Emergency Management Fund – Grants -\$184,476.20. Motion Carried.

RESOLUTION #04-09 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2004, 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 2004, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: EMERGENCY MANAGEMENT FUND – Grants - \$184,476.20 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further **RESOLVED** that a hearing was held on the 27TH day of April, 2004 at the hour of 8:45 o'clock, a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. **IN WITNESS WHEREOF,** we have hereunto set our hands and official seal of Lawrence County, this 27th day of April, 2004. **FOR THE BOARD OF COUNTY COMMISSIONERS:** TERRY W. WEISENBERG, Chairman. **ATTEST:** CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

ABATEMENTS:

RICKEY & CATHY PRICE: Moved-Seconded (Opitz-Douglas) to approve the abatement on parcel #32740-01200-007-00 for Rickey & Cathy Price to correct the percent of completion. Motion Carried.

WILLIS AYE, ETAL: Moved-Seconded (Seward-Douglas) to approve the abatement on parcel #26280-00482-000-10 for Willis Aye, Etal, because the property was owned by the United States of America. Motion Carried.

TREASURER TRUST PAYMENTS: Moved-Seconded (Seward-Ewing) to delay taking tax deed and accept partial payments of taxes on 29 First Street, Lead owned by Herbert & Jesse Fandrich. Motion Carried

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Weisenberg) to approve the Membership Roster of the Lawrence County LEPC for May 1, 2004 through April 30, 2005 as presented and to approve the Lawrence County Local Emergency Planning Committee By Laws as of April 8, 2004. Motion Carried.

Moved-Seconded (Douglas-Ewing) to allow Paul Thomson to submit an application for South Dakota HMEP Planning Grant in the amount of \$7,000 of which \$1,750 (25%) is County match money. Motion Carried.

TITLE III FUNDS: Paul Thomson presented the 2004 Title III request for the Fire Board. The request is for a new 1,500 to 1,600 gallon water tender at a total cost of approximately \$150,000. Title III funds for \$105,000 or approximately 70% of the cost. The Board questioned the need for a 4X4 tender. The Fire Board explained in the County there is a need for a 4X4 because homes are being built in tough terrain and in the winter it is essential to have one 4X4 tender in the County. Douglas questioned the need to settle the state fire agreements before all the Title III funds are spent because the County responsibility is not clear at this time. Discussion followed on the need for equipment and the County responsibility for funding fire fighting costs.

Moved-Seconded (Douglas-Seward) to advertise for public comment for 45 days on the Title III request. Motion Carried.

STATE FIRE AGREEMENTS: Charlie Nicholas, read a statement to the Board that the Fire Advisory Board adopted at their meeting. The statement recommended the Fire Departments, in the County, not sign the State Fire Agreements at this time. Nicholas stated there are numerous versions of the agreement and a new one was released yesterday. Douglas stated there could be repercussions if the state contracts are not signed and stated concerns on insurances, funds and fire fighting funds verses equipment purchase funds. Nicholas stated the old state contract did not contain a termination date so they are currently operating under the old contract. Nicholas stated they have not received notification that the old contract would be terminated at this time. Issues were discussed on structure fires on private property, volunteerism, and entity responsibility. Weisenberg suggested that a meeting be set up in Pierre with Larry Gabriel. Weisenberg, Seward, Ewing, Nicholas, Jim O'Grady (City of Lead), and other officials will be attending the meeting.

DEMOLITION PROJECT / HOMESTAKE ELECTRICAL BUILDING: Todd Duex, Barrick Mine, updated the Board on the Demolition Project of the old Homestake electrical building on Washington Street in Lead. High-level PCB's have been removed but the low levels have permeated through the entire building. The demolition plan is to leave the lower level as is, collapse the upper part, and bury the building within itself. An asphalt cap would be put on top of the site and this could then be used as a parking lot. Duex stated the City of Lead has approved the plan. Duex stated they needed approval from the County for a solid waste permit.

Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to the following Lawrence County Resolution 2004-09. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2004-09: WHEREAS, Homestake Mining Company of California desires to establish a demolition facility for the purpose of solid waste management; and WHEREAS, the City of Lead has approved the demolition permit as submitted; and WHEREAS, the siting of proposed demolition is not in conflict with any established zoning laws or ordinances; and WHEREAS, Homestake Mining Company of California will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and WHEREAS, DENR may recommend the approval of the permit with conditions adequate to safeguard the environment; and WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and WHEREAS, the County Commission of Lawrence County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit; IT IS THEREFORE RESOLVED that the County Commission of Lawrence County hereby approves construction and operation of the proposed facility to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment. Approved this 27th day of April, 2004 by the Lawrence County Commission in regular session at Deadwood, South Dakota. FOR THE BOARD OF COUNTY COMMISSIONERS: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

COUNTY ROAD 014A OVERLAY: The following bids were received for the County Road 014A Overlay: Hills Material-\$498,083 and Simon Contractor-\$583,898.35. Moved-Seconded (Ewing-Weisenberg) to accept the low bid from Hills Materials for \$498,083. Motion Carried. The project was budgeted for \$479,000; funds will be used from the Highway & Bridge Reserve fund to make up the difference.

RIGHT OF WAY AGREEMENT – PROJECT SD PFH 27-1 (1): Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Agreement with the State of South Dakota on Project SD PFH 27-1 (1) Iron Creek-Spearfish Road, AKA McGuigan Road concerning the purchasing of right of way. Motion Carried.

UTILITY PERMIT / ROW: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Application for permit to occupy county highway ROW for Black Hills Power on the Nemo Road. Motion Carried.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$6,086.67; Treas-\$8,117.47; Comp-\$4,937.48; States Atty-\$10,652.90; Pub Def-\$6,102.85; Gen Govt Bldg-\$4,946.10; Equal-\$10,951.68; Rod-\$5,720.97; Vso-\$745.97; Disp-\$9,309.80; Sher-\$26,281.87; Jail-\$15,525.89; Emerg Mgnt-\$2,300.90; E911-\$1,378.96; Highway-\$31,791.61; Air-\$38.64; Exten-\$1,190.64; Weed-\$2,179.03; Pz-\$1,500.00; **Bills:** Larson,R-\$29.00; Shanklin,K-\$21.74; Thomson,P-\$34.00; A-Z Shredding-\$105.00; Abc Business Supply-\$107.15; Aberdeen Family Physicians-\$88.29; Aberdeen Llc-\$5,092.00; Air Connection-\$924.63; Alco Store-\$16.47; All Communications & Services-\$180.00; All Star Travler Inn-\$350.00; Allied Medical Products-\$4,485.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$222.80; Amoco Oil-\$280.36; At&T-\$67.57; B H Chemical Company-\$181.99; B H Collection Service-\$50.00; B H Federal Credit Union-\$8,404.14; B H Power & Light-\$6,914.61; B H Windshield Repair-\$100.00; Best Business Prod-\$40.44; Bickle's Truck & Diesel-\$61.44; Brevik & Thurman-\$314.98; Butler Machinery Co-\$1,046.01; Campbell Supply Co-\$398.00; Carlson,D-\$15.00; Carquest Of Spearfish-\$126.03; Cellular One-\$905.30; Chain Saw Center-\$95.00; City/County Alcohol & Drug-\$192.00; Clinical Lab Of B.H-\$1,779.75; Cna Surety-\$50.00; Community Health Services-\$136.00; Corral West-\$83.85; Culligan Soft Water Serv-\$121.75; Dartek Computer Supplies-\$318.34; Dept Of The Treasury-\$35,259.87; Diamond Mowers-\$184.83; Dietrich,D-\$123.32; Diversified Fabricators-\$1,118.56; Domestic Crisis Outreach-\$330.00; Don's Sinclair-\$16.25; Ekeren,M-\$15.00; Ellingson,J-\$204.48; Evercom Systems-\$630.00; Executone Of The B H-\$44.00; Fastenal-\$27.42; Fei-\$38.00; Fisher Sand & Gravel-\$58.59; Gall's-\$443.80; Gene's Lock Shop-\$18.00; Genpro Power Systems-\$121.46; Glenney,T-\$120.00; Golay,B-\$27.38; Gordon,B-\$216.00; Great Western Tire-\$360.30; Greens Alignment-\$435.87; Havemeier,L-\$23.80; Hewlett-Packard Company-\$5,243.00; Hills Material Comp-\$540.63; Holiday Inn-\$110.00; Integrity Ford-\$40.12; Interstate Batteries-\$95.84; Kadrmas, Lee And Jackson-\$18,857.40; Kar Products-\$276.63; Karpinen,S-\$280.00; Kinney,M-\$603.99; Knecht True Value-\$83.94; L C Auditor-\$50.00; L C Centennial-\$139.26; L C Sheriff-\$681.82; L C Treasurer-\$100.00; Lawson Products-\$157.14; Lexisnexis Matthew Bender-\$493.05; M&T Fire & Safety-\$10,390.00; May,Johnson,Doyle& Becker-\$4,151.20; Mayer Radio-\$5,775.00; Mearthur,J-\$80.00; Montana-Dakota Util-\$591.57; Moore Medical Corp-\$461.95; Motorola-\$8,728.00; Murphy, John R Atty At Law-\$4,409.49; N H Collection-\$50.00; National Emergency-\$95.00; Ncraao-\$200.00; Neighbors,J-\$417.00; Nelson,T-\$520.00; Neve's Uniforms-\$403.88; Office Of Child Support-\$565.50; Office Technology/Supply-\$19.00; Pennington Co Jail-\$1,153.84; Pennington County Sheriff-\$26.10; Phillips Petroleum Co-\$158.07; Priority Dispatch-\$78.00; Psychological Assoc-\$650.00; Queen City Motors-\$30.75; Queen City Rocket Lube-\$355.81; Qwest-\$802.14; Ramco-\$2,545.20; R C City Of-\$980.00; R C Regional Hospital-\$3,774.55; Radio Shack/Kazco-\$325.94; Rapid Delivery-\$12.60; Regan Battery Maint Services-\$123.49; S D Assn Of Co Comm-\$187.50; Sdaco-\$75.00; S D Dept Of Agriculture-\$337.30; S D Dept Of Transportation-\$463.18; S D Federal Property Agency-\$7.50; S D Human Services Center-\$153.30; S D Safety Council-\$125.00; S D Supplemental Retirement-\$907.00; Sand Creek Printing-\$105.00; Schmit,A-\$160.00; Servall Towel & Linen-\$289.78; Silverado-\$149.37; Spearfish Auto Supply-\$254.45; Stan Houston Equip Co-\$1,802.90; Summit Signs & Supply-\$1,032.00; Superior Lamp And Supply-\$107.35; Team Lab Chemical Corp-\$6,220.00; Texaco-\$89.10; Twin City Hardware & Lumber-\$68.66;Ultimate Office-\$145.34; United Parcel Service-\$16.40; Verizon Wireless-\$154.97; Victims Of Violence-

\$330.00; Viking Office Prod-\$91.98; W S Darley & Co-\$463.95; Walmart Store-\$175.28; Wells Plumbing & Farm Supp-\$235.13; West Group-\$210.50; Western Communication-\$45.00; Western Sd Juvenile Serv-\$13,645.27; Wheeler Lumber-\$1,583.33; Ziggy's Building Center-\$26.25; **Witness & Juror Fees:** Brockley,M-\$61.60; Findley,F-\$50.58; Fischer,E-\$58.12; Gordon,F-\$57.54; Jurgensen,N-\$61.60; Langer,N-\$61.60; Nelson,J-\$58.70; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Wickenheiser,T-\$26.38; Aden,T-\$31.60; Sylvester,S-\$28.70; Trandahl,Tj-\$25.80; Axthelm,B-\$21.60; Balo,L-\$18.70; Berscheid,S-\$11.74; Bettelyoun,R-\$10.58; Borup,M-\$15.80; Carlson,J-\$20.44; Ciani,S-\$18.70; Claymore,M-\$18.70; Colhoff,S-\$19.28; Craiger,R-\$15.22; Edwards,M-\$20.44; Ellingson,T-\$18.70; Frank,J-\$18.12; Greco,J-\$11.74; Guest,J-\$15.80; Hagman,B-\$20.44; Hanzlik,M-\$21.60; Hawley,R-\$18.12; Heinrich,D-\$16.96; Johnson,C-\$24.50; Katz,C-\$11.74; Kellogg,L-\$19.28; Klapperich,C-\$27.40; Loper,D-\$18.70; Miklos,T-\$18.70; Miles,T-\$18.70; Moench,B-\$19.28; Morgan,M-\$17.54; Obert,M-\$11.74; Olson,K-\$16.96; Page,T-\$18.70; Parks,B-\$18.70; Reed,M-\$18.70; Rehorst,D-\$19.86; Routh,J-\$18.70; Schweitzer,C-\$11.74; Tesch,D-\$11.74; Tinnell,D-\$19.28; Vankampen,P-\$15.80; Walters,D-\$15.80; Auchampach,R-\$153.48; Bechtold,R-\$18.12; Bracha,R-\$11.16; Bressler,T-\$20.44; Brumbaugh,J-\$170.88; Clem,C-\$179.58; Cornella,L-\$181.32; Derby,N-\$155.22; Dewain,C-\$21.60; Elias,M-\$21.60; Elkin,J-\$184.80; Enderby,T-\$193.50; Fuerstenau,T-\$176.10; Fuller,W-\$19.86; Gaughen,C-\$20.44; Geist,K-\$18.70; Graesser,J-\$21.60; Hall-Martin,S-\$18.70; Hight,T-\$21.60; Huber,C-\$11.74; Jackovich,C-\$16.96; Kindsfater,J-\$155.22; Ladson,J-\$18.12; Larson,R-\$11.74; Lloyd,K-\$14.64; Mackenzie,H-\$21.02; Mcaulay,C-\$167.40; Mcmichael,J-\$18.12; Mohr,T-\$11.74; Peters,F-\$18.70; Petz,D-\$18.70; Potts,J-\$25.08; Reausaw,B-\$11.74; Reimer,K-\$21.60; Stearns,M-\$14.06; Steele,J-\$24.50; Swets,T-\$18.12; Teupel,J-\$21.60; Thompson,C-\$176.10; Troxell,P-\$60.16; Tyler,K-\$158.70; Uskoski,A-\$18.70; Wittmayer,R-\$167.40; Bjorkman,J-\$25.80; Burrer,L-\$28.70; Bybee,K-\$46.10; Calabro,G-\$21.74; Cerkoney,J-\$23.48; Cottrill,D-\$28.70; Davidson,J-\$28.70; Frasier,R-\$25.80; Geuke,J-\$21.74; Goodrich,M-\$29.86; Hagen,R-\$21.74; Hendricks,T-\$46.10; Larson,T-\$46.10 Lueders,J-\$25.80; Montileaux,B-\$29.86; Murray,J-\$25.80; Nelson,A-\$25.80; Newton,M-\$26.38; Piekkola,Q-\$25.80; Poundstone,J-\$46.10; Reller,F-\$21.74; Rudd,A-\$26.38; Schaefer,S-\$61.74;

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

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 11, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 11, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Opitz) to approve the minutes of April 27, 2004. Motion Carried.

PERSONNEL:

WEED: Moved-Seconded (Seward-Douglas) to approve the following personnel for the Weed Department: Josh Lewis GPS I/WNV at 9.27 – effective April 22nd 2004; Tate Glader - Sprayer II at 9.68 – effective April 19th 2004; Craig Smith - Sprayer II at 9.68 – effective - April 12th 2004; Walter Zuercher - GPS/Sprayer I at 9.27 – effective - April 30th 2004. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Seward-Weisenberg) to approve Brooke Steele as an intern from May 10 thru May 23, 2004 at the rate of \$13.00 an hour and to approve her to work in the States Attorney's Office for college credit for ten weeks without compensation. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Ewing) to allow the advertisement for a full-time appraiser. Motion Carried.

TRAVEL REQUEST:

COMMISSION: Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Bob Ewing to attend the hearing in Pierre in reference to the Animal Sanctuary's request to expand on May 16-17, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Paul Thomson to attend the hearing in Pierre in reference to the Animal Sanctuary's request to expand on May 16-17, 2004. Motion Carried.

VETERAN SERVICE OFFICER: Moved-Seconded (Douglas-Seward) to approve the travel request, pending a signed travel & training agreement, for William Locken to attend the NACVSO Annual School in Rapid City, SD. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve the travel request for William Locken to attend the VSO Congressional Forum in Hot Springs on May 19, 2004. Motion Carried.

EQUALIZATION / TREASURER: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Darlene Piekkola and Deb Tridle to travel to Pierre to testify at the rules hearing on a change in the Mobile Homes. Motion Carried. Senator Apa will also be traveling to the hearing.

SHERIFF: Moved-Seconded (Douglas-Ewing) to approve the travel request for Richard Mowell to attend the Sheriff's Association meeting in Spearfish Canyon on April 28-30, 2004. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for David Heck and Paul Miller to attend the Giant Knotweed Rules Hearing in Pierre, SD on May 11, 2004. Motion Carried.

BOARD APPOINTMENTS: Moved-Seconded (Opitz-Seward) to appoint Margaret Lewis to fill the term of John Frederickson on the L.C. Housing and Redevelopment Commission. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of April 30, 2004 showed the following: Total amount of deposits in banks-\$13,362,626.68; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$896,687.26; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$14,247.07; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$2,942,271.84; Savings-\$5,487,658.81; GNAMS-\$42,403.70; and Money Market \$1,190,292.33, Total \$13,362,626.68.

CDBG GRANTS:

CDBG-NO. 9902-104 FIRE EQUIPMENT PURCHASE: Moved-Seconded (Seward-Weisenberg) Lawrence County moves to accept CDBG No. 9902-104 – Fire Equipment Purchases as satisfactorily complete. Motion Carried.

CDBG-NO. 0102-181 FIRE EQUIPMENT PURCHASE: Moved-Seconded (Seward-Douglas) Lawrence County moves to accept CDBG No. 9902-104 – Fire Equipment Purchases as satisfactorily complete. Motion Carried.

ELK RIDGE SUBDIVISION ROAD DISTRICT PETITIONS: The Board reviewed the Proposed ElkrIDGE Subdivision Road District boundaries and petitions. Chuck Williams, Highway Superintendent, stated there is a county secondary road that goes through the subdivision. Williams stated in the past the county has paid for half of the cost of paving the road if asked. Williams stated however this is not budgeted for in 2004 and he would need some

notice to budget for this expense. Richard Shilvock asked that the Board accept the legal petition and the boundaries as defined in the plat.

Dave Webb stated he was speaking on behalf of the subdivision against the formation of the road district. Webb stated forming the road district is premature as they have only been aware of the new boundaries for a couple of days. Webb stated Mr. Shilvock changed the boundaries after surveying the area homeowners. Webb stated lots were eliminated because they were against the road district. Sherry Smith, Steve Waterman and Richard Abel expressed concerns against the formation of the road district.

Bruce Outka reminded the Board that a petition was presented with the required number of signatures that support the boundaries. The Board discussed the proposed boundaries of the road district.

Webb stated he respectfully requests that the Commission table any action on the proposed road district in order to allow the Elkridge Homeowners Association an opportunity to study the pros and cons of a road district and to voice its recommendation. Establishing a road district separate from the Homeowners Association has significant potential to create confusion and strip away the voting rights of many of the present lot owners.

Moved-Seconded (Douglas-Opitz) to define the boundaries of the proposed Elkridge Subdivision Road District as presented and to proceed with the process as stated in SDCL 31-12A-4 to post the petition and map for 20 days. Motion Carried.

ABATEMENTS:

KOCH, JOANN: Moved-Seconded (Douglas-Seward) to approve the abatement on parcel 31090-03000-200-00 for JoAnn Koch because the home has been unlivable since November 2002. A 50% functional will be allowed. Motion Carried.

FREDERICKSON, JOHN R.: Moved-Seconded (Douglas-Weisenberg) to approve the abatement on parcel 17000-00503-260-00 for John R. Frederickson because the property was in the Grizzly Gulch Fire burn area and should not have increased in value. Motion Carried.

SD GAME FISH PARKS: Moved-Seconded (Opitz-Ewing) to approve the abatement for parcel #26340-00780-000-20 for 6 months of 2003 and all of 2004; and to approve the abatement for parcel #26620-01555-000-05 for all of 2004 for SD Dept of Game Fish & Parks because the property was tax exempt. Motion Carried. Aye-4 Nay-Seward.

HIGHWAY BIDS:

HOT MIX ASPHALT: Moved-Seconded (Opitz-Ewing) to accept the only bid received for hot mix asphalt F.O.B. from Hills Material for \$31.95 per ton at the Centennial Plant Site. Motion Carried.

COLD MIX ASPHALT: Moved-Seconded (Seward-Weisenberg) to accept the only bid received for cold mix asphalt F.O.B. from Hills Material for \$37.00 per ton at the Centennial Plant Site. Motion Carried.

GRAVEL SURFACING AGGREGATE: Moved-Seconded (Douglas-Ewing) to accept the only bid received for Gravel Surfacing Aggregate from Hills Material for \$4.30 per ton at the Centennial Pit; \$3.95 per ton at the Hanson Pit; \$3.95 per ton at the Kost Pit; and \$.25 load cost.. Motion Carried.

UTILITY PERMITS:

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for permit to occupy county highway ROW for Black Hills Power on the Nemo Road. (Aerial - .33 mi. east of Highway 385 on County Road 414). Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for permit to occupy county highway ROW for Black Hills Power on the Nemo Road. (Aerial - .48 mi. west of Hay Creek Lane on County Road 414). Motion Carried.

Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Application for permit to occupy county highway ROW for Black Hills Power on the Benchmark Road. (Underground – 1.03 mi. west of Nemo Road #414). Motion Carried.

SEVEN DOWNS ARENA: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Release and Hold Harmless Agreement with Ingodwe Perpetual Trust. Motion Carried.

Moved Seconded (Ewing-Weisenberg) to approve the annual review for CUP #240 Seven Downs Arena, for one year from the original anniversary date, and enter the Release and Hold Harmless Agreement as an attached condition. Motion Carried.

AMENDMENT CUP#291 MARK & KAREN VALDEZ: Moved-Seconded (Douglas-Weisenberg) to approve the Amendment to CUP#291 for Mark and Karen Valdez with the stipulation that all vending machines must be located inside of the building. Motion Carried.

AMENDMENT: To use the existing out-building as an addition to the retail store. To be used as a small museum, storage, and sales outlet to sell merchandise, beverages, soda machines, and gifts.

AMENDMENT CUP#288 JAN KABERNA: An annual review was conducted on CUP #288 for Jan Kaberna and the HOM Campground. Brandon Flanagan, Planning and Zoning Director stated they have not received any complaints and they are in compliance with the CUP. Moved-Seconded (Douglas-Weisenberg) to approve the annual review of CUP #288 and set the next annual review to May of 2005. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve the Amendment to CUP #288 changing the date of operation for the beer garden, starting the beginning of Memorial Weekend through November 1st. Motion Carried.

FAMILY HEALTH CENTER GRANT: Angie King and Kathy Hood were present to update the Board on the Family Health Center Grant. They stated this is a Community Drug and Alcohol grant and the Tri-Ethnic Center Survey Report has been completed. The grant process will begin in June of 2004 and the funds would be available in 2005.

SHERIFF GRANTS:

INTERACTIVE VIDEO SYSTEMS FOR CRIMINAL APPEARANCE: Moved-Seconded (Douglas-Ewing) to approve the application for Interactive Video Systems for Criminal Appearance grant for the amount of \$12,578. Motion Carried. Chief Deputy Harmon stated he has the \$12,578 required matching funds in the budget.

SDSA/SDCPA COPS TECHNOLOGY GRANT: Moved-Seconded (Ewing-Seward) to approve the application for SDSA/SDCPA Cops Technology Grant for the amount of \$2,925.47. Motion Carried. Chief Deputy Harmon stated he has the \$239.49 matching funds in the budget.

BILLS: Moved-Seconded (Douglas-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,960.53; Treas-\$8,105.23; Comp-\$4,937.48; States Atty-\$10,548.45; Pub Def-\$6,102.86; Gen Govt Bldg-\$4,798.15; Equal-\$10,001.25; Deeds-\$5,720.96; Vso-\$745.97; Disp-\$10,239.62; Sher-\$29,976.61; Jail-\$15,285.54; Emerg Mgnt-\$2,227.33; E911-\$1,378.96; Highway-\$33,404.19; Air-\$309.12; Exten-\$1,191.60; Weed-\$4,010.67; Pz-\$1,500.00; **Bills:** Bott,B-\$65.00; Chavez,R-\$15.00; Eggebo,R-\$4.00; Kaiser,D-\$30.45; Kosel,J-\$8.70; Mowell,R-\$5,364.00; Piekkola,D-\$65.00; Schumacher,D-\$65.00; Struble,L-\$65.00; A&B Business Equip-\$1,086.46; A&B Welding Supply-\$87.46; A&J Supply-\$44.90; Abc Business Supply Corp-\$658.52; Aberdeen Llc-\$739.00; Active Data Systems-\$15,025.00; Adamson Industries Corp-\$159.95; Altaire Enterprises-\$20.00; American Family Life-\$2,857.98; Audiss,J-\$264.80; B H Chemical Company-\$860.20; B H Collection Service-\$50.00; B H Federal Credit

Union-\$8,404.14; B H Fibercom-\$2,648.34; B H Land Analysis-\$810.00; B H Medical Ctr Pharmacy-\$759.68; B H Pest Control-\$95.00; B H Pioneer-\$81.97; B H Power & Light-\$341.23; B H Windshield Repair-\$145.00; Behavior Mngt Systems-\$616.00; Belle Fourche Landfill-\$34.56; Best Buy-\$389.97; Bickle's Truck & Diesel-\$298.21; Birdsall Sand & Gravel-\$1,466.00; Black Hills Pure-\$14.85; Blue Cross-\$44,986.52; Butte County Sheriff-\$27.50; Butte Electric Coop-\$356.40; Carlsen & Aldinger-\$75.00; Carlson,D-\$21.00; Central Parts-\$499.43; Chemical Sanitizing Sys Ltd-\$94.55; Chris Supply Co-\$127.93; Christensen Law Office-\$490.25; Conoco-\$196.87; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$10.50; Dakota Concrete & Excavation-\$858.00; Dakota Graphics-\$955.00; Dakota Stone-\$577.50; Dale's Tire & Retread-\$703.80; Dartek Computer Supplies-\$219.77; Deadwood Home Center-\$185.80; Deadwood Recreation Center-\$107.00; Deadwood, City Of-\$544.15; Deckers Food-\$17.03; Dept Of The Treasury-\$37,475.92; Dietrich,D-\$136.70; Duffy & Duffy Law Office-\$5,169.89; Ekeren,M-\$21.00; Elan Financial Services-\$409.80; Election Sys & Software-\$1,308.30; Ellingson,J-\$462.59; Emergency Medical Products-\$10,115.03; Ensignal-\$19.95; Executone Of The B H-\$200.00; Fast Break Screen Printing-\$170.00; Fastenal-\$43.70; Ferno-Washington-\$837.10; Fireguard-\$9,852.00; Gene's Lock Shop-\$283.72; Godfrey's Brake Serv-\$298.00; Golden West Technologies-\$33.00; Gordon,B-\$288.00; Great Western Tire-\$201.10; Grizzly Sign & Design Studio-\$360.00; Heisler Hardware-\$20.27; Hewlett-Packard Co-\$2,774.00; High Plains Trailer Sales-\$3,385.00; Hill Brothers Chemical Co-\$4,590.17; Hills Navigation-\$1,708.94; Hodgens Engineering & Survey-\$78.50; Holiday Inn-\$660.00; Hood & Nies & Dardis-\$1,988.75; Iaa-\$89.00; Ikon Office Solutions-\$127.90; Integrity Ford-\$73.55; Johnson Machine-\$3,047.42; Kieffer,T-\$85.00; Kimball-Midwest Co-\$264.78; Knecht True Value-\$513.57; L C Centennial-\$842.85; L C Emerg Mngt-\$47.35; L C Public Health-\$2,208.00; L C Sheriff-\$185.32; L C Treasurer-\$100.00; Lawson Products-\$73.57; Lead, City Of-\$49.60; Lead-Deadwood Sanitary-\$279.42; Mearthur,J-\$160.00; Meade County Sheriff-\$20.00; Mikelson,G-\$180.31; Montana-Dakota Util-\$4,542.94; N H Collection-\$50.00; N H Family Ymca-\$314.00; N H General Hospital-\$240.00; Neve's Uniforms-\$91.80; Office Max-\$13.86; Office Of Child Support-\$565.50; Office Technology/Supply-\$34.99; Outdoor Motor Sports-\$69.95; Pennington County Sheriff-\$21.00; Pennington County Sts Attny-\$200.00; Performance Automotive & Serv-\$227.31; Pizza Hut-\$586.83; Postmaster, Deadwood-\$126.00; Public Safety Center-\$174.22; Queen City Rocket Lube-\$358.94; R C Journal-\$74.52; Radio Shack/Kazco-\$85.50; Rapid Delivery-\$7.35; Rdj Specialties-\$85.04; Reindl,S-\$6,762.25; Rombough,D-\$102.51; Rushmore Communications-\$340.00; Rust Sales-\$1,503.00; S D Retirement System-\$38,979.07; S D State Treasurer-\$860.00; S D Human Services Center-\$76.65; S D Sheriff's Association-\$60.00; S D Supplemental Retirement-\$907.00; Sanitation Products-\$71.19; Sbc Long Distance-\$21.09; Schmit,A-\$120.00; Scott Peterson Motors-\$205.19; Servall Towel & Linen-\$194.56; Spearfish Auto Supply-\$46.96; Spearfish Husky-\$51.20; Spinitar-\$320.00; Stan Houston Equip-\$2,623.88; Teen Court-\$806.09; Triple K Tire & Repair-\$327.79; Trump Law Office-\$2,445.25; U S Bank-\$1,293.75; Viking Office Prod-\$41.53; Voelker & Adams-\$1,788.25; Wvv & Associates-\$2,950.00; Waste Connections-\$362.49; Wells Plumbing & Farm Supp-\$796.75; Western Communication-\$11,909.35; Williams Standard Serv-\$30.00; Xerox Corporation-\$124.00; Yankton Co Sheriff-\$16.50; Yankton County-\$200.10; Zep Manufacturing Co-\$78.41; Ziggy's Building Center-\$167.86; Zoll Medical Corp-\$9,799.00; **Witness & Juror Fees:** Buth,T-\$58.70; Church,H-\$52.32; Goodson,A-\$55.80; Karas,F-\$58.70; Lundberg,C-\$59.86; Sorenson,D-\$61.60; Twiss,T-\$174.36

ADJOURN: 1:30 p.m. - There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – MAY 25, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 25, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Douglas-Seward) to approve the minutes of May 11, 2004. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to authorize the advertising of a full-time correctional officer to fill an open position. Motion Carried.

TRAVEL REQUESTS:

VETERANS SERVICE OFFICER: Moved-Seconded (Seward-Douglas) to approve the amended travel request for William Locken to attend the National CVSO School in Rapid City on May 23-30, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve the travel request for Paul Thomson to attend the SD Emergency Management Association Planning Meeting in Pierre, SD on June 8-9, 2004. Motion Carried.

HOMESTAKE HYDROELECTRIC PROJECT: Moved-Seconded (Seward-Douglas) to approve and authorize the Chairman to send a letter of support for the City of Spearfish's recent efforts to obtain federal legislation that would merely confirm the validity of the original right-of-way grant issued by the federal government when the Hydro Project was originally constructed, thereby circumvent the FERC licensing process. Motion Carried.

ANIMAL SANCTUARY: Ewing updated the Board on the meeting held in Pierre concerning the animal sanctuary. The Board discussed they may need to review the CUP and make necessary changes to fit the suggested use of the facility if it is approved by the Animal Industry Board.

DROUGHT CONDITIONS / NATURAL DISASTER RESOLUTION: Moved-Seconded (Seward-Ewing) to approve the following Resolution #04-11 declaring that the current drought conditions have created a natural disaster within Lawrence County. Motion Carried.
LAWRENCE COUNTY RESOLUTION #2004 –11: WHEREAS, all of Lawrence County has

failed to receive adequate precipitation over the past ten months, and WHEREAS, Lawrence County has suffered a late spring killing frost on May 13th and May 14th, 2004, and WHEREAS, the lack of precipitation over the past three years has created a state of drought; and WHEREAS, the drought conditions and the recent frost have had an enormous effect on the production capabilities of the agricultural industry which in turn severely affects the entire local economy, and WHEREAS, the lack of consistent precipitation has resulted in the lack of rain water runoff and therefore, caused the livestock ponds, dams and natural water holes to dry up, and WHEREAS, the lack of dependable precipitation has resulted in record abnormally low subsoil moisture, BE IT THEREFORE RESOLVED that the Lawrence County Commissioners declare that the current drought conditions have created a natural disaster within Lawrence County; and BE IT THEREFORE FURTHER RESOLVED that both farmers/ranchers and local businesses may be eligible for disaster aid grants and/or low interest Economic Injury Disaster loans from the Farm Service Agency and Small Business Administration Agency retroactive until January 1, 2004. Dated this 25th day of May 2004. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

DON CLOWSER: The Board expressed their condolences to the family of Don Clowser due to his recent death.

ST ONGE CLERK BOND: Moved-Seconded (Douglas-Seward) to approve the St. Onge Township Clerk Bond for \$20,000 on Leo Derosier. Motion Carried.

PHASE II AMENDMENT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Amended Agreement for Professional Services for Review and Comments on the Phase II Amendments to the Forest Service Plan Project. Motion Carried.

HIGHWAY BUSINESS:

COUNTY HIGHWAY RIGHT OF WAY: Moved-Seconded (Opitz-Ewing) to approve the Application for Permit to Occupy County Highway Right-Of-Way for Black Hills FiberCom on Hwy 85 3.3 miles from Hwy 85 down Terry Summit Road. Motion Carried.

ALLEY ACRES ROAD DISTRICT: The Board reviewed the Proposed Alley Acres Road District boundaries and petitions.

Moved-Seconded (Douglas-Weisenberg) To approve the following Order Declaring Alley Acres Road District Incorporated. Motion Carried.

ORDER DECLARING ALLEY ACRES ROAD DISTRICT INCORPORATED:

WHEREAS, A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully

complied with; WHEREAS, SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. WHEREAS, James M. & Terri Ann Alley are the only landowners of the land to be included in the Road District. WHEREAS, IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: REPLAT OF LOT 54A, LOT 55A, LOT 56A, LOT 57 AND LOT 58A INTO TRACT A OF ELK RIDGE SUBDIVISION, LOCATED WITHIN THE QUINCY, SNOW STORM AND NATIVE SON LODES OF MS 1477 IN THE NE1/4 OF SECTION 32 AND THE NW1/4 OF SECTION 33, T4N, R4E. BHM LAWRENCE COUNTY, SOUTH DAKOTA. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Alley Acres Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 25th day of May, 2004. TERRY W. WEISENBERG, Chairman. Lawrence County Commission ATTEST: CONNIE ATKINSON, Auditor

DEADWOOD CITY LIMITS / SLIME PLANT AGREEMENT: Wayne Lund, Lund & Associates, was present to update the Board on the Deadwood City Limits / Slime Plant Project. Lund stated they are continuing to work of securing financing and are still interested in the project but could not give an estimated date of closure. Lund stated the Financing Report has been completed for the project. Lund stated they were not anticipating any funds or loans from the County or City in the new financing packages. Lund stated they were not interested in asking for a loan from the County only an option to purchase the property.

The Board stated the purchase agreement expired on May 24, 2004 and a new agreement would need to be negotiated. The Board stated that any offers for loans have also expired. Opitz stated the County has continued to incur costs on the building and this needs to be considered when negotiations begin.

STATE FIRE CONTRACTS: Chuck Nicholas was present to discuss the State Fire Contracts with the Board. He provided a copy of the State Fire Contract with the changes the Fire Advisory Board felt was necessary. Nicholas asked that Bruce Outka review the document and then forward to the Governor. Nicholas stated the fire departments are currently working under the old contracts and the public is still protected.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2004-2005 Malt Beverage licenses.

Moved-Seconded (Seward-Weisenberg) to approve the following 2004-2005 Malt Beverage Licenses. Motion Carried. *CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE*
GI OUTPOST INC., (DEADWOOD KOA) Highway 14A, Deadwood, SD 57732. Legal Description: M.S. #601, Sec. 28, T5N, R3E, and lot 1A of M.S. #108, Lawrence County
RANDY & ANITA AKER (HIDDEN VALLEY CAMPGROUND), 21423 US HWY 385, Deadwood, SD, 57732. Legal description: Lot G-1-A, HES 297, Sections 18 & 19, T4N, R4E, Lawrence County, SD. BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) 510 W. Havens Ste 4, PO Box 1044, Mitchell SD 57301. Legal description: 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, Lawrence County, SD. *CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE* BLACK HILLS HOSPITALITY, INC (FISH 'N FRY CAMPGROUND) 21390

US Highway 385, Deadwood, SD 57732. Legal description: 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.

JANELL F. ANDIS, (CUSTER CROSSING) HCR 73, Box 1525, Deadwood, SD 57732-9712. Legal description: Pt Tract B-1 of HES 246, Section 21, T3, R4, Lawrence County, SD.

CHARLES E. KING & BONITA C. KING (WILD BILL'S CAMPGROUND) 21372 US HWY 385, Deadwood, SD 57732-9711. Legal description: Part of Lot E-1 & all of Lot E-2 of HES 137, Section 18, T4, R4, Lawrence County, SD. SPEARFISH CANYON RESORTS

(LATCHSTRING RESTAURANT) P.O. Box 705, Spearfish SD 57783. Legal description: 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., Lawrence County, SD RICHARD TSCHETTER, (THE VALLEY CORNER) 396 Evans Lane, Spearfish, SD 57783. Legal description: Lot 1 & Pt Lot 2, NW1/4NW1/4, Subdivision of Section 3, T6N, R2E., B.H.M., Lawrence County, SD.

TRAILSHEAD LODGE, INC., PO Box 873, Lead, SD 57754-0873. Legal description: Lot 4 O'Neill Pass Ranchettes S/D of HES 617, Section 20, T3, R1, B.H.M., Lawrence County, SD.

KATHY A. STEWART (CHEYENNE CROSSING STORE) 21415 US HWY 14A, Lead, SD 57754. Legal description: Lots 16-56 West, Meadowood Lode #1, Section 15, T4N, R2E, Lawrence County, SD. TIM & JANET ASHEIM, (ST.ONGE STORE) RR1 BOX 66, St.Onge, SD 57779-0201. Legal description: Lots 1 & 2, Block 8, St.Onge, Lawrence County, SD.

STEVEN W. SHARP, (KOA SPEARFISH) PO Box 429, Spearfish, SD 57783. 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., Lawrence County, SD.

RONALD & LISA JORGENSON, (BOONDOCKS) HC 73 Box 1225, Deadwood SD 57732. Legal description: PT HES 54 Tract C Section 25 T4N, R3E, B.H.M., Lawrence County.

SEVEN DOWN, LLC (Travis Lantis) PO Box 999, Spearfish, SD 57783. Legal description: *Parcel 1* - West Half of the Northwest Quarter (W1/2NW1/4) Section 27, T6N, R3E, B.H.M., Lawrence County, South Dakota. Section 28, T6N, R3E: East Half of the Northeast Quarter (E1/2NE1/4) EXCEPT Tract P located in the N1/2NE1/4 28 T6N R3E as set forth in Plat Document No. 97-5029; and EXCEPT Tract A of the E1/2NE1/4 of Section 28, T6N, R3E as set forth in Plat Document No. 99-1881 BUT INCLUDING Tract T of the E1/2NE1/4 of Section 28 T6N R3E as set forth in Plat Document No. 99-1881. *Parcel 2* - Section 27, T6N, R3E: West Half of the Northeast Quarter (W1/2NE1/4) EXCEPT Tract A located in the NW1/4NE1/4 as shown in Plat Book 5, Page 290; East half of the Northwest (E1/2NW1/4); Southwest Quarter (SW1/4); West Half of the Southeast Quarter (W1/2SE1/4). Section 28, T6N, R3E; West half of the Northeast Quarter (W1/2NE1/4) EXCEPT Tract P located in the N1/2NE1/4 28 T6N R3E Southeast Quarter (SE1/4); *Parcel 3* - Tract A of the Northeast Quarter of the Northwest Quarter of Section 20, T6N, R3E, BHM, Lawrence County, South Dakota according to Plat Book 5 page 165, Lawrence County, South Dakota; and Lots 1, 2, 3, 4 and 5 of Tract B of the Northeast Quarter of the Northwest Quarter, Section 20, T6N, R3E, BHM, Lawrence County, South Dakota, according to Plat Book 7 Page 47. JOE MOAK III / LONE STAR RESTAURANT:

11201 HWY 14A Box 1223, Lead, SD. Lot 3A2. of Tract 3A, A sub of Jay1,2,3, Fay #3, Herbert Steel Fraction H0200, Log Cabin & Violet #3, Lodes of M.S. 1200, In NW1/4 & NE1/4 of Sec. 19, T4N, R3E, T4N & NE1/4 of Sec 24, T4N, R2E, BHM, Lawrence CO, SD. PRESIDENTS PARK, INC. / DAVID ADICKES: 11249 Presidents Park Loop, Lead, SD 57754. Legal description: Evangeline No1 Mineral Lode of Survey 1168 located in the SW1/4 of Sec 18, T4N, R3E, BHM, Lawrence County, SD. JANICE G. KABERNA, (HOM CAMPGROUND) PO Box 102 Nemo SD 57759. Legal description: Lot A of CRM Ex Tract 1 (10.01) and Lot 2. Sec 27- T3-R5 of Black Hills, Lawrence County, SD. BLACK HILLS CHAIRLIFT CO.INC., (Dark

Horse Saloon) Lead, SD, Section 1-2-11 & 12, Township 4 north, Range 2 east, B.H.M. JOHN D. BELL (BELL LTD) P.O. Box 678, Spearfish, SD – 11275 US Hwy 85/14A, Lead, SD. Legal description: Tract 59 Section 7, T2N, R3E, BHM. Lawrence County, SD.

No action was taken on AMY G. MOORE/AMPM WILLINGTON LLC (AMERICAN EAGLE SALOON & CAFÉ) 21399 US HWY 385, Deadwood. Legal description: Lot D of HES 297, Section 18 & 19, T4N, R4E, Lawrence County, SD, because of incomplete application.

HOME HEALTH NURSES REPORT: Michelle Morin and Jeanne Bennett were present to report on activity for the months of November 2003 thru April 2004 and reviewed the services they provide. Morin discussed the need for an increase in funds for 2005 to continue to provide services. The Board stated a request will need to be received for 2005 and discussed the possibility of going out for bids to provide the service.

RELOCATION OF COUNTY ROAD #042SA: A public hearing was held on an application to relocate a portion of County Road #042SA.

Moved-Seconded (Opitz-Ewing) to approve and authorize the Chairman to sign LAWRENCE COUNTY RESOLUTION #04-10 RESOLUTION & ORDER TO RELOCATE A PORTION OF COUNTY ROAD #042SA, upon the satisfaction of Chuck Williams, Highway Superintendent. Motion Carried.

LAWRENCE COUNTY RESOLUTION #04-10 RESOLUTION & ORDER TO RELOCATE A PORTION OF COUNTY ROAD #042SA. 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 County Road #042SA be relocated, and **WHEREAS,** the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Centennial, 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 relocation, and **WHEREAS,** a portion of County Road #042SA, also known as the Kirk Road, will be relocated to allow for reclamation of the Yates Waste Rock Facility. **BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of County Road #042SA be relocated: **LEGAL DESCRIPTION FOR THE RELOCATION:** A portion of County Road #042SA, also known as the Kirk Road, will be relocated to allow for reclamation of the Yates Waste Rock Facility. The point of relocation begins about 1,740 feet west of the intersection of State Highway 385 along County Road #042SA, and continues for approximately one-half mile southwest along the road. At this point, the relocated road will join with the existing road. The road is located in Sections 33 and 34, T5N R3E. The property owners along this relocated road are Homestake Mining Company and the City of Deadwood. Dated this 25th day of May, 2004. TERRY W. WEISENBERG, CHAIRMAN, Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

WEST NILE UPDATE: David Heck, Invasive Species Management, was present to discuss the progress on the West Nile project. Heck stated they have inventoried standing water areas

and started treating areas. Heck stated Lawrence County is in good shape at this time but July is usually the problem month. Heck stated the County was awarded \$12,970 in grant funds for West Nile control.

VOLUNTARY CONTROL LETTERS: Heck stated voluntary control letters were sent out on May 12, 2004 and landowners have until May 26, 2004 to complete voluntary control of their invasive species. Heck stated due to special circumstances landowners will receive an additional 5 days to complete voluntary control.

BILLS: Moved-Seconded (Douglas-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,657.49; Treas-\$7,550.12; Comp-\$4,690.04; States Atty-\$10,856.34; Pub Def-\$5,906.29; Gen Govt Bldg-4,525.51; Equal-\$9,181.15; Rod-\$5,358.33; Vso-\$745.97; Disp-\$8,572.63; Sher-\$25,455.51; Jail-\$15,655.83; Emerg Mgnt-\$2,227.35; E911-\$1,253.60; Highway-\$29,095.03; Air-\$218.96; Exten-\$1,085.65; Weed-\$5,319.24; Pz-\$1,998.67; Bills: Barrett,M-\$39.00; Kosel,J-\$61.26; Larson,R-\$30.00; Piekkola,D-\$33.00; Smith,M-\$101.86; Tridle,D-\$75.95; Williams,C-\$10.58; A&B Business Equip-\$307.16; A-Z Shredding-\$29.60; Abc Business Supply-\$505.69; Altaire Enterprises-\$470.00; Amcon Distributing-\$219.68; American Airworks-\$16,827.50; Amoco Oil-\$523.03; At&T-\$57.85; B H Collection Service-\$50.00; B H Federal Credit Union-\$8,604.14; B H Pioneer-\$1,136.80; B H Power & Light-\$6,867.09; B H Truck And Trailer-\$101.05; Behavior Mngt Systems-\$321.40; Best Business Prod-\$50.78; Best Western Ramkota Inn-\$454.00; Black Hills Pure-\$51.10; Bound Tree Medical-\$483.60; Brevis Corporation-\$28.63; Broadbent,D-\$120.00; Brookings Inn-\$127.00; Brown & Saenger-\$15.88; Butte County Sheriff-\$9.60; Carlson,D-\$15.00; Carquest Of Spearfish-\$83.65; Cellular One-\$77.83; Chemical Sanitizing Sys-\$40.40; Chris Supply Co-\$10.89; City/County Alcohol &Drug-\$105.00; Clark Printing-\$40.00; Coburn Insurance Agency-\$75.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$92.50; Dakota Graphics-\$25.00; Datamaxx Tech-\$1,650.00; Dept Of Hlth Lab Services-\$87.00; Dept Of The Treasury-\$33,818.62; Dietrich,D-\$122.55; Domestic Crisis Outreach-\$467.50; Ecolab-\$93.00; Eddie's Truck Sales/Serv-\$256.79; Ekeren,M-\$15.00; Election Sys & Software-\$1,173.13; Emergency Medical Products-\$475.56; Evercom Systems-\$630.00; Family Thrift Center-\$10.33; Farmers Union Oil-\$11,728.04; Fernen Electronics-\$5,320.00; Frederickson,J-\$482.40; Gall's-\$58.47; Gold Dust-\$48.13; Gordon,B-\$432.00; Great Plains Chemical-\$360.00; Greens Alignment-\$274.26; Grusing,L-\$125.00; Hall Welding-\$53.00; Havemeier,L-\$178.20; Heiman Fire Equip-\$3,998.05; Heisler Hardware-\$70.49; Hill Brothers Chemical-\$15,030.24; Hills Material Comp-\$2,643.72; Hood & Nies & Dardis-\$536.15; Imaginatics Publishing-\$69.95; Inn Pir Pierre-\$225.00; Jacobs Precision Welding-\$248.64; Kadrmas, Lee And Jackson-\$3,333.55; Kar Products-\$410.49; Karpinen,S-\$360.00; Kings Inn Hotel-\$80.00; Knecht True Value-\$57.82; L C Centennial-\$272.84; L C Treasurer-\$100.00; Lee,J-\$15.00; Lewis & Clark Bhs-\$375.00; Lyle Signs-\$999.77; Mayer Radio-\$2,815.00; Meade County Sheriff-\$90.00; Micks Scuba Center-\$1,962.58; Mobile Electronic Service-\$5.00; Montana-Dakota Util-\$84.53; Moore Medical Corp-\$97.25; N H Collection-\$50.00; N J S Engineering-\$2,417.84; Neighbors,J-\$300.00; Nelson,T-\$680.00; Office Of Child

Support-\$565.50; Office Of Secretary Of State-\$25.00; Office Technology/Supply-\$159.78; Pennington Co Auditor-\$257.00; Pennington Co Jail-\$856.72; Pennington County Sheriff-\$13.50; Performance One-\$227.31; Phillips Petroleum Co-\$137.86; Pitney Bowes-\$149.10; Pizza Hut-\$122.05; Pmi-\$2,975.00; Qwest-\$883.56; R C Police Dept-\$1,015.00; R C Regional Hospital-\$949.03; Rabe Elevator-\$568.45; Radio Shack/Kazco-\$499.05; Reuer,A-\$10.00; Rushmore Safety Supplies-\$50.95; S D Human Services Center-\$85.28; S D Supplemental Retirement-\$907.00; Servall Towel & Linen-\$289.78; Spearfish Auto Supply-\$1,107.12; Texaco-\$90.57; Tigerdirect-\$630.85; Torgerson,L-\$18.70; U S Bank Corp Trust Debt Manag-\$274,335.00; Ultimate Office-\$138.88; Verizon Wireless-\$321.211; Victims Of Violence-\$467.50; Viking Office Prod-\$224.99; Walmart Store-\$621.91; Warne Chemical-\$33.60; Wells Plumbing & Farm Supp-\$30.60; Western Communication-\$2,393.25; Western Sd Juvenile Serv-\$7,351.74; Wolff's Plumbing & Heating-\$484.18; Yankton Co. Sheriff-\$16.50; Witness & Juror Fees: Buth,T-\$58.70; Church,H-\$52.32; Findley,F-\$50.58; Fischer,E-\$58.12; Goodson,A-\$55.80; Karas,F-\$117.40; Kyte,W-\$61.60; Langer,N-\$61.60; Long,W-\$52.90; Lundberg,C-\$119.72; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Sorenson,D-\$61.60; Utecht,D-\$111.60; Wickenheiser,T-\$45.80; Barnes,T-\$19.86; Blake,L-\$19.86; Briggs,J-\$20.44; Colgrove,B-\$60.44; Conwell,D-\$21.60; Derby,T-\$13.48; Dickert,J-\$14.64; Enninga,R-\$57.54; Fahrni,J-\$10.00; Guthmiller,K-\$18.70; Jeffery,J-\$18.70; Long,R-\$51.74; Madrid,M-\$18.70; Madsen,D-\$55.22; Mccarty,S-\$61.60; Orth,J-\$18.70; Pitlick,W-\$18.70; Reede,A-\$18.70; Rogers,K-\$18.70; Sestak,A-\$61.60; Sheets,D-\$51.16; Siemonsma,R-\$18.70; Story,I-\$19.86; Telkamp,M-\$59.86; Thoresen,D-\$51.74; Toscana,K-\$50.58; Vanzee,D-\$61.60; Wetz,J-\$23.92; Wilken,J-\$19.86; Williams,C-\$58.70; Brockhoft,M-\$28.70; Brouillard,K-\$20.00; Busk,S-\$22.32; Desart,V-\$28.70; Farley,T-\$28.70; Garness,C-\$28.70; Island,M-\$20.00; Island,R-\$30.44; Kilander,A-\$20.58; Krambeck,J-\$28.70; Lamere,T-\$20.00; Lammert,L-\$21.74; Mcculloch,D-\$27.54; Mcguire,T-\$46.10; Neigers,A-\$46.10; Oschner,K-\$46.10; Ortiz,V-\$21.74; Porter,L-\$28.70; Schoenthal,R-\$28.70; Speirs,S-\$46.10; Strickland,A-\$20.00; Tschetter,S-\$29.86; Valdez,M-\$21.74; Allart,N-\$119.72; Burnitt,J-\$11.74; Caropino,M-\$103.48; Catalan,J-\$21.02; Chrysler,S-\$19.86; Cochran-Dirksen,R-\$20.44; Cudmore,W-\$18.70; Culver,C-\$16.96; Dodson,E-\$19.28; Follette,E-\$18.70; Fraiser,J-\$111.60; Hayes,D-\$21.60; Heinrich,A-\$117.40; Hemeyer,D-\$20.44; Hitson,D-\$21.60; Hoffman,S-\$119.72; Humbracht,L-\$21.60; Isaacson,C-\$101.16; Jeffery,T-\$20.44; Keough,D-\$24.50; Kuntz,J-\$11.74; Kyte,R-\$11.74; Lafayette,R-\$18.70; Lalonde,M-\$19.28; Lauer-Mccarty,C-\$10.58; Lurker,M-\$103.48; Magnusson,J-\$123.20; Marsing,T-\$18.70; Mcgrath,J-\$21.60; Mcgrew,D-\$18.70; McNary,R-\$18.70; Mercy,C-\$16.96; Morgan,M-\$18.70; Pederson,R-\$18.70; Porter,G-\$11.74; Raad,D-\$123.20; Rear,T-\$101.16; Reifenrath,P-\$117.40; Roberts,L-\$19.86; Robinson,W-\$18.70; Schmit,J-\$19.28; Schmitz,T-\$25.66; Schuldt,J-\$19.86; Schultes,R-\$11.74; Shama,M-\$10.58; Sorenson,D-\$101.16; Staebell,C-\$15.80; Stagner,S-\$11.74; Tordoff,D-\$19.86; Webb,D-\$16.96; Yanzick,J-\$352.20

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

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 3, 2004

Chairman Terry W. Weisenberg called the special meeting of the Lawrence County Commissioners to order at 9:00 a.m. on June 3, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, and James J. Seward present. George Opitz was absent.

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

2004 PRIMARY ELECTION: Moved-Seconded (Seward-Ewing) to canvass the 2004 Primary Election Results for Lawrence County. Motion Carried

ADJOURN: 9:25 a.m. - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 8, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 8, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, and James J. Seward present. Connie H. Douglas and George Opitz absent.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of May 25th & June 3, 2004. Motion Carried. Douglas & Opitz-absent

PERSONNEL:

HIGHWAY: Moved-Seconded (Seward-Weisenberg) to approve Gordon Specht as a Maintenance Worker I at the base rate of \$9.59 an hour, effective 6-7-2004 at 29 hours or less a week. Motion Carried. Douglas & Opitz-absent.

Moved-Seconded (Seward-Ewing) to approve Clifford Caserio as a Light Equipment Operator at the base rate of \$14.56 an hour, effective 7-1-2004. Motion Carried. Douglas & Opitz-absent

Moved-Seconded (Ewing-Weisenberg) to approve Jeffrey Harper as a Light Equipment Operator at the base rate of \$14.56 an hour, effective 6-21-2004. Douglas & Opitz-absent

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Dawn Allen as a full time correction officer II, grade 2 at the base rate of \$12.84 an hour, effective 6-7-2004. Douglas & Opitz-absent

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve Ron Green as a seasonal employee, Appraiser III – Grade II at the base rate of \$13.11 an hour effective June 9, 2004 to September 1, 2004. Motion Carried. Douglas & Opitz-absent

COUNTY OFFICE CLOSING: In observance of the Presidential Executive Order the County Offices will be closed on June 11, 2004 as a mark of respect for Ronald Reagan, the fortieth President of the United States.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Darlene Piekkola, Bruce Outka and Dennis Schumacher to attend the Office of Hearing Examiners in Pierre, SD on July 6-7, 2004. Motion Carried. Douglas & Opitz-absent

AUDITOR: Moved-Seconded (Seward-Ewing) to approve the travel request for Brenda McGruder to attend the Social Security Administration training in Rapid City, SD on September 14, 2004. Motion Carried. Douglas & Opitz-absent

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Ewing) to approve the travel request for William Locken to attend the training of SD Veterans Bonus in Rapid City, SD on June 23, 2004. Motion Carried. Douglas & Opitz-absent

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Douglas & Opitz-absent. Auditor's Account with the County Treasurer: as of May 31, 2004 showed the following: Total amount of deposits in banks-\$11,125,485.57; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$88,678.35; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,319.71; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$502,639.19; Savings-\$5,689,532.69; GNAMS-\$42,247.10; and Money Market \$1,191,066.59, Total \$11,125,485.57.

SEVERANCE TAX FUNDS / NORTHERN HILLS COMMUNITY DEVELOPMENT

Moved-Seconded (Seward-Weisenberg) Whereas requiring the repayment of the \$250,000 Severance Tax Match Funds from the Lawrence County Revolving Loan Fund would jeopardize the continued operation of the Revolving Loan Fund and since this fund has helped create jobs in Lawrence County, the County Board hereby will not require the repayment of \$250,000 from the Lawrence County Revolving Loan Fund. Motion Carried. Douglas & Opitz-absent

APPLICATION FOR OCCUPANCY ON ROW: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Application for Right of Way for US West Communications on the Chicken Creek Road, in section 13, T7N, R1E. Motion Carried. Douglas & Opitz-absent

SEARCH & RESCUE GRANT: Moved-Seconded (Ewing-Seward) to approve the Recreational Trails Program funding in the amount of \$4,949 from the State of South Dakota for winter search and rescue equipment in the Lead area. Motion Carried. Douglas & Opitz-absent

TERRY PEAK LEASE / USFS: Moved-Seconded (Seward-Weisenberg) to authorize Paul Thomson to sign the Terry Peak Lease with the USFS. Motion Carried. Douglas & Opitz-absent

ELKRIDGE SUBDIVISION ROAD DISTRICT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Order Declaring Area Incorporated And Subject To Vote Elkridge Subdivision Road District. Motion Carried. Douglas & Opitz-absent

ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE ELKRIDGE SUBDIVISION ROAD DISTRICT A Petition and Application For Incorporation having been

filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: The boundaries for the Elkridge Subdivision Road District as defined on the map of the district will be: Lots 1, 2,3A,4 through 38, Lot 41, 51,52,53,59,60 and Lot W of Elkridge Subdivision. Excluded will be: Lots 39, 40, 42, 43, 44, Lots 45 & 46 of Van't Land Tract No. 1, Lot 47, 48A, 49A, 50, and Tract A of Elkridge Subdivision, Formerly Known As Roubaix Meadows (Plat Doc. 78-4209 - Instrument of Name Change Doc. 91-2720), which is defined as A Subdivision in the County of Lawrence, including: Lots 1 thru 60 and Lot W of Roubaix Meadows located in M.S. 1477 within the following lodes: (Native Son, Snow Storm, Quincy, Ophir No. 2, Black Prince No. 3, Sunday, Uncle Sam No. 2 & 4, Custer, Mark Twain, Teddy Fraction, Allison, Old Abe, Dewey No. 1,2,3 & 4), in E1/2 of NW1/4, NE1/4; SE1/4; and E1/2of SW1/4 all in Section 32 and in W1/2 of NW1/4 and NW1/4 of SW1/4 of Section 33, T4N, R4E, BHM, Lawrence County, S.D. **SHALL**, with the assent of the Voters, as specified in SDCL 6-16-2, in an election as provided in SDCL 6-16-4 to 6-16-6, inclusive, be an incorporated road district by the name of Elkridge Subdivision Road District. **DATED** this 8th day of June 2004. TERRY W. WEISENBERG, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

INVASIVE SPECIES MANAGEMENT: David Heck, LCISM, updated the Board on the 2004 project areas in Lawrence County. Heck reviewed the projects already completed and what is scheduled for 2004.

AIRPORT: Bob Golay and Rodney DeWeese presented the 2005 proposed Airport Budget.

JUVENILE INCENTIVE BLOCK GRANT: Moved-Seconded (Seward-Ewing) to dedicate Lawrence County's allotment of the Juvenile Accountability Incentive Block Grant in the amount of \$19,738.00 and approve the 10% match money of \$2,193.11 to Teen Court for 2005. Motion Carried. Douglas & Opitz-absent. Marlene Todd was present and discussed plans for the program and planned use of the funds.

DEADWOOD CITY LIMITS / CITY OF DEADWOOD / SLIME PLANT: William McDavid, Deadwood City Limits, was present and asked the Board to consider a six months option on the purchase of the Slime Plant. McDavid stated they are working hard on securing financing and would like to continue with the plan. McDavid stated they would pay \$300 a month toward the costs of the utilities for the building. Seward stated Deadwood City Limits needs to pay all of the costs of the utilities, because the Lawrence County taxpayers should not subsidize the project. The Board directed Outka to work with the City of Deadwood and to determine the monthly costs of the building and to report back to the Board with a proposed purchase agreement.

JAIL MEDICAL CONTRACT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Contract for Medical Services for the Lawrence County Jail with Northern Hills General Hospital, from July 1, 2004 to June 30, 2005. Motion Carried. Douglas & Opitz-absent.

FOREST SERVICE PHASE II: Conrad Rupert was present to update the Board on the Forest Service Phase II project. Rupert recommended the State of Wyoming, Crook County, State of South Dakota and the Black Hills Counties hire ERG, a Consulting Firm from Missoula Montana to verify numbers for the Woodstock Stanley Model that the Forest Service is using. Rupert stated ERG has expertise in the area and could have substantial input in the verification of the figures used in the model. Rupert stated the Forest Service is considering bringing in someone from the Forest Service in Fort Collins to overlook the model but Rupert felt that an independent consulting firm would be better. Rupert stated the Forest Service said they would provide the Data needed to ERG, allow them time to compile the figures and would objectively review the DATA that ERG provided them.

ERG estimates a cost of \$10,000 to \$27,000 for the project, depending on the problems they may find or how detailed the Counties and State want to go. Rupert stated Crook County has informed him they would commit to 50% of the cost. Seward stated there is currently \$8,641.26 left in grant funds from the State and the Black Hills Counties have the matching funds of \$8,641.26 available.

Moved-Seconded (Seward-Ewing) to send a letter of commitment for a 50/50 split with Wyoming and Crook County up to a cost of \$12,000 (\$6,000 State & \$6,000 Counties) to hire ERG Consulting Firm from Missoula Montana, contingent upon a letter of commitment from Crook County. Motion Carried. Douglas & Opitz-absent.

BILLS: Moved-Seconded (Seward-Ewing) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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. Douglas & Opitz-absent.

Payroll: Comm-\$3,361.75; Aud-\$6,087.34; Treas-\$8,128.53; Comp-\$4,937.48; States-\$11,106.47; Pub Def-\$6,102.85; Gen Govt Bldg-\$4,909.51; Equal-\$10,044.54; Rod-\$5,720.96; Vso-\$745.97; Disp-\$11,380.30; Sher-\$28,196.10; Jail-\$19,665.06; Emerg Mgnt-\$2,311.41; E911-\$1,378.96; Highway-\$35,203.13; Air-\$206.08; Ext-\$1,194.16; Weed-\$5,759.09; Pz-\$1,751.88; **Bills:** Bradley,A-\$3.25; Decastro,M-\$74.82; Locken,W-\$395.56; Mcgruder,B-\$59.84; Mowell,R-\$5,337.00; Piekkola,D-\$60.57; Rear,K-\$75.00; Reddeman,V-\$10.00; Schumacher,D-\$97.25; A&B Business Equip-\$209.50; A&H Truck Salvage-\$200.00; A&J Supply-\$98.10; A-Z Shredding-\$80.25; Abc Business Supply Corp-\$108.65; Accurint Accounts Receivable-\$11.50; Active Data Systems-\$258.11; Alex Air Apparatus-\$20,766.98; Altaire Enterprises-\$20.00; Aman,B-\$85.00; American Family Life-\$2,915.44; Asap Software Express-\$1,507.00; Aslesen,R-\$85.00; Audiss,J-\$168.96; B H Chemical Company-\$718.40; B H

Collection Service-\$50.00; B H Federal Credit Union-\$8,604.14; B H Fibercom-\$1,760.98; B H Land Analysis-\$1,395.00; B H Pest Control-\$95.00; B H Pioneer-\$32.27; B H Power & Light-\$516.57; Best Business Prod-\$45.29; Best Western Ramkota-Watertown-\$29.50; Bickle's Truck & Diesel-\$28.55; Black Hills Pure-\$9.90; Blue Cross-\$44,126.51; Burleson,A-\$75.00; Butte Electric Coop-\$112.55; Callahan,M-\$85.00; Caserio,M-\$85.00; Cellular One-\$893.00; Chain Saw Center-\$477.75; City/County Alcohol & Drug-\$105.00; Clinical Lab Of B H-\$153.38; Conoco-\$141.55; Cook,S-\$75.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$49.00; D&W Crane & Rigging-\$441.20; Damuth,M-\$75.00; Dartek Computer Supplies-\$408.12; Deadwood Home Center-\$209.05; Deadwood Recreation Center-\$107.00; Deadwood, City Of-\$538.14; Denny's Welding Ii-\$15.00; Dept Of The Treasury-\$39,825.57; Dietrich,D-\$121.55; Dingeman,E-\$85.00; Eddy,S-\$75.00; -Ekeren,M-\$15.00; Ellingson,J-\$204.62; Family Thrift Center-\$80.43; Fastenal-\$630.50; Fisher Sand & Gravel-\$71.19; Gene's Lock Shop-\$61.98; Golden West Technologies-\$33.00; Great Western Tire-\$539.75; Gustafson,A-\$85.00; Havemeier,L-\$97.00; Heisler Hardware-\$3.99; Hewlett-Packard Company-\$48.00; Hill Brothers Chemical-\$22,895.61; Hills Material Comp-\$7,627.18; Hink,J-\$85.00; Hinker Trk & Trlr Repair-\$5,574.19; Hood & Nies & Dardis-\$1,522.03; Hovland,A-\$105.00; Howe,M-\$85.00; Hunt,D-\$113.70; Huron Culvert & Tank Co-\$631.55; Ikon Office Solutions-\$105.88; Integrity Ford-\$119.78; International Security Product-\$6,288.75; Johnson Machine-\$758.26; Kellogg,D-\$113.70; Keough,M-\$91.96; Kieffer,T-\$10.20; Knecht True Value-\$625.49; Koala Electric-\$2,792.69; L C Centennial-\$951.85; L C Emerg Mgnt-\$4.83; L C Public Health-\$2,208.00; L C Sheriff-\$120.17; L C Treasurer-\$100.00; Lead, City Of-\$40.00; Lead-Deadwood Sanitary-\$277.80; Lee,J-\$15.00; Loken,M-\$85.00; Lyle Signs-\$43.52; M&T Fire & Safety-\$22,739.58; Mattson,D-\$85.00; McCormick,R-\$113.70; Mcgrath,M-\$85.00; Midwest Alarm Co-\$84.00; Moe,F-\$75.00; Montana-Dakota Util-\$2,764.10; N H Collection-\$50.00; N H Drug Task Force-\$188.88; N H Family Ymca-\$300.00; N H General Hospital-\$240.00; National Dairy Council-\$18.33; Nelson,B-\$85.00; Nicholas,C-\$75.00; Nugent,J-\$85.00; Occupational Health Network-\$50.00; Office Max-\$29.61; Office Of Child Support-\$565.50; Office Technology/Supply-\$109.25; Outdoor Motor Sports-\$99.90; Pawlowski,D-\$85.00; Pennington Co Auditor-\$24.00; Pennington County Sheriff-\$9.00; Pennington County Sts Attny-\$400.00; Quaschnick,E-\$105.00; Qwest-\$43.47; R C Regional Hospital-\$2,569.60; Rabe Elevator-\$647.97; Radio Shack/Kazco-\$119.99; Rapid Delivery-\$14.00; Regan Battery Maint Services-\$69.98; Ridley,R-\$113.70; Robidou,E-\$85.00; Rombough,D-\$489.86; Rotert,J-\$85.00; S D Retirement System-\$38,578.02; S D State Treasurer-\$1,585.09; S D Supplemental Retirement-\$907.00; Sand Creek Printing-\$133.90; Sandidge,V-\$75.00; Schenk,D-\$75.00; Servall Towel & Linen-\$196.36; Seymour,C-\$113.70; Silverado-\$324.11; Silvernail,G-\$105.00; Spearfish Auto Supply-\$29.30; Spearfish Husky-\$112.57; Spearfish Motors-\$31.02; Sturgis Tile Company-\$100.00; Swartz,D-\$85.00; Taylor,J-\$113.70; Tetrault,R-\$75.00; Thyssenkrupp Elevator Corp-\$331.92; Tigerdirect-\$24.00; Trent,J-\$113.70; Triple K Tire & Repair-\$358.80; Trugreen Chemlawn-\$238.69; Twin City Hardware & Lumber-\$46.30; United Parcel Service-\$12.85; Valley Auto-\$20.00; Viking Office Prod-\$145.11; Voelker & Adams-\$208.80; Waisanen,A-\$85.00; Walmart Store-\$34.28; Walser,B-\$15.00; Warne Chemical-\$18.44; Waste Connections-\$223.93; Weber,E-\$75.00; Wells Plumbing & Farm Supp-\$72.05; Western Communication-\$384.10; Westphal,H-\$85.00; Wheeler Lumber-\$52.80; Yankton Co Sheriff-\$16.50; Yankton County-\$182.10; York,B-\$106.74; Zwingelberg,A-\$85.00; **Witness & Juror:** Brockley,M-\$61.60; Findley,F-\$50.58; Fischer,E-\$58.12; Gordon,F-\$57.54; Jurgensen,N-\$61.60; Langer,N-\$61.60; Nelson,J-\$58.70; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Robinson,W-\$225.00

ADJOURN: 11:30 a.m. - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried. Douglas & Opitz-absent

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JUNE 22, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 22 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Opitz) to approve the minutes of June 8, 2004. Motion Carried.

MEETING CHANGE: The Board changed the July 13th meeting to July 12th, 2004.

TRAVEL REQUESTS:

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Ewing) to approve the travel request for Bill Locken to attend the Congressional Forum in Rapid City, SD on July 16, 2004. Motion Carried.

EQUALIZATION: Moved-Seconded (Opitz-Douglas) to approve the travel request for Jason Writer to attend the Spatial Technology Consortium in Pierre, SD on July 14-15, 2004. Motion Carried.

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

HIGHWAY BUSINESS:

APPLICATION FOR UTILITY PERMITY: Moved-Seconded (Ewing-Weisenberg) to approve the Application for Utility Permit for Spearfish Valley Sanitary District to construct a sewer line approximately ¼ mile from Junction of Hillsview and Upper Valley beginning at Section 4, T6N, R2E. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Application for permit to occupy county highway ROW for Black Hills Power on the Nemo Road. (Underground power to new home) located 765' from intersection of 66' Public ROW and 33' Private easement on Eureka M.S. 389. Motion Carried.

LAND SALE REFUND: Moved-Seconded (Seward-Weisenberg) to follow the recommendation of Bruce Outka, County Attorney, and refund the land sale proceeds from **John**

Martinisko, P.O. Box 875502, Wasilla AK: (Probate Lot 441, City of Deadwood according to P.L. Rogers Map, Lawrence County, South Dakota). Motion Carried.

TITLE III EXPENDITURES: The Board discussed the Title III proposals received; the 45-day comment period has been satisfied. Moved-Seconded (Seward-Ewing) to approve the following expenditures for Title III Funds in 2004. Motion Carried.

TITLE III SPECIAL PROJECT FUNDS:

Category 1: SEARCH, RESCUE, AND EMERGENCY SERVICES: The Lawrence County Emergency Management has submitted a proposal for the Lawrence County Search & Rescue Unit in Deadwood to purchase the following equipment: A new 4-wheel drive rescue truck. The search and rescue unit conducted 60% of their operations in the Black Hills National Forest over the past two years. **Amount Requested: \$52,500 (60% of cost). Amount Approved: 60% match funds for a Search and Rescue unit up to a maximum of \$52,500.**

Category 4: FOREST RELATED EDUCATIONAL OPPORTUNITIES: South Dakota Project Learning Tree has submitted a proposal to fund workshops in Lawrence County to provide awareness in forest ecology, fire ecology, forest management, pest infestations, and production in the Black Hills ecosystem and surrounding areas. **Amount Requested: \$5,000. Amount Approved: \$5,000.**

The Commission discussed the following request for **Category 5: FIRE PREVENTION AND COUNTY PLANNING:** The Lawrence County Fire Advisory Board proposes using these funds to upgrade fire suppression capabilities for all Lawrence County Fire Departments by purchasing a new 1,500 to 1,600 gallon water tender. The percentage of hours used in the Black Hills National Forest for the present County water tender is greater than 70% over the past two years. **Amount Requested: \$105,000 (70% of cost).** The Board expressed concerns of using all of the Title III funds and reserve in the Fire Advisory Fund. The Board read a comment from Russ Ludens questioning the need for a four-wheel drive chassis. The Board discussed alternative options for the water tender and the fact that the County match money can be 92% based on hours of usage. The Board took no action on this request and will discuss the issue further with the Fire Advisory Board.

RESOLUTION #2004-12 TITLE III FUNDS: Moved-Seconded (Douglas-Seward) to approve the following Resolution #2004-12 H.R. 2389 "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000". Motion Carried.

RESOLUTION #2004-12: H.R. 2389 "SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000" PURPOSE: Yearly Designation of the Amount of Funding to be Assigned to Title II and Title III Projects. WHEREAS, Lawrence County previously selected to receive full safety net payments derived from Forest Revenue payments for roads and schools, and WHEREAS, Lawrence County dedicated 15% of its safety net payments to be allocated to Title II or Title III local projects under this legislation, and WHEREAS, Lawrence County must declare each year what percentage of the local project funds will be dedicated to Title II or Title III projects, and THEREFORE BE IT RESOLVED, that Lawrence County intends to allocate the portion of funds which it receives for local projects

through the safety net payments in the following manner: TITLE III 100%. BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of South Dakota by such date as may be necessary for it to reach the United States Secretary of Agriculture by September 30, 2004. Dated this 22nd day of June, 2004. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

SPEARFISH JOINT POWERS AGREEMENT: Brandon Flanagan, Planning & Zoning Director and Jayna Shewak, Spearfish City Planner, were present to discuss the Joint Powers Agreement between Lawrence County and Spearfish. Possible modification of the joint power territory was presented. The Board expressed concerns that the boundary not be changed where development or building permits have occurred. The Board stated this would not be fair to the homeowners who have bought or built homes in the area under the current regulations.

CHANGE OF ZONING / DAVID ADICKES, PRESIDENTS PARK / SIGNAGE: – A public hearing was held for David Adickes Presidents Park - To include that portion of the McLeod and the Golden Key Lodes lying west of State Highway 85/14A and all of the Bayard Fraction, M.S. #1153, of Section 18, T4N, R3E, B.H.M. with Presidents Park's current site, Evangeline #1 and Evangeline #2; and to allow placement of signage. Dave Olmstead spoke on behalf of the Presidents Park. Olmstead stated Presidents Park has committed \$20,000 in cash for the improvements to the water system.

Joyce Carlsen stated concerns on the entrance to the park, damage to the existing road, roads that were to be paved that were not, the park connecting to the subdivision water supply and increased traffic. Carlsen asked the Board to deny the request. Joe Kosel stated Presidents Park and Dakota Resorts have misrepresented issues and expressed concerns on the affect this will have on depreciation of land values in the area. Water issues and signage control were also voiced. Fire exits, road conditions, water storage tank and fire hydrants were additional concerns brought forward by neighboring landowners.

The Chairman closed the public hearing. The Board discussed the Department of Transportation's letter on spot zoning for signs that stated this is not allowed. The Board expressed concern on changing the zoning on 23 acres when only a small portion needs a change of zoning for signage. The Board discussed a change of zoning for a small corridor of land from the highway to the park.

Moved-Seconded (Douglas-Ewing) to table the request for a Change Of Zoning for President Park until further options can be researched. Motion Carried.

DEADWOOD CITY LIMITS / CITY OF DEADWOOD / SLIME PLANT: John Frederickson, Deadwood City Attorney, informed the Board that the City of Deadwood would not need to be part of the purchase agreement with Deadwood City Limits because of the indemnification issue with Homestake/Barrick Mine. The County would be able to deed the property directly to Deadwood Economic Development. The City of Deadwood will have an

agreement for parking for County employees. Outka will work with City of Deadwood, Deadwood Economic Development and Deadwood City Limits to draft the required agreements.

BILLS: Moved-Seconded (Ewing-Douglas) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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. Douglas & Opitz-absent.

Payroll: Comm-\$3,361.75; Aud-\$6,378.54; Treas-\$8,105.25; Comp-\$4,937.49; States Atty-\$10,566.84; Pub Def-\$6,102.85; Gen Govt Bldg-\$6,027.20; Equal-\$10,235.76; Rod-\$5,722.26; Vso-\$929.97; Disp-\$11,581.92; Sher-\$26,616.87; Jail-\$17,151.86; Emerg Mgnt-\$2,300.90; E911-\$2,070.16; Highway-\$31,740.04; Air-\$345.75; Ext-\$1,126.31; Weed-\$6,111.22; Pz-\$2,433.68; **Bills:** Baumann,M-\$29.00; Decastro,M-\$48.72; Fitzgerald,J-\$29.00; Ruffatto,R-\$21.74; Shanklin,K-\$21.74; A&B Business Equip-\$157.40; A&B Welding Supply-\$133.94; Abc Business Supply-\$122.75; Air Connection-\$92.00; Altaire Enterprises-\$320.00; Amcon Distributing-\$191.11; Amoco Oil-\$123.34; Anderson Excavation-\$425.00; At&T-\$49.87; B H Chemical Company-\$21.99; B H Collection Service-\$50.00; B H Federal Credit Union-\$8,604.14; B H Fibercom-\$693.29; B H Medical Center-\$29.24; B H Medical Ctr Pharmacy-\$637.49; B H Pioneer-\$907.78; B H Power & Light-\$5,460.42; Beck's Nursery-\$35.85; Black Hills Pure-\$11.50; Butte County Sheriff-\$9.60; Butte Electric Coop-\$265.95; Campbell Supply Co-\$5.98; Carquest Of Spearfish-\$168.37; Central Parts-\$383.29; Clark Printing-\$40.00; Clinical Lab Of B H-\$42.00; Coburn Insurance Agency-\$75.00; Conoco-\$55.35; Cook,S-\$8.70; Corral West-\$29.95; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$89.00; Dartek Computer Supplies-\$439.36; Deckers Food-\$26.90; Dept Of The Treasury-\$38,583.02; Domestic Crisis Outreach-\$622.50; Eagle Aviation-\$577.50; Eddie's Truck Sales/Serv-\$480.54; Elan Finanical Services-\$29.95; Ellingson,J-\$1,797.48; Ensignal-\$20.00; Eri International-\$20.50; Et Sports-\$182.35; Family Thrift Center-\$30.95; Federal Express Corp-\$7.40; Fish,V-\$250.80; Foothills Seed-\$33.75; Godfrey's Brake Serv-\$20.77; Gordon,B-\$432.00; Great Western Tire-\$21.20; Greens Alignment-\$434.46; Havemeier,L-\$187.20; Heisler Hardware-\$107.66; Hersch,T-\$75.00; Hill Brothers Chemical-\$19,154.57; Hills Material Comp-\$11,571.98; Hood & Nies & Dardis-\$6,895.11; Jenner Equipment Co-\$157.36; Johnson Eiesland Law Firm-\$540.00; Kar Products-\$752.57; Karpinen,S-\$360.00; Kinney,M-\$441.68; Kota Graphics-\$399.99; L C Centennial-\$213.60; L C Sheriff-\$263.59; L C Treasurer-\$100.00; L&S Restoration-\$653.20; Language Line Services-\$50.00; Lawson Products-\$33.31; Lead, City Of-\$5,000.00; Lewis & Clark Bhs-\$125.00; Lookout Memorial Hospital-\$47.40; Meade County Sheriff-\$7.50; Midwest Teletron-\$173.20; Montana Dakota Utilities-\$90.05; N H Collection-\$50.00; N H General Hospital-\$169.06; Nada Appraisal Guides-\$100.00; National Forest Counties-\$968.54; Neenah Foundry Co-\$675.04; Neve's Uniforms-\$231.00; Northern Hills Sod Farm-\$378.00; Northwest Pipe Fitt-\$1,372.93; Office Of Child Support-\$415.50; Pennington Co Jail-\$1,596.22; Pennington County Sheriff-\$32.40; Pitney Bowes-\$1,086.07; Porter Law Office-\$539.68; Postmaster, Deadwood-\$320.00; Power House-\$3.60; Psychological Assoc-\$570.00; Queen City Rocket Lube-\$74.55; Qwest-\$1,010.71; R C Police Dept-\$1,295.00; Rabe Elevator-\$661.14; Rchetto,J-\$1,681.20; Radio Shack/Kazco-\$7.00; Reindl,S-\$1,399.28; Rombough,D-\$52.85; S D State Treasurer-\$318.44; S D Dept Of Transportation-\$1,602.24; S D Federal Property Agency-\$90.00; S D Human Services Center-\$89.76; S D Project Learning Tree-

\$5,000.00; S D Supplemental Retirement-\$907.00; Sanito Oil-\$6,711.57; Schmit,A-\$160.00; Schumann,F-\$46.15; Servall Towel & Linen-\$291.58; Shepherd Reporting-\$56.25; Spearfish Auto Supply-\$642.90; Spearfish City Of-\$5,000.00; Spearfish Husky-\$611.57; Specialized Auto Service-\$55.00; State Bar Of South Dakota-\$20.00; Sturgis Tile Company-\$80.00; Subway-\$35.85; T & W Appliance/Knothole-\$84.23; Tellinghuisen, Gordon & Percy-\$4,358.11; Texaco-\$221.13; Thompson Publishing Group-\$359.00; Twin City Hardware & Lumber-\$124.65; Verizon Wireless-\$293.74; Victims Of Violence-\$662.50; Warne Chemical-\$72.45; Waste Connections-\$138.56; West Group-\$139.00; Western Communication-\$1,632.00; Western Sd Juvenile Serv-\$2,561.97; Xerox Corporation-\$124.00; **Witness & Juror:** Karas,F-\$58.70; Kyte,W-\$61.60; Long,W-\$52.90; Lundberg,C-\$59.86; Twiss,T-\$58.12; Utecht,D-\$55.80; Lee,B-\$20.87; Boshee,V-\$22.32; Buetow,L-\$43.78; Carda,D-\$21.74; Congigliacco,T-\$28.70; Corigan,T-\$46.10; Cudmore,S-\$37.40; Curnow,P-\$33.92; Dennis,M-\$22.32; Dickson,K-\$21.74; Fischer,T-\$53.92; Frederickson,K-\$28.70; Hall,A-\$28.70; Iverson,J-\$33.05; Jackson,I-\$37.40; Jensen,P-\$20.58; Keehn,M-\$21.74; Klein,B-\$21.74; Kracht,K-\$24.06; Larid,R-\$41.16; Mannina-Michaelis,B-\$170.80; Mccomish,C-\$20.58; Mcleod,M-\$20.58; Moeding,A-\$225.32; Moore,J-\$28.70; Miller,R.J-\$28.70; Neel,T-\$28.70; Newton,M-\$28.70; Nichols,C-\$28.70; Oliver,D-\$24.06; Ottema,D-\$28.70; Park,W-\$20.58; Porter,S-\$20.58; Reausaw,P-\$21.74; Reausaw,R-\$21.74; Reiling,M-\$21.74; Robey,A-\$27.54; Rohrich,B-\$46.10; Salzsieder,K-\$28.70; Sanders,L-\$30.73; Schuft,R-\$29.86; Skalsky,D-\$20.87; Sleeper,G-\$49.28; Zacher,V-\$130.44

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

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 12, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 12, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of June 22, 2004. Motion Carried.

MEETING CHANGE: Moved-Seconded (Douglas-Ewing) to change the August Commissioners Meetings to August 17 & 31, 2004. Motion Carried.

TRAVEL REQUESTS:

VETERAN SERVICE OFFICER: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Bill Locken to attend the Congressional Forum in Rapid City, SD on July 16, 2004. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Bill Locken to attend the SD Veterans Commission meeting in Sioux Falls, SD on July 22-23, 2004. Motion Carried.

SHERIFF: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Tom Sandvick to attend the Spatial Technology Consortium training in Pierre, SD on July 14-15, 2004. Motion Carried.

TREASURER/EQUALIZATION: Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Deb Tridle and Darlene Piekkola to attend the Manufactured Housing Property Task Force meeting in Pierre, SD on July 19, 2004. Motion Carried.

Moved-Seconded (Opitz-Seward) to approve the travel request for Deb Tridle to attend the seminar in Rapid City on Manufactured Homes. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Douglas) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 30, 2004 showed the following: Total amount of deposits in banks-\$8,626,568.67; Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$35,365.25; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,294.75; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00;

Bank Balance-\$409,000.16; Savings-\$3,243,864.39; GNAMS-\$42,092.53; and Money Market \$1,191,066.59, Total \$8,586,023.67.

ABATEMENTS:

CITY OF LEAD: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for the City of Lead on parcel #31090-03400-010-00 for tax years 1997-2003 because the City of Lead has taken deed to the property.

CITY OF DEADWOOD: Moved-Seconded (Seward-Opitz) to approve the abatement for the City of Deadwood on parcel #30875-00700-010-00 and to authorize the Chairman to sign a quit claim deed to the City of Deadwood for the Property. Motion Carried.

BRUNS, BRADLEY: Moved-Seconded (Douglas-Seward) to approve the abatement for Bradley Bruns on parcel #32660-00400-010-00 because the house was torn down in March 2004. Motion Carried.

LADSON, MELVIN: Moved-Seconded (Douglas-Ewing) to follow the recommendation of the Director of Equalization and approve the abatement of \$9,580 on parcel #32210-19010-170-00 and no abatement on parcel #32210-19010-180-00. Motion Carried.

PERSONNEL:

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Weisenberg) to approve William Locken at a base salary of \$23,660 a year for 24 hours a week, effective 8-23-2004.

EQUALIZATION: Moved-Seconded (Ewing-Opitz) to approve Brandon Bott as an Appraiser 2, Grade 2 at the base rate of \$11.98 an hour, effective 7-16-2004. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Douglas-Opitz) to approve Mary Slane as an Administrative Secretary at the base rate of \$12.46 an hour, effective 7-16-2004. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Seward) to approve Laurie Greeley as a Dispatcher 2 grade 3 at the base rate of \$13.10 an hour, effective 7-16-2004. Motion Carried.

Moved-Seconded (Seward-Opitz) to accept the resignation of Rachel Eggebo as a full time Correctional Officer, effective 7-15-2004 and to approve Rachel Eggebo as a part time fill in correctional officer, effective 7-16-2004.

Moved-Seconded (Opitz-Seward) to authorize the advertisement for a full time correctional officer. Motion Carried.

AIRPORT BOARD APPOINTMENT: Moved-Seconded (Ewing-Weisenberg) to appoint Roger Whartman to the Airport Board for a term to expire 1-2008. Motion Carried.

PDM GRANT CONTRACT: Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairman to sign the contract with Kathie Grant for consultant services, not to exceed \$4,679.88. Motion Carried.

TERMINATION OF COUNTY ROAD LICENSES: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Termination of License between the United States of America and the County of Lawrence on Tract FK-504L, FK-604L and FL-703L. Motion Carried.

APPLICATION OF OCCUPANCY ON ROW OF COUNTY HIGHWAYS: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways with QWEST on Old Ridge Road in S12,T3N,R4E. Motion Carried.

APPLICATION OF OCCUPANCY ON ROW OF COUNTY HIGHWAYS: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways with BH Power located from .32 mi to .33 mi east of Highway 85 on County Road 414 (Nemo Rd) T4N, R4E, S30 for electrical distribution. Motion Carried.

STRIPING AGREEMENT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Agreement to provide the striping of county roads within Lawrence County and provide for their continuing maintenance with the State. Motion Carried.

COUNTY HIGHWAY SHOP: Ewing and Douglas will meet with Chuck Williams and other involved parties on the County Highway Shop problems.

CONDITIONAL USE PERMIT #293 / CATHERINE EDLER-ONE SPIRIT RETREAT CENTER: A public hearing was held for a Conditional Use Permit #293 / Catherine Edler – One Spirit Retreat. Jim Greenwood, Lewis Patterson and Mr. Nevin spoke in support of the retreat. Letters from Lewis Patterson, Lathe B. Row Jr., Bill Ronning, Rod & Mary June Gaffrey were presented stating they were not opposed to the retreat center.

Letters from Deb & Merlin Brown and Nancy Abel were presented expressing concerns on traffic, privacy, road access, and road conditions. The public hearing was closed.

The Board discussed Planning and Zoning's concerns on the road. Edler stated she is willing to cover the cost of improving the road if necessary. Edler stated she is also working with landowners in the area to share in the cost. The Board stated the second access road would also need to be maintained to provide for emergency use if needed. The Board discussed the maximum length of stay would need to be conditioned for 14 days and the retreat will not be used as a campground or as a hotel/motel. The Board also stated any change in use must come before the Board. Weisenberg expressed concerns on the need for a road district in the area.

Because the concerns of the Planning and Zoning Board had been addressed it was Moved-Seconded (Douglas-Ewing) to approve Conditional Use Permit #293 for Catherine Edler for One Spirit Retreat with the following attached conditions. Motion carried. Aye-4 Nay-Weisenberg.

ATTACHED CONDITIONS: 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding lodging requirements. 2) The maximum number of accommodations shall be one lodge; consisting of eight guest rooms plus living quarters. 3) With the current Conditional Use Permit, the maximum number of occupants shall be set at 48 overnight guests (max six (6) guests per room). 4) Any new construction shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with Building Codes and Life Safety Codes. 5) The South Dakota Department of Health shall inspect the facility and issue a license prior to opening. 6) Any outdoor fire pits shall be inspected and approved by the South Dakota Wildland Fire Suppression Division. 7) Exit signs, emergency lighting, fire extinguishers, fire detection and suppression systems will be installed as required by the State Fire Marshall's Office. 8) First aid kit(s) shall be made accessible to the guests and employees. 9) At any time when guests are present, operator shall have on premise at least one (1) employee shall be trained in CPR and/or medical training in case of medical emergencies. 10) Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 11) One on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. The operator may request directional signs from the South Dakota Department of Transportation for placement along State Highway #385. 12) Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand. 13) All septic systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). 14) The Retreat operator shall assign one or more persons to remain on the premise at all times and to provide security when the facility is open. 15) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 16) Exterior lights shall be placed strategically throughout the camp for lighting and security. 17) Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking area shall be located within designated areas. 18) A minimum of one (1) telephone shall be available for emergency use. A list of emergency numbers and sheriff department number shall be placed next to the phones. 19) The Retreat operator shall apply for the appropriate U.S. Forest Service permits for those activities such as hiking, trail riding, or any other activity if the activities are done on adjacent forest service lands. 20) All access issues (road improvements, Forest Service Permits, etc.) SHALL be addressed AND resolved BEFORE the Retreat will open. Improvements to the existing Annuet Coeptis Subdivision Road SHALL be improved to the County Commission's satisfaction (under advisement from the County Highway Superintendent). A review of road improvements shall be made by the County Highway Superintendent and the Planning and Zoning Director who shall then report their findings to the County Commission. The County Commission may approve the opening based on the report of findings OR they may call for a Public Hearing to review all information. NO Building Permit shall be issued until such time as road construction AND approval have been completed. Should road development NOT be completed within 24 months of issuance of permit, the Commission shall have the right to deem this Conditional Use Permit null and void. 21) The secondary escape way from the property shall be maintained,

cleared of snow and debris, and left open and passable for emergency egress. 22) Guests may stay a maximum of 14 consecutive days. 23) The Retreat shall not be used as a campground, nor as a hotel. Any use other than that spelled out in the presentation plan and covered in these conditions is not allowed. Should an additional use be desired, the Permit holder must come before The Lawrence County Planning and Zoning Board for approval or Amendment. 24) The Retreat shall be significantly completed within one (1) year of issuance of this permit, and be completed within two (2) years. The progress shall be reviewed in one year in the same manner as an annual review, if it is deemed that "significant" progress has not been made toward completion, the permit may be revoked. 25) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 26) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 27) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

ROCKY MOUNTAIN ELK FOUNDATION: The Board received notification that the Gold Country Chapter of the Rocky Elk Foundation will be conducting a raffle in 2004.

WELFARE GUIDELINES: Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution 04-13 setting the welfare guidelines for Lawrence County. Motion Carried. LAWRENCE COUNTY RESOLUTION #04-13 AMENDMENT #7 LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX A -ELIGIBILITY INCOME: WHEREAS, Lawrence County has adopted Welfare Guidelines to provide assistance to indigent persons of the county under SDCL Chapter 28-13); and WHEREAS, Lawrence County uses the federal poverty guidelines published in the Federal Register, which are updated on an annual basis, as eligibility income standards; NOW THEREFORE BE IT RESOLVED, that effective October 1, 2004, and until otherwise revised, the attached revisions and amendment setting forth the new income guidelines in the Lawrence County Welfare Guidelines are hereby adopted. Dated this 12th day of July 2004. BOARD OF COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairperson, Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward. ATTEST: Connie Atkinson, Auditor.

VARIANCE / TRAVIS & DARLENE SEARS: A public hearing was held on a request for variance to allow a 19' variance to the 25' front setback for Darlene and Travis Sears located adjacent to Apple Valley Lane in Lower Valley. The request was for a covered, unenclosed entryway. Moved-Seconded (Douglas-Ewing) to approve the variance for Darlene and Travis Sears, as submitted. Motion Carried.

ANNUAL REVIEW LAC MINERALS: Gene Fuller, LAC Minerals presented the annual review for LAC Minerals Richmond Hill and the Annual Report Form. The 2005 plans are for continued water treatment, De-commission the storm water pond, Construct a new 13 million gallon holding pond to replace the storm water pond and to research options to improve water treatment efficiency.

NUISANCE LAW: Senator Jerry Apa was present to discuss the new nuisance law SDCL 21-10-6 with the Board. Subject properties were discussed and how the new law will aid in the cleanup. Tire disposal concerns were voiced.

BUILDING ACCESS SYSTEM PROPOSALS: Moved-Seconded (Douglas-Ewing) to set August 17, 2004 at 9:00 a.m. as the date and time for opening proposals for a card access system for the County. Motion Carried.

REQUEST FOR CHANGE OF ZONING / HOMESTAKE MINING #237: A public hearing was held on a Change of Zoning Request #237 for Homestake Mining Company from SRD Suburban Residential District, HSC – Highway Service Commercial District, and I-1 – General Industrial District to C/LI Commercial/Light Industrial District ORDINANCE NUMBER ONE. Mark Teizen and Julie Stone presented the request. Patricia Breese questioned if her property was included in the rezone. Stone stated Breese property was not included in the rezone and stated they had received a letter of support from the Thoresen residence in support of the project. The public hearing was closed.

Chuck Williams asked if the City of Deadwood owns land in the area and questioned if they should be included in the meeting. Stone stated they do not own land in the area, that the property in question is Homestake land. Opitz and Seward expressed concerns on noise and lighting, and stated they did not want it to be a nuisance to the landowners in the area.

Moved-Seconded (Opitz-Ewing) to follow the recommendation of Planning and Zoning and approve the following Ordinance Amending Lawrence County Zoning from SRD Suburban Residential District, HSC – Highway Service Commercial District, and I-1 – General Industrial District to C/LI Commercial/Light Industrial District ORDINANCE NUMBER ONE. Motion Carried.

Coz NO. 237: AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING FROM SRD - Suburban Residential District, HSC - Highway Service Commercial District, and I-1- General Industrial District TO C/LI Commercial/Light Industrial District ORDINANCE NUMBER ONE: Pursuant to a Petition of Lawrence County Commission for a Change of Zoning of a tract of and located in Lawrence County, South Dakota and pursuant to notice thereof having been given by publication of such as required by law, and pursuant to notice having been given to adjacent landowners by certified mail as required by law, and pursuant to the favorable recommendation of the Lawrence County Planning Commission. BE IT ORDAINED: By Lawrence County, South Dakota, that the boundaries of SRD - Suburban Residential District, HSC - Highway Service Commercial District, - and I-1 - General Industrial District, as

established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: Portions of the Bobtail lode, M.S. 1608, Placer 64, Placer 255, Placer 282, Placer 62, Placer 51, the Goldstrum Fraction and the Skokum lodes, M.S. 1441, the Skookum No. 21 lode, M.S. 1271, bounded on the north by Hwy I4A and on the south by the existing trail and comprising 13 acres, more or less, A.K.A. Tract C-3. from the SRD - Suburban Residential District, HSC - Highway Service Commercial District, and I-1 - General Industrial District, and include it in the C/LI Commercial/Light Industrial District. This amendment will become effective on the twentieth (20th) day following publication. TERRY W. WEISENBERG, Lawrence County Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor.

HOMESTAKE DEVELOPMENT PLAN / WATER TREATMENT FACILITY: A public hearing was held on the Development Plan for a Water Treatment Facility located near County Highway Shop between Deadwood and Central City. The Board reviewed the plans submitted (option A & B). The public hearing was closed. Discussion followed on the Development Plan process and Douglas stated more time and information is needed to make a decision. The Board expressed concerns on noise and lighting.

Moved-Seconded (Opitz-Ewing) To follow the recommendation of Planning and Zoning and approve the Development Plan for a Water Treatment Facility Option A or B with the condition that lighting and noise shall not be obtrusive to the neighbors and if any complaints arise they shall be addressed by Homestake/Barrick. Motion Carried. Aye-4 Nay-Douglas.

CHANGE OF ZONING / DAVID ADICKES, PRESIDENTS PARK / SIGNAGE: – Moved-Seconded (Douglas-Ewing) to bring off the table the motion to table the request for a Change Of Zoning for President Park until further options can be researched. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the following Ordinance Amending Lawrence County Zoning for COZ#211-04 for David Adickes Presidents Park - To include that portion of the McLeod and the Golden Key Lodes lying west of State Highway 85/14A and all of the Bayard Fraction, M.S. #1153, of Section 18, T4N, R3E, B.H.M. with Presidents Park's current site, Evangeline #1 and Evangeline #2; and to allow placement of signage with the stipulation that any further building would be subject to the development plan ordinance, subject to approval by Planning and Zoning and the County Commission. Aye-Weisenberg, Opitz and Douglas. Nay-Ewing and Seward. Motion Carried.

COZ NO. 211-04: AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING FROM PF – PARK FOREST DISTRICT TO RC – RECREATION COMMERCIAL DISTRICT
ORDINANCE NUMBER ONE: Pursuant to a Petition of Lawrence County Commission for a Change of Zoning of a tract of land located in Lawrence County, South Dakota and pursuant to notice thereof having been given by publication of such as required by law, and pursuant to

notice having been given to adjacent landowners by certified mail as required by law, and pursuant to the favorable recommendation of the Lawrence County Planning Commission. BE IT ORDAINED: By Lawrence County, South Dakota, that the boundaries of PF – Park Forest District as established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: That portion of the McLeod and the Golden Key Lodes lying west of State Highway 85/14A and all of the Bayard Fraction, M.S. #1153, of Section 18, T4N, R3E, B.H.M. from the PF – Park Forest District and include it in the RC –Recreation Commercial District. This amendment will become effective on the twentieth (20th) day following publication. . TERRY W. WEISENBERG, Lawrence County Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor.

HOMELAND SECURITY GRANT: Moved-Seconded (Douglas-Ewing) to authorize the application for Homeland Security Grant Funds in the amount of \$90,835.27 for computer software update for the Dispatch Center. Motion Carried. Joe Harmon stated the estimated cost of the project is \$120,000. The Board made no commitment of funds at this time for the shortfall in money. Harmon stated other grant funds may be available through Emergency Management to help with the cost. Seward stated it may be time to research the feasibility of combining dispatch centers with Spearfish.

2005 LIBRARY FUNDING REQUESTS: Library representatives from Spearfish, Deadwood, Lead and Whitewood were present to discuss the 2005 funding request. The Lawrence County Library Association Funding Request for 2005 is \$383,250. The Board stated they would take their request under consideration.

2005 BUDGET: The Board reviewed the 2005 budget requests.

BILLS: Moved-Seconded (Ewing-Seward) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,871.81; Treas-\$8,107.63, Comp-\$4,937.48; States Atty-\$10,551.96; Pub Def-\$6,102.85; Gen Govt Bldg-\$5,553.62; Equal-\$11,211.01; Rod-\$5,722.73; Vso-\$745.97; Disp-\$9,051.55; Sher-\$26,629.94; Jail-\$15,652.93; Emerg Mgnt-\$2,311.42; E911-\$1,378.96; Highway-\$32,132.84; Air-\$135.24; Ext-\$1,194.16; Weed-\$7,242.40; PZ-\$2,433.68; **Bills:** Mowell,R-\$5,647.50; Piekkola,D-\$976.83; Smith,M-\$16.24; A&B Business Equip-\$258.46; A&J Supply-\$1.99; A-Z Shredding-\$58.00; ABC Business Supply-\$146.39; Accurint Accounts Receivable-\$2.75; Alco Store-\$95.90; Altaire Enterprises-\$20.00; Amcon Distributing-\$485.58; American Family Life-\$2,748.70; Amoco Oil-\$196.55; Amsterdam Printing & Litho-\$123.96; AT&T-\$3.99; Audiss,J-\$221.10; BH Chemical Company-\$1,901.70; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$665.29; BH Land Analysis-\$3,780.00; BH Medical Center-\$293.91; BH Medical Ctr Pharmacy-\$1,744.23; BH Pest Control-\$95.00; BH Pioneer-\$672.11; BH Power & Light-\$481.98; BH Window Cleaning-\$2,450.00; Behavior Mngt Systems-\$245.80; Best Business Prod-\$45.29; Black Hills Pure-\$39.60; Blue

Cross-\$42,993.47; Broadbent,D-\$80.00; Butte County Sheriff-\$41.40; Butte Electric Coop-\$134.55; Cellular One-\$69.98; Chemical Sanitizing Sys Ltd-\$28.36; Chemsearch-\$306.22; Christensen Law Office-\$507.15; City/County Alcohol&Drug-\$1,802.00; Clark Printing-\$319.39; Coburn Insurance Agency-\$75.00; Conoco-\$213.77; Corral West-\$53.90; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$74.00; Dartek Computer Supplies-\$107.93; Days Inn Of Pierre-\$123.00; Deadwood Home Center-\$229.16; Deadwood Recreation Center-\$85.00; Deadwood,City Of-\$600.23; Deckers Food-\$4.49; Dept Of Hlth Lab Services-\$153.00; Dept Of The Treasury-\$37,239.77; Display Sales Company-\$684.00; Elan Financial Services-\$478.10; Election Sys & Software-\$87.50; Ensignal-\$9.95; Evercom Systems-\$630.00; Family Thrift Center-\$20.92; Fastenal-\$98.55; First District/Gis Conference-\$30.00; Fish,V-\$17.00; Golden West Technologies-\$33.00; Great Western Tire-\$19.20; Havemeier,L-\$98.80; Hersch,T-\$75.00; Hewlett-Packard Company-\$5,604.00; Hill Brothers Chemical-\$47,937.69; Hills Material Comp-\$353,577.64; Hood & Nies & Dardis-\$2,674.20; IBM Corp-\$493.02; Ikon Office Solutions-\$167.48; Insight Public Sector-\$661.89; Intoximeters-\$208.00; Jacobs Precision Welding-\$425.16; Kar Products-\$497.34; Karpinen,S-\$400.00; Kieffer,T-\$2,363.60; Kimball-Midwest Co-\$197.04; Kinney,M-\$566.25; Knecht True Value-\$59.95; LC Assessor-\$29.23; LC Centennial-\$430.50; LC Conservation Dist-\$4,500.00; LC Public Health-\$2,208.00; LC Treasurer-\$100.00; Lead, City Of-\$47.20; Lead-Deadwood Sanitary-\$318.58; Lee,J-\$15.00; Lee,T-\$96.28; M&M Sanitation-\$200.00; M&S Doors-\$61.20; Mearthur,J-\$160.00; Mcpherson Propane-\$45.00; Meade Co Auditor-\$9.60; Montana-Dakota Util-\$2,413.99; NH Collection-\$50.00; NH Family Ymca-\$300.00; NH General Hospital-\$300.00; National 4-H Council Sup Serv-\$58.53; Nelson,T-\$840.00; Northwest Pipe Fitt-\$35.70; Novus-\$45.00; Office Of Child Support-\$415.50; Office Technology/Supply-\$54.07; Outdoor Motor Sports-\$99.95; Pennington County Sts Attny-\$400.00; Postmaster Deadwood-\$222.00; Postmaster,Spearfish-\$200.00; Queen City Motors-\$432.90; Queen City Rocket Lube-\$120.70; Quinlan Publishing-\$127.00; Qwest-\$119.31; Rabe Elevator-\$864.54; Radio Shack/Kazco-\$940.41; Reliable-\$75.36; Rombough,D-\$128.36; Ryken,R-\$183.60; SD Assn Of Co Comm-\$10.00; SD Retirement System-\$39,229.69; SD State Treasurer-\$4,833.18; SD Dept Of Transportation-\$1,291.61; SD Emergency Mgmt Association-\$60.00; SD Human Services Center-\$83.00; SD Supplemental Retirement-\$907.00; Salzsieder,M-\$3,435.00; Sand Creek Printing-\$162.00; Sanito Oil-\$9,595.04; Servall Towel & Linen-\$392.72; Small's Typewriter Service-\$155.00; Spearfish Auto Supply-\$320.35; Specialized Auto Service-\$86.12; Sturgis Tile Company-\$32.00; Summit Signs & Supply-\$162.50; Teen Court-\$3,438.37; Texaco-\$44.24; Tigerdirect-\$1,032.90; Trump Law Office-\$1,103.75; Twin City Hardware & Lumber-\$2,472.41; US Postal Service-\$600.00; Viking Office Prod-\$407.26; Waste Connections-\$369.46; Western Communication-\$1,729.36; Williams Standard Serv-\$19.95; Xerox Corporation-\$124.00; Yankton Co Sheriff-\$16.50; **Witness & Juror:** Brockley,M-\$61.60; Findley,F-\$50.58; Fischer,E-\$58.12; Gordon,F-\$57.54; Langer,N-\$61.60; Palmer,T-\$58.70; Schaeffer,A-\$56.96; Balo,L-\$117.40; Frank,J-\$116.24; Hanzlik,M-\$123.20; Katz,C-\$103.48; Klapperich,C-\$134.80; Loper,D-\$117.40; Morgan,M-\$115.08; Obert,M-\$103.48; Olson,K-\$113.92; Rehorst,D-\$119.72; Schweitzer,C-\$103.48; Vankampen,P-\$111.60; Walters,D-\$111.60

ADJOURN: 4:15 a.m. - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – JULY 27, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 27, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

8:00 AM: Moved-Seconded (Douglas-Seward) to go into executive session to discuss personnel matters. Motion carried.

8:05 AM: The Board reopened for regular business.

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of July 12, 2004. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Jerome Utecht, Ryan Cook and Paul Baxter as a Reserve Deputy I at the base rate of \$11.14 an hour, effective 1-30-2004. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Wendy Zweber-Nolan as a Correctional Officer I at the base rate of \$11.39 an hour upon the completion of 40 hours of training at \$7.29 an hour, effective 7-16-2004. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Ryan Cook as a Correctional Officer I at the base rate of \$11.39 an hour upon the completion of 40 hours of training at \$7.29 an hour, effective 8-1-2004. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Angie McKee as a full-time Correctional Officer II at the base rate of \$13.10 an hour, effective 7-15-2004. Motion Carried.

Moved-Seconded (Ewing-Seward) to approve Laurie Greeley as a Dispatcher 2 grade 3 at the base rate of \$13.10 an hour, effective 7-1-2004. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Opitz-Douglas) to approve Laurie Fisher as a Records Clerk Grade 3 at the base rate of \$11.30 an hour, effective 8-1-2004. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Seward-Weisenberg) to approve the advertising for a full-time attorney in the Public Defender's Office. Motion Carried.

EQUALIZATION: Piekola informed the Board that Les Struble resigned his position in the Equalization Office.

Moved-Seconded (Opitz-Ewing) to approve Jason Writer as First Deputy/AppIV at the base rate of \$15.01 an hour, effective 8-16-2004

Moved-Seconded (Seward-Weisenberg) to approve Brett Runge as an Appraiser II Grade 2 at the base rate of \$11.98 an hour, effective 8-16-2004. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Scott Sandvig as an Appraiser II Grade 2 at the base rate of \$11.98 an hour, effective 8-17-2004. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Brandon Bott as an Appraiser II Grade 3 at the base rate of \$12.24 an hour, effective 8-16-2004. Motion Carried

TRAVEL REQUESTS:

COUNTY CONVENTION: Moved-Seconded (Seward-Weisenberg) to approve a travel request for all interested elected officials, department heads and personnel to attend the County Convention for 2004. Motion Carried.

TREASURER: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Deb Tridle to travel to Pierre for the mobile home task force meetings. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Paul Hanson, Randall Rosenau and Brian Dean to attend the Shooting Incident Reconstruction class in Sioux Falls on August 22-28, 2004 and for Paul Hanson and Brian Dean to attend the MOCIC Conference and Training in Sioux Falls on September 13-17, 2004. Motion Carried.

842ND ENGINEER COMPANY WELCOME HOME DAY: Moved-Seconded (Seward-Opitz) to approve the following Lawrence County Proclamation “**842ND Engineer Company Welcome Home Day**”. **Motion Carried.** **LAWRENCE COUNTY PROCLAMATION 842ND Engineer Company Welcome Home Day July 29, 2004: WHEREAS,** the 842nd Engineer Company, South Dakota Army National Guard, has been serving our country on active duty in support of Operation Enduring Freedom and Noble Eagle for over one year, and **WHEREAS,** the 842nd Engineer Company left for Ft. Carson, Colorado, on April 9th, 2003 to begin its journey into our state and nation’s heart and history, and **WHEREAS,** the Citizens of Lawrence County are proud of all the soldiers of the 842nd and their dedication to our Country, and **WHEREAS,** the soldiers of the 842nd have placed their personal lives on hold to serve this great country and the coalition fighting in Operation Iraqi Freedom, without regard for their own personal safety or comfort, and **WHEREAS,** the 842nd Engineer Company provided heavy equipment support on the battlefield, completing tasks such as road building and construction airfields, and **WHEREAS,** the Headquarters for the 842nd Engineer Company is located in Spearfish under the command of Captain Wyatt Hansen of Spearfish, and **WHEREAS,** the 842nd Engineer Company has also served our communities in South Dakota with heavy equipment and construction services for many years with distinction and courage. Every time the unit has been called upon to act in natural disasters and community projects, it has served with effectiveness, efficiency,

and enthusiasm, and **WHEREAS**, the Lawrence County Commissioners support and commend the soldiers and leaders of the 842nd Engineer Company, for their dedication, courage, and strong devotion to our great nation during this time of Operation Iraqi Freedom, and **NOW THEREFORE BE IT RESOLVED** that the Lawrence County Commissioners welcome home the 842nd Engineer Company and hereby proclaim July 29, 2004 as: **“842nd ENGINEER COMPANY WELCOME HOME DAY”** Dated this 27TH day of July, 2004. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

KOREAN WAR MEMORIAL: Moved-Seconded (Opitz-Douglas) to approve a contingency transfer of \$2,500 to Commissioners Professional Services and to donate \$2,500 to the Korean War Memorial. Motion Carried.

RESOLUTION TO CHANGE AND DEFINE PRECINCT BOUNDARIES #04-14: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the following Resolution #04-14 to Change and Define Precinct Boundaries. Motion Carried.

RESOLUTION TO CHANGE and DEFINE PRECINCT BOUNDARIES #04-14: A resolution by the Lawrence County Board of County Commissioners to change and define the precinct boundaries of Boxelder, Reeds Crow Peak/Valley 2, Rural #1, St. Onge, Valley 1, Lead, Deadwood, Spearfish, and Whitewood, 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 Ordinance. **2) SPEARFISH 2nd:** All land lying inside the municipality borders and designated by the City of Spearfish Ordinance. **3) SPEARFISH 3rd:** All land lying inside the municipality borders and designated by the City of Spearfish Ordinance. **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) BOXELDER:** Sections 25 thru 28, inclusive, and Sections 33 thru 36, inclusive, T4N, R3E; Sections 25 thru 36, T4N, R4E; Sections 1, 2, 11 thru 14, inclusive, 23 thru 26 inclusive, and Section 36, T3N, R3E; all of T3N, R4E and T3N, R5E; Sections 1 and 12, T2N, R3E; Sections 1 thru 12, inclusive, T2N, R4E; Sections 1 thru 12, inclusive T2N, R5E, B.H.M.. **7) RURAL #1:** All land lying outside of the Deadwood City Limits and Lead City Limits in the following Sections, Townships and Ranges: Sections 1, 2, and 11 thru 14, inclusive and 19 thru 36, inclusive, T5N, R2E; Sections 1, 2, 3, 10 thru 36, inclusive, T4N, R2E; Sections 13 thru 36, inclusive, T4N, R1E; Sections 1 thru 24, inclusive, Sections 29 thru 32, inclusive T4N, R3E; all of T3N, R1E and T3N, R2E; Sections 3 thru 10, inclusive, Sections 15 thru 22, inclusive, and Sections 27 thru 35, inclusive, T3N, R3E; Sections 1 thru 12, inclusive, T2N, R1E; Sections 1 thru 12, inclusive, T2N, R2E and Sections 2 thru 11, inclusive, T2N, R3E, B.H.M; Sections 7 thru 36, inclusive, T5N, R4E, B.H.M.; Sections 1 thru 24, inclusive, T4N, R4E, B.H.M; Sections 4 thru 36 inclusive, T5N, R3E, B.H.M. **8) ST. ONGE:** Sections 1 thru 3, inclusive, T5N, R3E; all of T6N, R3E and T7N, R3E, B.H.M., lying outside of Spearfish City limits. **9) WHITEWOOD:** Sections 1 thru 6, inclusive, T5N, R4E; all of T6N, R4E and T7N, R4E B.H.M. **10) REEDS CROW PEAK/VALLEY 1:** Sections 1 thru 12, inclusive, T4N, R1E; Sections 4 thru 9, inclusive, T4N, R2E; all of T5N, R1E, and T6N, R1E; and all of T7N, R1E and T7N, R2E lying south of the Redwater River, B.H.M.; That area located South of U.S. Highway 14, and

West of Highway 85, including Section 3, thence Northerly on Evans Lane to the North Side of Tract A, B and C of the Southeast quarter of Southeast quarter of Section 4, inclusive, thence Westerly to the 16th Line mid-way between Evans Lane and Upper Valley Lane, thence Northerly to its intersection with Laurie Lane, thence Northerly to U.S. Highway 14, all located in T6N, R2E, B.H.M., lying outside of Spearfish City limits. **11) VALLEY 2:** Sections 3 thru 10, inclusive, and Sections 15 thru 18, inclusive, T5N, R2E; all of T6N, R2E lying outside of the Spearfish City limits and excluding the Reeds Crow Peak/Valley 1 area. **NOW THEREFORE, BE IT RESOLVED** that the Lawrence County Board of Commissioners hereby approve the boundaries of the following precincts of Boxelder, Reeds Crow Peak/Valley 1, Rural #1, St. Onge, Valley 2, Lead, Deadwood, Spearfish, and Whitewood, 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 27th day of July, 2004. TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, Auditor

ELKRIDGE SUBDIVISION ROAD DISTRICT CANVASS: Moved-Seconded (Douglas-Seward) to canvass the Elkridge Subdivision Road District Election with 42 ballots cast: 11 for the incorporation of the road district and 31 against the incorporation of the road district. Motion Carried.

RESOLUTION #2004-15 SURPLUS PROPERTY: Moved-Seconded (Ewing-Weisenberg) to approve the following Resolution #2004-15 Surplus Property. Motion Carried. **RESOLUTION #2004-15 SURPLUS PROPERTY:** WHEREAS, Lawrence County has several items of personal property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: **NOW THEREFORE BE IT RESOLVED** that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 27th day of July 2004, Terry Weisenberg, Chairperson, Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward. ATTEST: Connie Atkinson, Auditor.

APPLICATION OF OCCUPANCY ON ROW OF COUNTY HIGHWAYS: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways with Black Hills Power from the corner of Rainbow Rd and Colorado Blvd to approximately 1300' west along Colorado Blvd on the south side. Motion Carried.

LAND SALE REFUND: Moved-Seconded (Douglas-Seward) to refund the land sale proceeds of \$100 from Tim Davis, P.O. Box 284, Deadwood, SD on Probate Lot 305, City of Deadwood. Motion Carried.

SEARCH & RESCUE TRUCK FUNDING: Dan Regan, Search and Rescue Squad was present to discuss the funding for the new truck. The estimated cost of the new truck is

\$99,000 with \$35,000 budgeted for 2004 in the Emergency Management budget and \$52,500 has been approved from Title III funds. The estimated shortfall is \$11,500. Regan discussed fundraisers to help cover the shortfall and possible 2005 budget funds.

The Class CS Truck 1 Ton 4X4 Regular Cab, Chassis Diesel 17,500 GVW 6.0 Liter Turbo Diesel V8 will be purchased off of State Bid Vendor #460457556, Contract #14072 for \$33,000. Moved-Seconded (Seward-Ewing) to direct Paul Thomson to draw up bid specs and prepare the advertisement for bids for the Box. Motion Carried.

CONDITIONAL USE PERMIT #294: A public hearing was held for a request for Conditional Use Permit #294 to allow for a Bed and Breakfast. Owner/Representative: **Betty, Ronald, and Kay Reimer**. Legal Description: **M.S. 1246 Dublin Lot 2 in Section 36, T5N, R3E, BHM**. Location: **Two Bit Road**. No public input was presented and the Public Hearing was closed. Moved-Seconded (Douglas-Seward) to table the CUP #294 because the applicant was not present. Motion Carried. Moved-Seconded (Douglas-Opitz) to bring off the table the CUP #294 application because the applicant arrived. Motion Carried.

The applicant reviewed plans for a Bed and Breakfast the "Dublin Inn". Moved-Seconded (Seward-Ewing) to approve Conditional Use Permit #294 for Betty, Ronald and Kay Reimer with the following conditions. Motion Carried.

CUP #294: Betty M. Reimer, Ronald D. Reimer, and Kay L. Reimer. South Dakota State Statute Reads; 34-18-9.1. Definition of terms. Terms as used in § § 34-18-9.1 to 34-18-9.4, inclusive, mean: (1) "Bed and breakfast establishment " any building or buildings run by an operator which is used to provide accommodations for a charge to the public, with at most five rental units (5 rooms) for up to an average of ten (10) guests per night and in which family style meals are provided; (2) "Family style meal," any meal ordered by persons staying at a bed and breakfast establishment which is served from common food service containers, as long as any food not consumed by those persons is not reused; (3) "Operator," the owner or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

CONDITIONS: 1. The owner/ operator shall comply with all applicable County, State, and Federal regulations regarding a "Bed and Breakfast". 2. The owner/operator shall comply with state law SDCL 34-18 as pertaining to a "Bed and Breakfast". 3. The operator shall contact the South Dakota Department of Health for an inspection of the facility and gain a license before operating the bed and breakfast. 4. The operator shall obtain a South Dakota Sales Tax License. 5. Any new construction and the moving of buildings shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with 1997 Uniform Building Codes and 1994 Life Safety Codes. Existing facilities shall be inspected to ensure that they meet Life Safety Codes: 6. The existing septic system MUST have been designed for heavy use and all information and design shall be submitted to the Office of Planning and Zoning to be included in the file. 7. The maximum number of overnight rooms shall be five (5) with a maximum occupancy of ten (10) guests. 8. There shall be no outdoor camping, including tents, campers, trailers, and recreational vehicle used by the Bed and Breakfast guests: 9. Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 10. Any outdoor fireplaces shall

comply with the guidelines as set by the South Dakota Division of Forestry. 11. A minimum one (1) first aid kit shall be made accessible to the guests at all times. Fire extinguishers shall be provided in a number and size as recommended by the Local Fire Authority. 12. Only one (1) on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 13. All lights used for exterior illumination shall be directed away from any nearby residences and subdivision roads. 14. The E911 address for the property shall be clearly displayed in a manner and location visible to emergency service vehicles. 15. Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. 16. One telephone shall be made available in case of emergencies. A list of emergency numbers and sheriff department number shall be placed next to the phone. 17. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner(s) shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 18. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 19. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and be suspended or revoked.

FINAL PLAT: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairman to sign the final plat for Owner/Representative: Mattson Inc. / Arleth & Associates. Legal Description: Lot 1, Lot 2 and Lot 4 of Two Bit Springs Subdivision, Consisting of Two Bit No. 1, Two Bit No. 2 4884, and Yellow Jacket Fraction Lodes of M.S. 1507; amd Mary, Union, Smith, Power No. 2 and Power Lodes of M.S. 1248, All Located in Section 1, T4N, R3E, BHM Lot 1 = 6.51 Acres; Lot 2 = 9.96 Acres; Lot 4 = 8.76. Location: Two Bit. Motion Carried.

CONDITIONAL USE PERMIT #295: A public hearing was held for a Request for Conditional Use Permit #295 to allow for a Pet Store. Owner/Representative: **Tammy Benedict.** Legal Description: **Lot 1 of Lots 10 & 11 W ½ SE ¼, Section 4, T6N, R2E, BHM.** Location: **440 Hillsvie Road.** Brandon Flanagan stated he received a letter from Paul Thomson expressing concerns on parking, access and noise. Flanagan stated he received an additional letter from Steve Hauff expressing concerns on parking, noise, odor and keeping the pets inside. Tammy Benedict presented her request for Conditional Use Permit #295. The public hearing was closed.

Moved-Seconded (Ewing-Seward) to approve Conditional Use Permit #295 with the following conditions. Motion Carried.

ATTACHED CONDITIONS: CUP #295 Tammy Benedict. 1. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business. 2 A copy of any State or Federal Requirements shall be given to the Office of Planning and Zoning, and, at such times as there are reports generated of any kind applicable to the applicants license

to operate, copies shall also be supplied to the Planning and Zoning Office to be reviewed. 3. The owner shall be required to obtain a South Dakota Sales Tax license. 4. The entire lot shall be kept in a neat and in an uncluttered fashion. 5. The business shall be located in the converted garage and additions to it, with the exception of office space and rest room facilities, which shall be allowed in the residence. 6. The sale of dogs, puppies, cats, or kittens shall not be permitted. The only exception shall be the offspring of those animals kept as pets by the applicant. 7. If, at any time, it is deemed that the business has exceeded the capacity of the property, this permit shall be reviewed to examine alternate courses of action which could include revocation of the permit. 8. The owner shall be required to contact the Spearfish Fire Department to ensure that the retail store complies with fire and safety codes. 9) The owner/operator shall be required to carry homeowner's and liability insurance as required for this type of business. 10. This permit shall be issued only for those activities related to the care, sale, and maintenance of small pets. 11. Only one (1) on-premise sign advertising the retail store shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. The design, color(s), and actual location shall be first approved by the Planning and Zoning Commission prior to placement or construction. 12: Litter containers, including dumpsters or trash cans, shall have lids and be emptied on a regular basis or by demand. 13. All lights used for exterior illumination shall be directed away from any nearby residences and roads. 14. All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. 15. Parking requirements shall conform to Section 4.1 of the Lawrence County Ordinance. No on-street parking shall be allowed in the area of the business (Hillsview and Upper Valley Road frontage) 16. In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department. 17. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 18. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 19. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

FINAL PLAT: The Board discussed the final plat for Jim Swaby: Lots 1 through 5 of Tract A of Crook Meadows Addition. Roger Tellinghuisen was present to discuss the railroad right of way on the property. Tellinghuisen stated the road and railroad right of way are both shown on the plat, this would alert buyers on the right of way issue. Flanagan stated future-building permits would need site plans.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the final plat for Owner/Representative: Jim Swaby / Black Hills Surveying, Inc. Legal Description: Lots 1 through 5 of Tract A of Crook Meadows Addition, Located in the SW ¼ SE ¼, NW ¼ DE ¼, Section 32, T6N, R4E, BHM Lot 1 = 2.22 Acres; Lot 2 = 4.55 Acres; Lot 3 = 3.79 Acres; Lot 4 = 3.43 Acres; Lot 5 = 5.11 Acres. Location: Crook City Road. Motion Carried. Aye-4, Nay-Seward.

JUNK ORDINANCE: The Board directed Brandon Flanagan to work with Dave Heck, Weed Supervisor to start the process to clean up the Albert Harty property. The Board stated with the West Nile issue this needs to be taken care of immediately.

YATES RECLAMATION PROJECT & MICKELSON TRAIL: Karl Burke, Homestake Mining Company was present to update the Board on the Yates Reclamation and Mickelson Trail project. The permits are in place and the contract has been awarded to Oftedahl & Sons. Starting Monday Aug 1, 2004 into November 2004 the Kirk Road access from the Deadwood Water tank access road (Pontious House) to The Yellow creek road bridge will be closed. Chuck Williams expressed concern on the bridge inspections. Burke stated they will be done and will keep Williams informed.

FIRE ADVISORY BOARD:

FIRE BURN BAN: The Board reviewed the recommendation of the Fire Advisory Board on a burn ban in the County. Moved-Seconded (Douglas-Weisenberg) On the 4th day of “high fire danger” the Chairman will be authorized to approve and sign a fire ban resolution. Paul Thomson will monitor the fire danger levels. Motion Carried.

FUEL REDUCTION PLAN: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Fuel Reduction Plan. Motion Carried.

COUNTY FIRE DISTRICTS: The Fire Advisory Board asked the Board to accept the proposed fire district boundaries and note that the boundaries cannot be changed until approved by the Board of Commissioners. Discussion followed on tax districts and response districts. Charles Nicholas stated there are numerous fire district maps and they requested the Board adopt one fire district map. The Board asked that the fire district boundaries follow the current rural fire district boundaries.

Moved-Seconded (Douglas-Weisenberg) to table any decision until legal descriptions can be drawn up for the map. Motion Carried.

TITLE III FIRE ADVISORY REQUEST: Charles Nicholas, Rob Mattox and Gary Bennet discussed the need for a four wheel drive water tender instead of a two wheel drive with a locking differential. They stated in checking around they do not recommend a locking differential in emergency vehicles. The Board stated they would direct Paul Thomson to prepare bid specs and notice with both options.

HOME HEALTH OF THE NORTHERN HILLS: Michelle Morin was present to discuss the 2005 budget request with the Board. Morin stated they needed an additional \$10,000 a year to break even. Morin reviewed the services provided and presented a revenue/expense sheet.

2005 BUDGET: The Board reviewed the 2005 budget requests. The board made adjustments to requests and the preliminary levies for taxes payable in 2005 are as follows: General Purposes- 5.5; Snow Removal-.19; H&B Reserve-.21; Courthouse & Jail-.14; Fire Protection-.10; Total- 6.14 \$'s per 1,000 of taxable value.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$6,225.54; Treas-\$8,134.12; Comp-\$4,937.48; States Atty-\$10,566.86; Pub Def-\$6,102.85; Gen Govt Bldg-\$6,176.42; Equal-\$10,495.86; Rod-\$5,722.73; Vso-\$745.97; Disp-\$9,586.61; Sher-\$27,002.04; Jail-\$16,507.75; Emerg Mgnt-\$2,366.59; E911-\$1,378.96; Highway-\$32,344.43; Air-\$251.16; Ext-\$1,501.04; Weed-\$7,038.98; Pz-\$2,433.68;

Bills: Schumacher,D-\$23.00; Tridle,D-\$38.97; Weisenberg,T-\$52.32; Writer,J-\$12.00; A&B Business Equip-\$505.55; A&B Welding Supply-\$49.60; A&J Supply-\$228.65; A-Z Shredding-\$10.25; ABC Business Supply-\$77.40; Active Data Systems-\$123.63; Ag Communications Center-\$45.09; Air Connection-\$441.66; Alco Store-\$64.95; Altaire Enterprises-\$20.00; Amcon Distributing-\$22.71; Amoco Oil-\$39.06; Aramsco-\$107,124.54; Armor Holding Forensics-\$224.90; AT&T-\$6.63; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$1,747.78; BH Medical Center-\$256.30; BH Power & Light-\$8,773.06; BH Window Cleaning-\$15.00; BH Windshield Repair-\$50.00; Best Business Prod-\$45.29; Birdsall Sand & Gravel-\$955.25; Black Hills Pure-\$26.35; Bob Barker Company-\$322.58; Brown & Saenger-\$156.20; Butler Machinery Co-\$87.02; Butte County Sheriff-\$46.70; Butte Electric Coop-\$180.75; Carquest Of Spearfish-\$283.93; Cellular One-\$1,048.97; Central Parts-\$655.35; Chain Saw Center-\$100.00; Chemsearch-\$193.50; Clinical Lab Of B H-\$2,151.14; Coley,M-\$60.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$39.00; Dakota Graphics-\$123.00; Dakota Travel-\$722.40; Dartek Computer Supplies Corp-\$72.17; Days Inn Of Pierre-\$41.00; Dept Of Hlth Lab Services-\$157.00; Dept Of The Treasury-\$38,003.91; Dietrich,D-\$121.05; Domestic Crisis Outreach-\$870.00; Eddie's Truck Sales/Serv-\$209.44; Ekeren,M-\$15.00; Et Sports-\$84.95; Family Thrift Center-\$21.84; Fish,V-\$368.60; Gateway Master Distributors-\$27.15; Godfrey's Brake Serv-\$133.13; Goetz & Klimisch-\$109.20; Graslie,S-\$375.00; Great Plains Chemical-\$360.00; Great Western Tire-\$405.80; Greens Alignment-\$132.37; H&S Sand & Gravel-\$3,919.80; Highway Improvement-\$10,934.98; Hill Brothers Chemical-\$63,481.62; Hood & Nies & Dardis-\$1,541.70; Ikon Office Solutions-\$214.65; Kadrmas, Lee And Jackson-\$705.10; Kar Products-\$169.98; Knecht True Value-\$25.51; Kooistra,N-\$15.00; LC Centennial-\$102.30; LC Emerg Mgnt-\$34.43; LC Extension-\$24.50; LC Sheriff-\$70.48; LC Treasurer-\$100.00; Law School Foundation-\$70.00; Lexisnexis Matthew Bender-\$64.80; Mearthur,J-\$40.00; Meade Co Auditor-\$333.20; Meade County Sheriff-\$60.60; Mid States Campers-\$4,949.00; Mid-Continent Testing-\$15.00; Montana Dakota Utilities-\$470.73; N H Collection-

\$50.00; Occupational Health Network-\$20.00; Office Of Child Support-\$415.50; Office Technology/Supply-\$64.98; Pawlowski,D-\$18.70; Pennington Co Jail-\$822.62; Pennington County Sheriff-\$7.50; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$39.28; Qwest-\$1,041.78; R C Finance Office-\$1,155.00; R C Medical Center-\$60.00; R C Police Dept-\$40.00; R C Regional Hospital-\$438.00; Rabe Elevator-\$1,625.72; Radiology Associates-\$134.24; Rapid Delivery-\$7.70; Reindl,S-\$1,731.99; Ryken,R-\$22.40; SD Assn Of Co Comm-\$160.00; SD Human Services Center-\$92.00; SD Supplemental Retirement-\$857.00; Sand Creek Printing-\$3.25; Sanito Oil-\$2,094.96; Servall Towel & Linen-\$292.47; Settle Aviation-\$1,600.00; Silverado-\$635.63; Spearfish Auto Supply-\$431.78; Spearfish City Of-\$179.00; Spearfish Husky-\$262.73; Teen Court-\$2,761.92; Texaco-\$32.65; Tigerdirect-\$543.98; Twin City Hardware & Lumber-\$59.70; Verizon Wireless-\$336.05; Victims Of Violence-\$830.00; Viking Office Prod-\$156.82; Walmart-\$810.63; Waste Connections-\$138.56; West Group-\$2,748.20; Western Communication-\$294.10; Western SD Juvenile Serv-\$4,344.21; Xerox Corporation-\$499.00; **Witness & Juror:** Anderson,V-\$10.58; Bing,C-\$11.74; Brownell,A-\$18.70; Carr,J-\$18.70; Doyle,P-\$21.60; Dunwoody,R-\$18.12; Edstrom,M-\$19.28; Fredericksen,T-\$11.74; Gillespie,A-\$61.60; Goodwin,L-\$10.58; Guest,J-\$15.80; Hansen,S-\$19.28; Howard,K-\$18.70; Hubbard,T-\$61.60; Hudson,R-\$13.48; Huft,D-\$18.70; Kilzer,S-\$11.74; Larsen,B-\$18.12; Leahy,R-\$61.60; Lecy,E-\$26.24; Lee,M-\$11.16; Marti,J-\$21.60; Mcaulay,B-\$16.96; Minazzi,L-\$12.90; Mollman,V-\$10.58; Montgomery,B-\$59.28; Nicholas,J-\$67.40; Nicholas,W-\$28.56; Novotny,R-\$51.16; Nunez,L-\$12.32; Pabst,J-\$60.44; Parsons,D-\$21.60; Phillips,R-\$11.74; Rehorst,J-\$56.96; Richendifer,K-\$18.70; Ritter,J-\$30.88; Simpson,M-\$18.12; St James,A-\$59.28; Swartz,W-\$19.86; Vandeest,B-\$24.50; Vonsik,J-\$18.70; Votroubek,N-\$21.60

ADJOURN: 3:10 p.m. - There being no further business it was Moved-Seconded (Seward-Opitz) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – AUGUST 17, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 17, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Opitz) to approve the minutes of July 27, 2004. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Ewing-Douglas) to approve the travel request for Rick Mowell and Brian Dean to attend the FBI Intelligence Meeting for Domestic Terrorism in St. Paul Minnesota on August 15- 17, 2004. Motion Carried.

Moved-Seconded (Douglas-Opitz) to approve the travel request for Tom Sandvick to attend the SDACC 9-1-1 Conference in Pierre, SD on September 14-16, 2004. Motion Carried.

TREASURER: Moved-Seconded (Opitz-Seward) to approve the travel request for Sally Atkinson to attend the Game Fish and Parks training session in Rapid City, SD on August 19, 2004. Motion Carried.

VSO: Moved-Seconded (Seward-Ewing) to approve the travel request for William Locken to attend the VSO Annual Training in Pierre, SD on August 30 –September 2, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve the travel request for Paul Thomson, Rene Larson and Ken Hawki to attend the EM Association Annual Conference in Rapid City, SD on September 13-16, 2004. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Dennis Schumacher, Jason Writer, Brandon Bott, Brett Runge, Scott Sandvig to attend the Annual Assessor's School in Pierre, SD on September 26-October 1, 2004, contingent upon completion of the Travel & Training Agreements. Motion Carried.

COUNTY MILEAGE RATE: Moved-Seconded (Opitz-Seward) to follow the State mileage rate as the County mileage rate. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2004 - A RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE

COUNTY: The following Resolution was authorized on July 27th 2004 and enacted on August 9, 2004. Lawrence County Resolution #2004 - A Resolution To Provide For Temporary Emergency Regulation Of Fire Hazards In Lawrence County: **WHEREAS**, the Lawrence County Commission is charged with protecting the health and safety of the citizens of Lawrence County including all property situated therein; and **WHEREAS**, the Lawrence County Commission has consulted with local fire officials and emergency management officials concerning the threat posed by wildfires; and **WHEREAS**, the threat of wildfires in Lawrence County is such so as to pose a significant danger to the health and safety of the citizens of Lawrence County including property situated therein; and **WHEREAS**, the Lawrence County Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of Lawrence County by wildfires. **NOW THEREFORE BE IT RESOLVED**, that pursuant to SDCL 7-8-20 (18) the Lawrence County Commission does hereby enact this resolution on an emergency basis effective immediately and impose a ban to prohibit or restrict open burning in order to protect the public health and safety; and **IT IS FURTHER RESOLVED**, that the prohibited activities shall include the ignition of fireworks and open burning, and any other activity which could be reasonably be calculated to lead to the ignition and/or spread of wildfires in Lawrence County. It would not include private commercial campgrounds or US Forest Service campgrounds with a valid fireplace permit issued by the SD Wildland Fire Suppression Division. At such time as the US Forest Service deems it necessary to restrict burning in US Forest Service campgrounds, all campgrounds in Lawrence County (excepting those within municipal boundaries and control) would fall under the same restriction and would only be able to resume campfires when the US Forest Service drops their restrictions; and **IT IS FURTHER RESOLVED**, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Lawrence County excepting those lands falling within the boundaries of any municipality or the lands falling under the auspices of the United States; and **IT IS FURTHER RESOLVED**, that pursuant to SDCL 7-18A-2 the penalty for violating this resolution shall include a fine not to exceed two hundred dollars for each violation and/or imprisonment for a period not to exceed thirty days for each violation; or by both such fine and imprisonment; and **IT IS FURTHER RESOLVED**, that the prohibition of certain activities provided for above shall remain in effect until such time as the Lawrence County Commission determines that the threat posed by wildfires has abated. Dated this 9TH day of August, 2004. Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Ewing) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of July 31, 2004 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$61,306.94; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,348.86; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$573,920.30; Savings-\$2,346,419.93; GNAMS-\$41,936.89; and Money Market \$1,192,810.51, Total \$7,922,628.43.

WEED AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Seward) to approve an automatic supplement of \$7,454.00 in the Invasive Species Management – Weed Supplies Budget to cover grant fund expenditures. Motion Carried.

EXTENSION AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$1,228.43 in the Extension Supplies Grant to cover grant fund expenditures. Motion Carried.

RESOLUTION #04-16 LIQUOR LICENSES: *Moved-Seconded (Douglas-Seward) to approve the following Resolution #04-16 Liquor Licenses for 2005. Motion Carried.*

RESOLUTION #04-16 LIQUOR LICENSES: WHEREAS, Lawrence County has the authority to determine the number of On-Sale and Off-Sale liquor licenses it will approve for the ensuing calendar year, SDCL 35-4-11.1, and WHEREAS, the State of South Dakota by virtue of SDCL 35-4-2 determines the fees to be charged for the various classifications of licenses, and THEREFORE, BE IT RESOLVED that we, the Board of County Commissioners, will approve Two (2) Off-Sale and Nine (9) On-Sale Liquor Licenses or the number issued in 2003, whichever is less for the ensuing year, and Two (2) Retail On-Sale Wine License, and BE IT FURTHER RESOLVED that the Board of County Commissioners list the following fee schedule as a matter of record: A) On-Sale dealer-any person who sells or keeps for sale any alcoholic beverage for consumption on the premises where sold. Those current license holders being closer to Spearfish (1st class city) to be charged the fee of \$1,500.00: Guadalajara Mexican Restaurant; Queen City VFW Post #5860; Spearfish Canyon Bar. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club; Black Hills Chair Lift Co.; Spearfish Canyon Resorts LLC; Deer Mountain Ski Area; Boulder Canyon Country Club; Tomahawk Lake Country Club; B) Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00: Branding Iron Bar & Restaurant; St. Onge Store; C) Retail On-Sale Wine - Fee - \$500.00: Latchstring Village; Seven Down LLC. D) Sunday On-Sale liquor licenses-Additional - \$200.00. DATED at Deadwood, South Dakota, this 17th day of August, 2004. LAWRENCE COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairperson, Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward. ATTEST: Connie Atkinson, Auditor.

CITY OF DEADWOOD QUIT CLAIM DEEDS: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairman to sign the Quit Claim Deed for Probate Lot 305 and Probate Lot 441 to the City of Deadwood. Motion Carried.

UTILITY PERMITS:

CITY OF SPEARFISH: Moved-Seconded (Opitz-Seward) to approve the Application for Utility Permit from the City of Spearfish, for construction of Line Bore Water Line from the corner of Hillsvie and Upper Valley. Motion Carried.

VOTRONBEK/QWEST: Moved-Seconded (Ewing-Seward) to approve the Application for Permit to Occupy County Highway Right of Way for Bruce Votronbek and Qwest located on Kerwin Lane to install water line and telecommunication lines. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Douglas-Seward) to approve the Application for Permit to Occupy County Highway Right of Way for Black Hills Power east of the corner of Hwy 85 and St. Onge Road to approximately 3900' west along Colorado Blvd on the South side. Motion Carried.

JUNK ORDINANCE: **The Board directed Brandon Flanagan to work with Bruce Outka and Dan Gukeisen to draft policy and procedures for the new junk ordinance and report back to the Board.**

INVASIVE SPECIES MANAGEMENT: Dave Heck discussed plans to build an extension to the Weed & Pest Building. The Weed Board has an engineer approved plan for a 15X30 addition. The DOT has also approved of the plan. Heck stated he has additional revenue from federal contracts to cover the estimated cost of the project.

Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing of \$12,000 for September 7, 2004 for the construction of the building. Motion Carried.

CARD ACCESS SYSTEM: The single bid received from Honeywell was opened for a card access system for the building. Honeywell bid - \$146,516.00. The project was budgeted for \$43,000 plus \$29,000 in grant funds. Moved-Seconded (Ewing-Seward) to reject the bid. Motion Carried. The HIPAA Committee will discuss other options and work with Paul Thomson concerning grant funds for the project and report back to the Board.

PRE-DISASTER MITIGATION GRANT: A public hearing was held on the Pre-Disaster Mitigation Plan. No public was present. Paul Thomson, Emergency Management Director was present to explain the purpose of the plan.

Thomson stated the money allotted for the plan was not sufficient and asked the Board to increase the amount for the contract with Kathie Grant. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the contract with Kathie Grant for consultant services, not to exceed \$5,000. Motion Carried.

SEARCH & RESCUE TRUCK FUNDING: Paul Thomson informed the Board that the Class CS Truck 1 Ton 4X4 Regular Cab, Chassis Diesel 17,500 GVW 6.0 Liter Turbo Diesel V8 that was suppose to be purchased off of State Bid Vendor #460457556, Contract #14072 for \$33,000 has closed. Thomson will check State Bid in October for the current bid price.

ROCHFORD RIDGE ESTATES: Al Schreier discussed the Rochford Ridge Estates proposal for a final plat prior to making all the necessary improvements. The developers are willing to put up cash, performance bond, CD's, or letter of credit as assurance the improvements will be done. Ralph Reausaw, developer was present to answer any questions. Reausaw stated this would allow them to plat the property in question and sell lots to help fund the development. Bruce Outka outlined options available to the Board to consider. The Board asked Schreier, Reausaw, Outka, Flanagan, Gukeisen and other involved developers to prepare a time line, type of security and a proposal and bring back to the Board for their approval prior to presenting final plat to Planning and Zoning.

MOTORIZED RECREATION / CRAIG SHAVER: Craig Shaver presented the following Proposal for Motorized Recreation Meade County, South Dakota August 2004: The Meade County Commissioners and the Meade County Natural Resource Committee intend to articulate, through this document, the desired direction of motorized recreation use and planning in and around the Black Hills National Forest. Citizen complaints of unsafe and disrespectful operation of ATVs and allegations of specific area resource damage have prompted action from local government. We acknowledge and appreciate current efforts by local off-road groups to help develop a trail system for the Black Hills. While we strongly support establishing designated trails, we strongly oppose a travel management policy of "closed unless posted open." It is the County's position that the "cookie cutter" approach suggested by Forest Service leadership at the national level is not adequate to the task of protecting local resource, recreational and economic interests. One-size-fits-all management and long-term planning have failed in the past, and are still inappropriate and ineffective ways to manage forest, or any, resources. When government decision-making occurs at high levels, distant from specific resources, the errors are magnified and the process becomes subject to serious communications failures. That is why the NEPA process requires input from state, local and tribal entities. Local input with concurrent authority is essential to effectively addressing the dangers and needs posed to the resources in the Black Hills National Forest by wildfire risk. A recent news story talked about the Forest Service's desire to react quickly to wildfire. This is absolutely necessary to protect our resource. But how can rapid response happen if policy or regulation stop the primary initiative that keeps roads open and accessible? As a result of active multiple use management on the Forest, numerous roads and trails are regularly used and maintained. Not only does the matrix of open roads and trails reduce fire response time, it allows for escape routes and fall-back positions and certainly expands fire-fighting options. We also view the potential for adverse effects to soil resources as a result of wildfire a much more serious threat than is posed by potential OHV resource damage; a few yards of erosion generated by recreational vehicles versus millions of yards of soil displaced because of Wildfire. It is necessary that resource assessment be separated from behavioral user conflict issues. When

reviewing specific resource damage or surface disruption, the research concept of signal to noise ratio should be used. For example, if a recreational stream crossing generates soil suspension in the water, how far downstream is this evident and how does it compare with common thunderstorm runoff? Another example would be "freeze thaw" erosion. Any winter day, when the sunshines, and the nighttime temperature falls below freezing, the stage is set for massive erosion. Sun melted snow or ice penetrates soils and collects in rock crevices. Freezing hard during the night expands crevices and breaks rocks. The result in soils from the next day thaw is a loss of cohesiveness. When this occurs on slopes that have not reached the angle of repose, the soil and rocks move, and erosion occurs. How does this compare in tons or cubic yards with vehicle-induced erosion? (Signal to noise ratio.) User conflict is seldom a result of users occupying the same space at the same time. It more likely occurs because of philosophical differences. Users may believe that their choice of recreation is superior to that of others. For example, OHV operators may feel that their right to maximum performance with modified exhaust supercedes another's right to peace and quiet. Non-motorized recreationists may feel that a 5% noise exposure ruins 100% of their recreation experience. If tolerance and mutual respect cannot prevail in an area of heavy and varied usage, then alternating times of usage type should be considered before other types of restrictions are imposed. Other states have shown that restricted hours of OHV use during hunting seasons can greatly enhance the hunting experience and still allow OHV game retrieval. Meade County favors the use of alternating timeframes for different uses, when needed, over the imposition of more severe limitations. Meade County advocates a travel management approach on the Forest that is based on the concept of equipment limitations and the use of empirical rather than anecdotal evidence when determining site-specific limitations. The current practice of assessment and opening or closing of specific areas or roads should continue. However, a comprehensive study should be initiated to research the concept of equipment limitations. Because of the mechanics of current 4-wheel ATVs, the majority of erosion is caused by the lack of front and rear wheel differentials. Limitations on tire style, mechanical design and winches should be explored before the radical concept of closed unless posted open is even considered. Meade County proposes a permitting system administered by the State of South Dakota. Permits would be required only for OHVs used in the Forest for recreational purposes. Fees collected in conjunction with estimated gas tax receipts similar to the snowmobile program would be dispersed by the State to the County and the Forest Service. These monies would be used for county enforcement of local ordinances and state law in the interface area, for mitigation of resource damage, and for specific use trail systems, as agreed upon by the state forestry department and the Forest Service. Meade County believes that a state permitting system with user fees, vehicle specifications, use of empirical rather than anecdotal evidence, alternation of times for different users, when necessary, and the current system of site specific protections are important tools and concepts to incorporate in an OHV travel management plan for the Black Hills National Forest.

Shaver asked the Board to support the proposal. The Board discussed the concept of the proposal. Jack Cole was present and voiced his concerns. Moved-Seconded (Seward-Ewing) to support the concept of the Proposal for Motorized Recreation by Meade County and the Meade County Natural Resource Committee. Motion Carried.

BILLS: Moved-Seconded (Douglas-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,361.75; Aud-\$5,787.29, Treas-\$8,109.66; Comp-\$4,937.48; States Atty-\$10,559.42; Pub Def-\$6,102.85; Gen Gov Bldg-\$5,871.06; Equal-\$10,803.08; Rod-\$5,744.72; Vso-\$745.97; Disp-\$10,169.37; Sher-\$18,493.74; Emerg Mgnt-\$2,256.74; E911-\$1,378.96; Highway-\$29,071.25; Air-\$386.40; Ext-\$1,194.16; Weed-\$5,551.08; PZ-\$2,179.04; **Bills:** Baumann,M-\$32.00; Eide,C-\$15.00; Fitzgerald,J-\$32.00; Mowell,R-\$5,764.50; Smith,M-\$104.32; A&B Business Equip-\$458.20; A&B Welding Supply-\$23.76; A&J Supply-\$33.96; A-Z Shredding-\$8.50; ABC Business Supply Corp-\$382.34; Accounting & Business Systems-\$47.40; Accurint Accounts Receivable-\$7.25; Ace Hardware-\$34.99; Ager Rubble Site-\$18.00; Altaire Enterprises-\$40.00; Amcon Distributing-\$282.85; American Family Life-\$2,748.70; Amoco Oil Co-\$314.29; AT&T-\$72.88; Audiss,J-\$219.20; Azimuth Surveying & Mapping-\$600.00; BH Chemical Company-\$3,960.65; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$689.84; BH Land Analysis-\$2,970.00; BH Medical Ctr Pharmacy-\$1,252.34; BH Pest Control-\$95.00; BH Pioneer-\$646.79; BH Power & Light-\$427.74; Behavior Mngt Systems-\$612.50; Best Western Of Huron-\$82.00; Black Hills Pure-\$56.05; Blazer, Harry & Sandy-\$638.50; Blue Cross-\$42,984.17; Brownsville Fire Dept-\$1,399.57; Butte County Sheriff-\$40.85; Butte Electric Coop-\$328.50; Cabela's Retail-\$729.76; Carl's Trailer Sales-\$173.90; Carquest Of Spearfish-\$21.83; Central Parts-\$672.28; Christensen Law Office-\$1,776.05; City/County Alcohol & Drug-\$840.00; Community Health Services-\$30.00; Conoco-\$103.51; Corral West-\$59.90; Correctional Billing-\$35.51; Craig, Dan J-\$2,023.91; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$127.25; Dale's Tire & Retread-\$730.00; Deadwood Recreation Center-\$93.00; Deadwood Vol Fire Dept-\$7,663.48; Deadwood, City Of-\$561.88; Deckers Food-\$9.96; Dept Of The Treasury-\$36,777.23; Don's Sinclair-\$21.00; Ecolab-\$93.00; Eisenbraun,K-\$80.00; Esri-\$4,300.00; Evercom Systems-\$630.00; Extension Revolving-\$70.00; Family Thrift Center-\$114.39; Fastenal-\$540.37; Frederickson,J-\$554.40; Gall's-\$179.98; Gene's Lock Shop-\$308.98; Golden West Tech-\$33.00; Great Western Tire-\$221.01; Greens Alignment-\$953.93; Harmelink & Fox Law Off-\$112.00; Havemeier,L-\$113.80; Heisler Hardware-\$94.74; Henry Schein-\$214.92; Hewlett-Packard Company-\$2,382.00; Hills Material Comp-\$93,828.77; Hills Products Group-\$972.72; Hood & Nies & Dardis-\$3,458.13; Hughes County Sheriffs-\$10.50; Ikon Office Solutions-\$105.88; Integrity Ford-\$8.57; Johnson Machine-\$1,384.64; Kar Products-\$196.16; Karpinen,S-\$480.00; Kimball-Midwest Co-\$172.68; Kinney,M-\$1,337.12; Knecht True Value-\$6.98; LC Auditor-\$25.00; LC Centennial-\$339.39; LC Emerg Mgnt-\$38.09; LC Public Health-\$2,208.00; LC Sheriff-\$132.56; LC Treasurer-\$100.00; Language Line Services-\$83.60; Law School Foundation-\$28.30; Lead Fire Department-\$10,004.22; Lead, City Of-\$42.40; Lead-Deadwood Sanitary-\$292.38; Lee,J-\$15.00; Lewis & Clark BHS-\$130.00; LexisNexis Matthew Bender-\$583.45; Lookout Memorial Hospital-\$87.23; May, Johnson, Doyle& Becker-\$980.60; Mcarthur,J-\$120.00; Midwest Alarm Co-\$84.00; Mineral Palace Hotel-\$60.95; Montana-Dakota Util-\$1,597.44; Murphy, John R Atty-\$264.18; NH Collection-\$50.00; NH Family Ymca-\$270.00; NH General Hospital-\$480.00; Nemo Volunteer Fire Dept-\$2,461.48; Novus-\$45.00; Oberle's Radiators & Repair-\$68.40; Office Max-\$28.70; Office Of Child Support-\$415.50; Office Technology/Supply-\$51.07; Pennington Co Auditor-\$412.00; Pennington Co Jail-\$200.00; Pennington County Sheriff-\$32.70; Pennington County Sts Attny-\$200.00; Purchase Power-\$982.19; Queen City Rocket Lube-\$127.01; Qwest-\$936.79; Ramco-\$2,042.32; RC

Finance Office-\$1,120.00; RC Medical Center-\$144.00; RC Regional Hospital-\$237.00; Rabe Elevator-\$568.45; Radio Shack/Kazco-\$1,267.15; Rapid Delivery-\$6.60; Reindl,S-\$2,397.20; Reliable-\$161.98; Reuer,A-\$120.00; Rochford Vol Fire Dept-\$441.33; Rombough,D-\$117.56; Ryken,R-\$23.60; SD Assn Of Co Comm-\$800.00; SD Retirement System-\$39,884.24; SD State Treasurer-\$808.74; SD AAO-\$750.00; SD Community Foundation-\$2,500.00; SD Public Assur Alliance-\$28,768.17; SD Supplemental Retirement-\$857.00; Sanito Oil-\$11,235.00; Schmit,A-\$240.00; Servall Towel & Linen-\$96.11; Sharon Green Counseling-\$180.00; Shepherd Reporting-\$25.00; Spearfish Auto Supply-\$601.28; Spearfish Canyon Fire Dept-\$1,380.06; Spearfish Fire Dept-\$22,797.82; Spearfish Husky-\$10.00; Spearfish Motors-\$79.31; Specialized Auto Service-\$249.95; St Onge Fire Dept-\$772.93; Sturgis Fire Department-\$526.66; Summit Signs & Supply-\$740.50; Teen Court-\$10,290.49; Tellinghuisen, Gordon & Percy-\$3,877.99; Texaco-\$128.29; Tigerdirect-\$25.00; Triple K Tire & Repair-\$401.40; Twin City Hardware & Lumber-\$682.53; US Dept Of Interior-\$3.30; Verizon Wireless-\$290.28; Viking Office Prod-\$81.24; Voelker & Adams-\$1,398.20; Warne Chemical-\$35.33; Waste Connections-\$362.49; Wells Fargo Bank-\$14.25; West Group-\$1,147.90; Western Communication-\$449.00; Western SD Juvenile Serv-\$1,448.07; Whitewood Vol Fire Dept-\$2,850.33; Yankton Co Sheriff-\$16.50; Yankton County-\$91.05; **Witness & Juror:** Allen,D-\$34.91; Caserio,M-\$12.56; Eggebo,R-\$20.29; Kotak,J-\$59.60; Ruffatto,R-\$38.40; Shanklin,K-\$45.40; Thomson,P-\$19.60; Weisenberg,T-\$52.56; Wainman,W-\$39.20; Montileaux,B-\$28.70; Robey,A-\$32.80; Carr,J-\$119.20; Gillespie,A-\$62.80; Howard,K-\$119.20; Hudson,R-\$53.84; Lee,M-\$102.56; McAulay,B-\$115.36; Montgomery,B-\$60.24; Nicholas,J-\$69.20; Nicholas,W-\$140.96; Novotny,R-\$51.28; Phillips,R-\$103.84; Rehorst,J-\$57.68; Richendifer,K-\$119.20; Ritter,J-\$146.08; St James,A-\$60.24; Votroubek,N-\$125.60; Berry,J-\$12.56; Boppe,G-\$21.52; Carr,W-\$19.60; Ely,P-\$62.80; Foerster,L-\$11.92; Gill,M-\$22.80; Hofer,A-\$19.60; Johnson,J-\$19.60; Knie,A-\$29.20; Knittel,L-\$59.60; Krogstad,D-\$61.52; Laidlaw,D-\$11.92; Lamb,B-\$59.60; Lenerville,A-\$19.60; Locken,L-\$58.96; Long,D-\$19.60; Olsen,M-\$10.64; Pantke,E-\$59.60; Pond,D-\$59.60; Rowe,C-\$16.40; Shockey,L-\$14.48; Shrader,M-\$59.60; Stone,D-\$19.60; Stott,B-\$50.64; Trotter,R-\$17.68; Walkinshaw,L-\$60.88; Warner,J-\$23.44; Watwood,C-\$57.68; Aalbu,S-\$119.20; Abbott,K-\$120.48; Anderson,M-\$119.20; Barker,J-\$117.92; Biggin,S-\$19.60; Clark,D-\$22.80; Delahoyde,C-\$24.08; Engle,G-\$119.20; Gackle,C-\$11.92; Grosek,S-\$16.40; Harper,J-\$17.68; Haux,R-\$26.00; Jeffery,N-\$19.60; Kenstler,P-\$115.36; Kilmer,C-\$132.00; Lewis,T-\$101.28; Mason,S-\$16.40; Mccord,A-\$19.60; Mitchell,D-\$17.68; Morrison,D-\$11.92; Oberle,M-\$103.84; Olson,L-\$12.56; Rosedahl,R-\$119.20; Sechler,M-\$125.60; Thorman,L-\$19.60; Timm,D-\$10.64; Williamson,B-\$130.72; Babb,J-\$28.70; Black,T-\$31.60; Charles,J-\$21.74; Haak,L-\$31.60; Hardesty,D-\$20.00; Hegdahl,M-\$31.60; Hern,K-\$49.00; Holstein,L-\$20.58; Keehn,T-\$20.58; Kemp,J-\$28.70; Kemp,R-\$28.70; Kerber,C-\$21.74; Lance,S-\$20.58; Lipp,S-\$24.06; Long,J-\$62.34; Nickerson,K-\$20.58; O'connell,D-\$21.74; Pittman,R-\$46.10; Prillwitz,C-\$21.74; Rutz,M-\$36.24; Sandidge,T-\$21.74; Shannon,S-\$54.64; Swan,T-\$49.00; Taylor,R-\$21.74; Swaney,D-\$10.64; Balandier,M-\$21.92; Berglund,C-\$20.64; Cailotto,T-\$32.80; Caton,E-\$29.60; Caton,N-\$48.00; Charlson,G-\$29.60; Cracco,H-\$21.92; Cudmore,W-\$32.16; Fall,T-\$29.60; Harper,T-\$20.64; Harr,A-\$22.24; Mcclain,M-\$21.92; Miranda,O-\$39.20; Miranda,P-\$21.92; Mitsos,J-\$29.60; Ruzicka,G-\$34.72; Schwiesaw,P-\$29.60; Sexton,L-\$21.92; Speiser,T-\$29.60; Vig,M-\$39.20; Wheeler,R-\$20.00; Woodworth,R-\$29.60;

ADJOURN: 10:40 a.m. - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – AUGUST 31,

‘Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 31, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Opitz) to approve the minutes of August 17, 2004. Motion Carried.

MEETING CHANGE: September Commissioners Meetings will be September 7 & 28, 2004.

PERSONNEL:

SHERIFF: Moved-Seconded (Douglas-Opitz) to approve Julie Utecht as a guard/transport officer at the base rate of \$9.65 an hour, effective 8-5-2004. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Wendy Nolan as a cook/jail assistant grade 2 at the base rate of \$12.41 an hour, effective 8-16-2004; and to approve Rhonda Chavez as a correctional officer II grade 3 at the base rate of \$13.10 an hour, effective 8-16-2004. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Douglas-Opitz) to approve an additional 31 hours for Brooke Steele in the States Attorneys Office. Motion Carried. Aye-4, Nay Seward.

TRAVEL REQUESTS:

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Opitz) to approve the travel request for William Locken to attend the Korean War Memorial ceremonies in Pierre, SD on September 17-19, 2004. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve the travel request for William Locken to attend the West River Mini Conference / VSO Training in Hot Springs on September 21, 2004. Motion Carried.

DEADWOOD CITY LIMITS / CITY OF DEADWOOD / SLIME PLANT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the purchase agreement with Deadwood Economic Development / Deadwood City Limits. Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the parking agreement with the City of Deadwood. Motion Carried.

E911 SUR-CHARGE: Moved-Seconded (Douglas-Opitz) to continue the sur-charge of \$.75 per phone for the E911 system. Motion carried.

CARD ACCESS SYSTEM: Moved-Seconded (Seward-Douglas) to set September 28, 2004 at 9:30 a.m. as the date and time for opening proposals for a card access system for the County. Motion Carried.

RESOLUTION #04-18 SELL REAL PROPERTY: Moved-Seconded (Opitz-Ewing) to approve the following Resolution #04-18 to sell real property. Motion Carried. **RESOLUTION #04-18**

SELL REAL PROPERTY WHEREAS, Lawrence County is the owner of the property herein described, having acquired title thereto by Tax Deed Proceeding, and the same being at the present time in an unproductive state, and making little or no return to Lawrence County, and It appearing that the same can now be sold for a reasonable sum and placed upon the Tax List, and the Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to offer said property for sale. **NOW, THEREFORE,** it is by the Board of Commissioners of Lawrence County, South Dakota **RESOLVED That** in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the real property surplus and sell the following described real property, to wit: 1) Lot 20 Cyanide Street, being a portion of M.S. 918, M.S. 1005, M.S. 374, M.S. 395, M.S. 1281 and M.S. 1319, Kenwood Addition, Lead, Lawrence County, South Dakota, as more fully described in Plat recorded at the Lawrence County Register of Deeds Office as Plat Document No. 89-1383. **SPECIAL ASSESSMENTS DUE** 2) Tract B S1/2 SW1/4 SE1/4 S-29 T-6 R-3 As recorded in Plat Book 7 Page 79, Lawrence County, South Dakota. And, that said real property be offered for sale in accordance with the provisions of Chapter 7-29 of the South Dakota Codified Laws as Amended and that before said property is offered for Sale, the same be appraised by a Board of Appraisers, consisting of the Board of Commissioners of Lawrence County, South Dakota. Dated this 31st day of August, 2004. **FOR THE BOARD OF COUNTY COMMISSIONERS TERRY W. WEISENBERG,** Chairman. **ATTEST: CONNIE ATKINSON,** Lawrence County Auditor

Moved-Seconded (Opitz-Seward) to appraise the real property to be sold as follows: 1) Lot 20 Cyanide Street, being a portion of M.S. 918, M.S. 1005, M.S. 374, M.S. 395, M.S. 1281 and M.S. 1319, Kenwood Addition, Lead, Lawrence County, South Dakota, as more fully described in Plat recorded at the Lawrence County Register of Deeds Office as Plat Document No. 89-1383. \$100.00: 2) Tract B S1/2 SW1/4 SE1/4 S-29 T-6 R-3 As recorded in Plat Book 7 Page 79, Lawrence County, South Dakota. \$1.00. Motion Carried.

TWO BIT SPRINGS ROAD DISTRICT: A petition was received for Two Bit Springs Road District. Moved-Seconded (Douglas-Opitz) to approve the following Order Declaring Two Bit Springs Road District Incorporated. Motion Carried. **ORDER DECLARING TWO BIT SPRINGS ROAD DISTRICT INCORPORATED: WHEREAS,** A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been fully complied with; **WHEREAS,** SDCL 31-12A-1.1 allows three or fewer landowners to form a road district. **WHEREAS,** Mattson, Inc. is

the only landowners of the land to be included in the Road District. **WHEREAS, IT IS HEREBY DECLARED** that the territory proposed to be organized as a county road district to-wit: Lots 1-14, Two Bit Springs Subdivision, being a portion of Two Bit #1, Two Bit #2, 4884 and Yellow Jacket Fraction, M.S. 1507; a portion of Mary, Union, Smith, Power and Power #2, M.S. 1248; all located in Section 1, T4N, R3E, B.H.M., Lawrence County, South Dakota, as shown on the plat of Lots 1, 2 and 4 of Two Bit Springs Subdivision, filed in the office of the Lawrence County Register of Deeds, as Document No. 2004-5142. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the Two Bit Springs Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 31st day of August 2004. **FOR THE BOARD: TERRY W. WEISENBERG, Chairman Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor**

SAPPHIRE LANE ROAD DISTRICT: The Board reviewed the proposed Sapphire Lane Road District boundaries and petitions. Moved-Seconded (Douglas-Weisenberg) to define the boundaries of the proposed Sapphire Lane Road District as presented and to proceed with the process as stated in SDCL 31-12A-4 to post the petition and map for 20 days. Motion Carried.

FOREST SERVICE AGREEMENTS: Moved-Seconded (Douglas-Ewing) to follow the recommendation of Chuck Williams and approve the 2004- Project Agreement (Modification #13) (Modification #14) and Schedule "A" Summary. Motion Carried.

SAFETY MANUAL: Moved-Seconded (Douglas-Ewing) to approve the Lawrence County Safety Manual. Motion Carried.

ROCHFORD RIDGE ESTATES: Al Schreier and Ralph Reausaw discussed the Rochford Ridge Estates security proposal. Reausaw stated they are proposing a building in Sioux Falls worth approximately \$900,000 that a security lien can be placed on. Reausaw stated this building currently is free and clear of any liens and belongs to a partner in the development. Schreier stated the estimated cost of the improvements is \$590,000. The Board asked Outka and Gukeisen to look into the security being offered and any legal issues involved since the building is not in the developments name. The Board stated they would require the full value of the building for the security on the project and would not be responsible for any costs involved for title insurance, appraisals, etc. in finalizing the security. Reausaw stated they are expecting to have 90-95% of the improvements completed this fall. The proposal will come before the Board on the 28th of September.

HIGGINS GULCH PRELIMINARY PLAT/ROAD DISCUSSION: **Roger Riley presented a preliminary plat for Legal Description: Tracts 1 through 6 of Higgins Gulch Subdivision, located in the NE ¼ NW ¼ of Section 13, T6N R1E B.H.M. Tract 1 = 5.26 Acres; Tract 2 = 12.03 Acres; Tract 3 = 3.34; Tract 4 = 4.97 Acres; Tract 5 = 4.97 Acres; Tract 6 = 9.89 Acres Location: West of Spearfish. Riley purchased the property at a public auction and asked the Board how the following action ("to follow Planning and Zoning recommendation**

and approve the following change of zoning as submitted because the land never was Agricultural and the developer has made an effort to help improve the road condition by committing the \$3,000 for each lot to be paid to Lawrence County at the closing of each sale”) taken on February 27th, 2001 affected this property. Originally Stan Scheurer proposed 32 lots in the development. The land was recently auctioned off as five lots. Discussion followed on the legality of the issue. Moved-Seconded (Opitz-Ewing) Mr. Scheurer owes Lawrence County \$3,000 for each of the five lots sold. Motion Carried.

SURPLUS: Moved-Seconded (Seward-Ewing) to declare the Godiva Pump/Engine surplus and give to the Spearfish Canyon Fire Protection District. Motion Carried.

CREEK RUN SUBDIVISION: The Board reviewed the final plat for the Creek Run Subdivision. Isolated tracts and road closures were discussed. Flanagan and Outka suggested a policy to address isolated tracks in the future. The Board discussed the possibility of sending the plat back to Planning and Zoning in light of the recent isolated tract issue. Moved-Seconded (Ewing-Douglas) to table the issue until further information is received on possible isolated tracts due to the final plat proposed. Motion Carried.

NUISANCE ABATEMENT: Flanagan and Outka presented the Board with a draft Nuisance and Abatement Policy and Procedures for the Board to review.

The Board asked Flanagan to investigate the property in Nevada Gulch where a complaint has been received.

Moved-Seconded (Douglas-Seward) to request Flanagan and Outka investigate and abate the nuisance of property at 10747 Chicken Creek Road because it is encroaching in the right of way and causing a public safety issue. Motion Carried.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$5,540.86; Treas-\$7,564.24; Comp-\$4,690.04; States Atty-\$10,559.47; Pub Def-\$5,906.29; Gen Govt Bldg-\$5,520.85; Equal-\$11,803.53; Rod-\$5,379.92; Vso-\$745.97; Disp-\$12,983.01; Sher-\$32,229.28; Jail-\$21,504.22; Emerg Mgnt-\$2,227.33; E911-\$1,253.60; Highway-\$29,187.15; Air-\$154.56; Ext-\$1,085.60; Weed-\$5,212.16; Pz-\$2,348.81; **Bills:** Atkinson,S-\$32.00; Locken,W-\$120.68; Weisenberg,T-\$52.56; A&B Business Equip-\$290.32; A-Z Shredding-\$46.75; ABC Business Supply-\$2,189.77; Alco Store-\$1.48; Amoco Oil Co-\$43.36; AT&T-\$15.39; Avera Sacred Heart Hospital-\$200.13; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$1,686.08; BH Medical Center-\$198.77; BH Pioneer-\$13.83; BH Power & Light-\$8,047.36; Best Business Prod-\$45.29; Brevik & Thurman-\$145.72; Bullock Hotel-\$80.40;

Butler Law Office-\$1,310.26; Butte County Sheriff-\$8.20; Canon Usa-\$819.00; Cellular One-\$1,066.39; City/County Alcohol & Drug-\$3,481.00; Clarey's Safety Equip-\$114.50; Clark Printing-\$105.50; Clinical Lab Of BH-\$1,047.62; Community Health Services-\$10.00; Corral West-\$29.95; Correctional Billing-\$38.48; Credit Collections Bureau-\$50.00; Crume, K-\$1,040.00; Dartek Computer Supplies-\$1,851.79; Deadwood, City Of-\$597.62; Dept Of Hlth Lab Services-\$446.00; Dept Of The Treasury-\$39,916.93; Dietrich, D-\$123.05; Domestic Crisis Outreach-\$827.50; Eddie's Truck Sales/Serv-\$207.76; Ellingson, J-\$912.48; Fastenal-\$73.33; Fox, Youngberg & Lewno-\$151.88; Gold Dust-\$50.85; Great Western Tire-\$454.07; Havemeier, L-\$38.00; Heartland Paper Co-\$1,904.00; Heisler Hardware-\$141.93; Ikon Office Solutions-\$4.24; K Mart-\$23.99; Karpinen, S-\$1,040.00; Kieffer, T-\$189.60; Kimball-Midwest Co-\$216.72; Kittelson, J-\$15.00; LC Centennial-\$828.04; LC Emerg Mgnt-\$32.90; LC Sheriff-\$17.50; LC Treasurer-\$100.00; Lead, City Of-\$43.80; Lewellyn, F-\$120.00; McArthur, J-\$80.00; Minitman-\$46.50; Montana-Dakota Util-\$1,781.77; NH Collection-\$50.00; NH General Hospital-\$2,706.45; NJS Engineering-\$3,658.40; Nelson, T-\$1,000.00; Office Of Child Support-\$546.50; Pennington Co Jail-\$678.01; Pennington County Sheriff-\$17.70; Pitney Bowes-\$158.60; Qwest-\$43.05; RC Regional Hospital-\$1,240.87; Radio Shack/Kazco-\$869.94; Rehfuss, C-\$15.00; Reliable-\$307.68; Reuer, A-\$60.00; Ryken, R-\$190.40; SD Continuing Leagal Ed-\$180.00; SD Human Services Center-\$27.80; SD Supplemental Retirement-\$857.00; Schmit, A-\$240.00; Servall Towel & Linen-\$392.72; Silverado-\$449.14; Smartware-\$460.00; Spearfish Auto Supply-\$33.70; Stadler Ind Service-\$329.96; State Radio Communication-\$2,400.00; Superior Sanitation-\$525.00; Tellinghuisen, Gordon & Percy-\$3,101.52; Tigerdirect-\$125.99; Verizon Wireless-\$82.85; Victims Of Violence-\$827.50; Viking Office Prod-\$21.89; Walmart-\$449.92; Western Communication-\$294.10; Wojahn, B-\$40.00; Yankton Co Sheriff-\$16.50; **Witness & Juror:** Carr, J-\$59.60; Gillespie, A-\$62.80; Howard, K-\$59.60; Hubbard, T-\$62.80; Hudson, R-\$53.84; Leahy, R-\$62.80; Mcaulay, B-\$57.68; Montgomery, B-\$60.24; Nicholas, J-\$69.20; Nicholas, W-\$70.48; Novotny, R-\$51.28; Pabst, J-\$61.52; Phillips, R-\$51.92; Ritter, J-\$73.04; St James, A-\$60.24; Votroubek, N-\$62.80

ADJOURN: 10:55 a.m. - There being no further business it was Moved-Seconded (Douglas-Seward) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – SEPTEMBER 7, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 7, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of August 31, 2004. Motion Carried.

PERSONNEL:

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Douglas-Opitz) to approve the advertising for a part time Maintenance I to fill an open position. Motion Carried.

TRAVEL REQUESTS:

TREASURER: Moved-Seconded (Seward-Opitz) to approve the travel request for Deb Tridle to attend the Municipality Convention in Rapid City, SD on October 7, 2004. Motion Carried.

EQUALIZATION: Moved-Seconded (Opitz-Seward) to approve the travel request for Darlene Piekola to attend the Legislative Interim Study Committee Meeting in Pierre, SD on September 13-14, 2004. Motion Carried.

ABATEMENTS:

KINGHORN: Moved-Seconded (Opitz-Ewing) to approve the abatement for Raymond & Sheila Kinghorn on parcel #28500-00703-353-70 because the house has been demolished. Motion Carried.

SCHLADWEILER: Moved-Seconded (Opitz-Seward) to approve the abatement for David Schladweiler on parcel #32570-02300-120-20 because the house has been demolished. Motion Carried.

DOBIN: Moved-Seconded (Seward-Ewing) to approve the abatement for Dave Dobbin on parcel #09480 because the mobile home has been demolished. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2004 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$27,036.87; Total amount of cash in transit in

Treasurer's possession (cash deposit in transit)-\$1,969.35; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$957,733.28; Savings-\$1,848,226.24; GNAMS-\$41,785.68; and Money Market \$1,193,614.12, Total \$7,773,250.54.

SUPPLEMENTAL BUDGETS:

Moved-Seconded (Opitz-Weisenberg) to set a supplemental budget hearing for September 28, 2004 at 8:45 a.m., for \$2,915 Court-Teen Court for grant match money and \$3,500 for Veterans Service Officer – salary. Motion Carried.

AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Weisenberg) to approve an automatic supplement of \$66,500 for Invasive Species Management – salaries. Motion Carried.

2005 BUDGET: A public hearing was held on the proposed 2005 Annual Budget for Lawrence County.

ADOPTION OF 2005 BUDGET RESOLUTION #2004-20: Moved-Seconded (Douglas-Ewing) to adopt the 2005 Annual Budget and approve the following resolution. Motion Carried.

RESOLUTION #04-20: 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, 2005 and ending December 31, 2005 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 7th day of September, 2004 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 year January 1, 2005 through December 31, 2005.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	5,797,024	5.50
SNOW REMOVAL	200,000	.19
HIGHWAY & BRIDGE	220,000	.21
COURTHOUSE & JAIL	148,271	.14
FIRE PROTECTION	50,532	.10
TOTALS	6,415,827	6.14

DATED at Deadwood, South Dakota, this 7th day of September 2004. LAWRENCE COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairman; Robert Ewing, James J. Seward, Connie H. Douglas, and George Opitz. ATTEST: Connie Atkinson, Auditor.

INVASIVE SPECIES MANAGEMENT: The supplemental budget hearing scheduled for Invasive Species Management was cancelled.

VARIANCE REQUEST #91: A public hearing was held on the following request for a Variance #91: Owner/Representative: Leo Stewart; Legal Description: Lot 1 ex H1 (.05 acre) Whitewood Hollow, NE ¼ Sec 17, T5N, R4E, BHM Lawrence County, SD; Location: Boulder Canyon–Whitewood Hollow Road. Moved-Seconded (Opitz-Seward) to approve the variance as requested. Motion Carried.

MALT BEVERAGE HEARING: Moved-Seconded (Douglas-Ewing) to approve the Class-Retail (On-Off Sale) Malt Beverage license for **TROUT HAVEN / DARLENE FOWLER:** 22485 US Hwy 385, Deadwood, SD 57732. Legal description: Tract 1 & 2 S/D of SW1/4SW1/4 T2 R5 S7, Lawrence County, SD. Motion Carried.

FIRE BAN: Paul Thomson discussed the Fire Ban with the Board. The Board discussed private fire pits verses commercial campgrounds and fire pits. Discussion followed on the difficulty of monitoring private fires in the area for law enforcement. The Board decided there would not be any change to the Fire Ban at this time.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$5,889.46; Treas-\$8,834.92; Comp-\$5,209.86; States Atty-\$11,366.32; Pub Def-\$6,299.41; Gen Govt Bldg-\$6,298.94; Equal-\$12,962.78; Rod-\$6,310.17; Vso-\$989.31; Disp-\$9,357.51; Sher-\$33,772.63; Jail-\$16,279.57; Emerg Mgnt-\$2,374.47; E911-\$2,335.00; Highway-\$34,923.75; Air-\$436.84; Ext-\$1,275.58; Weed-\$5,239.30; Pz-\$2,518.56; **Bills:** Mowell,R-\$7,929.00; A&B Business Equip-\$88.29; ABC Business Supply-\$176.02; American Family Life-\$2,613.70; Audiss,J-\$149.12; BH Chemical Company-\$660.08; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Land Analysis-\$4,320.00; BH Pest Control-\$95.00; BH Power & Light-\$190.49; Barnhart,K-\$250.00; Belle Fourche Daily Post-\$48.00; Blue Cross-\$42,135.29; Butte Electric Coop-\$344.71; Christensen Law Office-\$388.00; MOCOC Annual Conference-\$245.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$74.00; Dakota Laser Tech-\$75.75; Dartek Computer Supplies-\$9.99; Deadwood Home Center-\$42.62; Deadwood Recreation Center-\$78.00; Dept Of The Treasury-\$42,081.43; Election Sys & Software-\$2,112.18; Ellingson,J-\$544.43; Extension Service-\$272.88; Family Thrift Center-\$20.74; Food & Health Communication-\$24.00; Golden West

Technologies-\$33.00; Great Plains Chemical-\$180.00; Havlik,R-\$375.00; Kinney,M-\$197.16; LC Centennial-\$20.41; LC Public Health-\$2,208.00; LC Sheriff-\$419.00; LC Treasurer-\$100.00; Lead-Deadwood Sanitary-\$342.60; Montana-Dakota Util-\$29.10; NH Collection-\$50.00; NH Drug Task Force-\$460.00; NH Family Ymca-\$300.00; Office Of Child Support-\$284.50; Office Technology/Supply-\$36.91; Pennington County Sts Attny-\$200.00; Porter Law Office-\$1,242.96; Rombough,D-\$256.72; SD State Treasurer-\$848.22; SD Human Services Center-\$114.60; SD Supplemental Retirement-\$857.00; Sand Creek Printing-\$267.50; Sanito Oil-\$16,404.80; Teen Court-\$779.51;**Witness & Juror:** Armagost,W-\$18.32; Baker,S-\$19.60; Bauer,G-\$59.60; Bradshaw,S-\$57.68; Christensen,D-\$19.60; Cichosz,J-\$22.80; Domogalski,W-\$16.40; Eilers,S-\$57.68; Fackrell,B-\$62.80; Glover,M-\$62.80; Hall,R-\$19.60; Jankord,J-\$62.80; Kellogg,B-\$51.92; Ladner,M-\$62.80; Mccarty,L-\$20.24; Mccollam,J-\$60.88; Mehlberg,B-\$11.92; Merkle,J-\$19.60; Montgomery,W-\$20.24; Moore,M-\$22.80; Opitz,S-\$51.92; Quenzer,L-\$51.28; Sleep,R-\$22.80; Soller,K-\$12.56; Swanhorst,K-\$20.88; Tennesfos,V-\$66.00; Widener,R-\$10.64; Wolf,R-\$17.68

ADJOURN: 10:07 a.m. - There being no further business it was Moved-Seconded (Opitz-Douglas) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – SEPTEMBER 28, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 28, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of September 7, 2004. Motion Carried.

PERSONNEL:

PLANNING & ZONING: Moved-Seconded (Seward-Ewing) to approve the advertising for a secretary in the Planning and Zoning Office to fill an open position. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Douglas-Opitz) to approve the hiring of John Kelley as Deputy States Attorney at the base salary rate of \$41,000 a year, effective 10-15-2004. Motion Carried. John Fitzgerald stated Kelley will be attending the Commission meetings with him for 3 to 6 months and when Kelley is familiarized with the proceedings, Kelley will be responsible for County legal issues.

INVASIVE SPECIES MANAGEMENT: 1:25 p.m. Moved-Seconded (Ewing-Opitz) to go into executive session to discuss personnel issues. Motion Carried. 1:35 p.m. opened for regular business.

Moved-Seconded (Ewing-Opitz) to waive the residency requirement for David Heck because of exceptional personal circumstances. Motion Carried.

TRAVEL REQUESTS:

VSO: Moved-Seconded (Seward-Opitz) to approve the travel request for William Locken to attend the SD Veterans Commission Meeting in Aberdeen, SD on October 13-16, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Paul Thomson to attend the 2004 Safety & Loss Control Training Conference in Pierre, SD on November 17-18, 2004. Motion Carried.

Moved-Seconded (Douglas-Seward) to approve the travel request for Paul Thomson to attend the SD Safety Health Conference and Meritorious Achievement Award in Sioux Falls, SD on October 11-13, 2004. Motion Carried.

FIRE ADVISORY: Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Charles Nicholas and Rob Mattox to attend the Firewise Conference in Denver, CO on November 3-6, 2004. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Sue Black to attend the Planning and Responding to Terrorism/WMD Incident in Sturgis, SD on September 28-30, 2004. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Brian Dean to attend the International Outlaw Motor Cycle Gang Investigator's Association Seminar in Buffalo NY on September 12-17, 2004. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve the travel request for Dale Larson to attend the Small Jail Administration training in Longmont, CO on November 14-19, 2004. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Dale Larson to attend the SD Sheriff and Jail Administrator's Fall Conference in Pierre, SD on October 26-29, 2004. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Dale Larson to attend the SD Corrections Association Annual Fall Conference in Spearfish, SD on September 21-22, 2004. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Opitz) to approve the travel request for Chuck Williams to attend the County Road Advisors Conference in Rapid City, SD on October 20-21, 2004. Motion Carried.

NEIGHBORHOOD HOUSING SERVICES: Moved-Seconded (Ewing-Weisenberg) to send a letter of support for the Neighborhood Housing Services. Motion Carried.

SAPPHIRE LANE ROAD DISTRICT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Sapphire Lane Road District. Motion Carried. ***ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE SAPPHIRE LANE ROAD DISTRICT:*** A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; **IT IS HEREBY DECLARED** that the territory proposed to be organized as a county road district to-wit: The Territory proposed to be organized as a district is as follows: Tracts 1, 2 and 3-B of Lot 3-E; Lot A of Tract 2 of Lot 3-E; Lots A and B of Tract 3-C of Lot 3-E; Remainder of Tract 3-C of Lot 3-E; Tracts A and B of Lot 3-F; Lot 3-C; Lots 1, 2A and 2B of Tract 2 of Lot 3A; Lots 1 and 2 of Lot 4 of Outlot A; Lots 5,6,7 and 8 of Outlot A; W 1/2 and E1/2 of Lot 9 of Outlot A; W1/2 and E1/2 of Lot 10 of Outlot A; All in the NW1/4 of Section 5, Township 6 North, Range 2 East B.H.M., Lawrence County, South Dakota: all located in Lawrence County, SD. ***SHALL***, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Sapphire Lane Road District. **DATED** this 28th day of September, 2004. TERRY W. WEISENBERG, CHAIRMAN. ATTEST: CONNIE ATKINSON, AUDITOR

BLACK HILLS COMMUNITY ECONOMIC DEVELOPMENT INC: The Board discussed a letter they received from Black Hills Community Development in reference to the Standard Aerospace Loan. First Western Bank has asked the Lawrence County Revolving Loan Fund to release its existing mortgage on the Standard Aerospace building so the bank may sell the building. The Board stated they would not be in support of releasing the mortgage and asked the Chairman to relay the information.

UTILITY PERMITS:

LEAD/DEADWOOD SANITARY DISTRICT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Utility Permit for the Lead/Deadwood Sanitary District on Highway 017 approximately 1 mile south from the Lead Country Club for construction of a water main in section 31, T4N, R3E, Lawrence County. Motion Carried.

QWEST: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways for Qwest Communications on N. Rochford Road in section 31, T4N, R3E, Lawrence County to provide telephone service to the Rochford Ridge Estates. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways for Black Hills Power to provide power to customers .30 miles west of Hwy 14A on Cutting Mine Road in section 29, T5N, R3E, Lawrence County. Motion Carried.

QWEST: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways for Qwest Communications to provide communications to customers on Hardin Lane in section 11, T7N, R2E, Lawrence County. Motion Carried.

QWEST: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways for Qwest Communications to provide telephone service to customers in Country Estates in section 31, T4N, R3E, Lawrence County. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Application for Utility Permit for Butte Electric to provide service to customers in approximately ¼ mile north from intersection of Lookout Mountain Road and Kerwin Lane in section 36, T7N, R2E, Lawrence County. Motion Carried.

QWEST: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highways for Qwest Communications to provide communications to customers on Christensen Drive in section 25, T6N, R2E, Lawrence County. Motion Carried.

SUPPLEMENTAL BUDGETS: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the following Resolution #04-21 to adopt a supplemental budget. Motion Carried.

RESOLUTION #04-21 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2004, 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 2004, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: **COURTS – Teen Court – \$2,915.00; VETERAN SERVICE OFFICER – Salary - \$3,500.** The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 28TH day of September, 2004 at the hour of 8:45 o'clock, a.m. in the Commissioners'

Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 28th day of September, 2004. FOR THE BOARD OF COUNTY COMMISSIONERS: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

ROCHFORD RIDGE SUBDIVISION SURETY AGREEMENT: Ralph Reausaw discussed the Rochford Ridge Estates security proposal. The Board discussed the need for an appraisal on the building proposed to be used for surety. The Board agreed that if the assessment showed the value to be over \$900,000 an independent appraisal would not be needed. Flanagan researched the assessment on the building and found the assessment to be under the needed \$900,000. The Board stated an appraisal would need to be done on the building or a Bond in the County's name to cover the engineer's estimate would be needed to go forward with this issue. The Board discussed future policies and procedures needed for these types of agreements.

DOCUMENT SCANNING PROJECT UPDATE: Greg Dias updated the Board on the scanning project. The document imaging system upgrade is 95% complete.

CARD ACCESS SYSTEM: The following bids were received for the card access system: Black Hills Security System - \$39,727 & \$46,937; ECSI - \$57,000; Freeman Electric - \$62,300; DSP - \$68,156.24; Honeywell - \$79,205. Moved-Seconded (Douglas-Weisenberg) to follow the recommendation of Greg Dias and Rick Frerich and accept the low bid of Black Hills Security Systems for \$39,727 for the system and \$2,200 per additional door (requires one control unit of \$916.00 per 16 doors) and authorize the Chairman to sign the contract. Motion Carried.

TERRY TROJAN WATER DISTRICT GRANT APPLICATION: Chuck Vanderziel was present to discuss the Terry Trojan Water District Grant Application. A public hearing was held on the CDBG Application on behalf of Terry Trojan Water District. Jack Cole commented on heap leach mines in Lawrence County and their long term affects. The public hearing was closed as no other comments written or verbal were received.

Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign Resolution 2004-22 Community Development Block Grant Application Resolution. Motion Carried.

LAWRENCE COUNTY RESOLUTION NUMBER 2004-22 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION RESOLUTION: WHEREAS, Lawrence County has identified the need to apply for a Community Development Block Grant (CDBG) on behalf of the Terry-Trojan Water Project District's proposed **Water Quality Project**; and, **WHEREAS,** Lawrence County expects the Terry-Trojan Water Project District to complete the proposed \$137,500 project with the assistance of CDBG Program funds in the amount of \$72,500; and, **WHEREAS,** Lawrence County is eligible for Federal assistance for the proposed project as it is a county under 200,000 in population; and, **WHEREAS,** with the submission of the CDBG Application, Lawrence County assures and certifies that all CDBG Program requirements will be fulfilled by themselves or the Terry-Trojan Water Project District. **NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Lawrence County Commission be authorized to execute the CDBG Application and any and all amendments thereto; **AND, BE IT FURTHER RESOLVED** that the Chairperson of the Terry-Trojan Water Project District be authorized to execute any and all contract documents pertaining to the project. Dated this 28th day of September, 2004. By: Terry Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign Resolution 2004-23 Community Development Block Grant Project Certifying Officer Resolution. Motion Carried.

LAWRENCE COUNTY RESOLUTION NUMBER 2004-23 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT CERTIFYING OFFICER

RESOLUTION: WHEREAS, Lawrence County anticipates an award of Community Development Block Grant funds on behalf of the Terry-Trojan Water Project District from the U.S. Department of Housing and Urban Development, as administered by the State of South Dakota, Governor's Office of Economic Development; and, **WHEREAS**, if awarded Community Development Block Grant funds, Lawrence County will be required to designate a Project Certifying Officer for the purpose of signing required documents pertaining to this grant. **NOW, THEREFORE, BE IT RESOLVED**, that the Lawrence County Commission Chairman be hereby designated as the County's official for the purpose of signing grant agreement documents. **AND, BE IT FURTHER RESOLVED**, that the Chairperson of the Terry-Trojan Water Project District be hereby designated as the County's official for the purpose of signing correspondence, pay requests and other required documents directly relating to this Community Development Block Grant Project. Dated this 28th day of September, 2004. By: Terry Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign Resolution 2004-22 Community Development Block Grant Environmental Certifying Officer Resolution. Motion Carried.

LAWRENCE COUNTY RESOLUTION NUMBER 2004-24 COMMUNITY DEVELOPMENT BLOCK GRANT ENVIRONMENTAL CERTIFYING OFFICER

RESOLUTION: WHEREAS, Lawrence County anticipates an award of Community Development Block Grant funds on behalf of the Terry-Trojan Water Project District from the U.S. Department of Housing and Urban Development, as administered by the State of South Dakota Governor's Office of Economic Development; and **WHEREAS**, if awarded Community Development Block Grant funds, Lawrence County will be required to designate an Environmental Certifying Officer for the purpose of completing the required environmental documents pertaining to this grant. **NOW, THEREFORE, BE IT RESOLVED** that the Chairman of the Lawrence County Commission be hereby designated as the Environmental Certifying Officer for the purpose of signing correspondence and other required documents and forms. **AND, BE IT FURTHER RESOLVED** that the Black Hills Council of Local Governments is requested to act on behalf of Lawrence County in completing the CDBG Environmental Assessment on the Terry-Trojan Water Project District's **Water Quality Project**. Dated this 28th day of September, 2004. By: Terry Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Community Development Block Grant Operation, Maintenance and Repair Statement; Community Development Block Grant Relocation, Displacement and Acquisition Plan; Community Development Block Grant On-Behalf-Of Application Statement of Local Match; CDBG Payment Request for Terry-Trojan Water Project District. Motion Carried.

A public hearing was held for soliciting public comments on the community development and housing needs for Lawrence County. No written comments were received and no public was present. The public hearing was closed and the Board discussed needs for the County.

Moved-Seconded (Opitz-Weisenberg) to adopt the following Community Development and Housing Needs Assessment for Lawrence County. Motion Carried.

LAWRENCE COUNTY COMMUNITY DEVELOPMENT AND HOUSING NEEDS

ASSESSMENT: Community Development and Housing Needs of Low and Moderate Income Persons of Lawrence County: 1. Review and enforce established state and county codes to ensure a minimum standard for housing units. 2. Investigate possible methods to decrease the number of substandard housing units In the County. 3. Encourage the development of permanent low-income housing units through non-profit and for-profit entitles. 4. Encourage the development of additional transitional units for those recently locating In the County who are unable to secure adequate housing. 5. Attempt to locate and secure employers that pay salaries above the minimum wage In order to provide sufficient incomes to support minimal housing needs.

Planned or Potential Activities to Address Community Development and Housing Needs of Lawrence County: 1. Review existing planning documents and zoning ordinances to ensure compatibility with other governmental requirements to ensure compatibility in the development of supporting infrastructure. 2. Educate both developers and other governing bodies of the need for community development and housing, and identify roadblocks that exist in meeting those needs. 3. Address the possibility of bringing together multiple organizations within the County to address the needs of community development and housing. 4. Investigate possible funding sources to construct both temporary and permanent housing for both low-income and non low-income persons within the County. 5. Encourage countryside developers to apply for funding through Rural Development, South Dakota Housing Authority and the U.S. Department of Housing and Urban Development.

BOULDER CANYON SCENIC BYWAY: Dwight Peterson presented a proposal for Boulder Canyon Scenic Byway. The proposal stated some benefits would be an increase to business, tax revenue, and to the local job market from tourist dollars; Funding from Federal and State for planning and following through on a byway management plan; A resource for protecting the area; A higher budget for road improvement maintenance. Example: some states give scenic byways a higher priority for shoulder work and road repair; An Access to recourses and assistance in managing the byway; State, federal, and auto club highway maps will identify byway which will bring more tourism opportunities to the area; There will be money and other assistance from state and national offices of economic development and tourism: It could lead to federal grant and technical assistance from the Federal highway Administration if we are able to take it to that level. Peterson asked the Board for a statement of support for the Scenic Byway for Boulder Canyon. Peterson stated 78% of the cost for needed changes in Boulder Canyon would be covered by the state and the remaining portion would come from local governments, and could also include fund raising. Marguerite Kelly and Jack Cole expressed concerns against the scenic byway. Additional rules, regulations, loss of local control, and endangerment of the canyon were some of the concerns expressed. Peterson stated the designation of the canyon would not limit but will help to maintain the aesthetic beauty of the canyon. The Board asked that documentation and comments be sent to the Board for their consideration before the Board takes any action.

BUTTE/LAWRENCE COUNTY FAIR: Nathan Neilan, Chairman for Town of Nisland, informed the Board of the proposal for Nisland to place the existing Butte-Lawrence County Fairgrounds, under the jurisdiction of the Town of Nisland. Neilan asked the Board to consider allocating \$10,000 for the fair in 2006. The Fair Board would remain in tact and they are looking at a Tri-County Fair being Butte-Lawrence and Meade County. The Board stated they are open to the idea and will consider the request during budget time for 2006.

EMERGENCY MANAGEMENT

RED CROSS AGREEMENT: Moved-Seconded (Opitz-Ewing) to approve and authorize the Chairman to sign the South Dakota 2004 Citizen Corps Program Grant Application and Agreement. Motion Carried.

ODP 2004 TRAINING GRANT: Moved-Seconded (Ewing-Opitz) to approve and authorize the Chairman to sign the Letter of Intent – ODP 2004 Training Grant for \$3,444.14. Motion Carried.

FY 2004 OFFICE OF DOMESTIC PREPAREDNESS EQUIPMENT GRANT: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the FY 2004 Office Of Domestic Preparedness Equipment Grant for \$297,460.48. Motion Carried.

WATER/AQUIFER PROJECT UPDATE: Dan Driscoll and Larry Putnam from the US Geological Survey were present and updated the Board on current and future projects. A draft report on the map of Spearfish Creek Study area showing loss zone, location of injections, and sampled sites was reviewed with the Board. Joint Funding Agreements 05C4SD000000007 & 05C4SD000000008 were presented to the Board for their consideration.

EXECUTIVE SESSION: 12:00 p.m. Moved-Seconded (Douglas-Ewing) to go into executive session to discuss legal issues with John Fitzgerald, States Attorney. Motion Carried 12:07p.m. opened with no action taken.

ABATEMENTS:

JAMES BOATMAN: Moved-Seconded (Opitz-Weisenberg) to approve the abatement for James Boatman on Mobile Home #11457695 because the 99 Friendship Mobile Home was moved in August 2004. Motion Carried.

HIGGINS GULCH/ELK COUNTRY ESTATES: Stan Scheurer, was present to discuss the Elk Country Estates and \$3,000 a lot fee. Scheurer stated he did not feel he should have to pay the fee on the 40-acre lots. Outka read the definition of lot and the 40-acre lots do qualify. The Board stated Scheurer would have to pay the fee on all the lots.

CREEK RUN SUBDIVISION PLAT: Don Hander was present to discuss the Creek Run Subdivision Plat and the accommodation for access to unplatted lands. Roger Tellinghuisen, Attorney representing Hander, stated a right of prescription easement could impact the Hander property and his attorney is aware of this issue. The discussion followed on the trail accessing other property in the area. Tellinghuisen stated at this time Hander is creating access to the adjacent unplatted lands as required.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the final plat, subject to the 66 foot R.O.W. (improved to County Specs) easement, being shown on the final plat for adjacent unplatted lands. Motion Carried.

FIRE RESPONSE MAP BOUNDARIES: Chuck Nicholas and Rob Mattox presented the proposed boundaries for the Lawrence County Fire District Boundaries. The Board asked that John Fitzgerald prepare a Resolution defining the Lawrence County Fire District Boundaries.

HAZARDOUS FUEL REDUCTION PLAN: Chuck Nicholas and Rob Mattox discussed the Hazardous Fuel Reduction Plan and letters to be sent to land owners for a wildfire assessment. The Board reminded the Fire Advisory Board that the County Chairman would need to sign all agreements.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$5,873.57; Treas-\$8,109.64; Comp-\$4,937.48; States Atty-\$9,296.09; Pub Def-\$5,636.75; Gen Govt Bldg-\$5,178.99; Equal-\$10,855.33; Rod-\$5,845.04; VSO-\$989.31; Disp-\$9,589.26; Sher-\$27,921.90; Jail-\$15,731.43; Emerg Mgnt-\$2,500.59; E911-\$1,614.06; Highway-\$32,646.73; Air-\$180.32; Ext-\$1,194.16; Weed-\$2,482.62; PZ-\$2,433.68; **Bills:** Bott,B-\$115.00; Larson,P-\$81.00; Leatherman,D-\$3.84; Mcgruder,B-\$291.00; Piekola,D-\$98.20; Ruffatto,R-\$21.92; Runge,B-\$115.00; Sandvig,S-\$115.00; Schumacher,D-\$115.00; Smith,M-\$10.88; Thomson,P-\$91.00; Tridle,D-\$88.43; Watts,J-\$35.25; Weisenberg,T-\$52.56; Williams,R-\$21.92; Wood,C-\$20.00; Writer,J-\$115.00; A&B Business Equip-\$677.52; A&B Welding Supply-\$6.60; A-Z Shredding-\$43.25; ABC Business Supply-\$280.10; Accurint Accounts Receivable-\$21.75; Air Connection-\$2,550.00; Altaire Enterprises-\$340.00; Amcon Distributing-\$471.32; Amoco Oil Co-\$29.97; AT&T-\$14.30; Audiss,J-\$241.61; Covey,D-\$29.60; BH Chemical Company-\$921.37; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$2,114.18; B H Medical Ctr Pharmacy-\$2,303.96; BH Pioneer-\$961.34; BH Power & Light-\$6,729.51; Behavior Mngt Systems-\$412.00; Best Business Prod-\$45.29; Best Western Ramkota Inn-\$1,375.00; Black Hills Optics-\$10.00; Black Hills Pure-\$21.40; Butler Machinery Co-\$9,960.22; Butte County Sheriff-\$8.20; Campbell Supply-\$9.98; Carquest Of Spearfish-\$13.67; Cellular One-\$1,096.98; Central Parts-\$1,146.82; Chemical Sanitizing Sys-\$168.71; Christensen Law Office-\$522.00; City/County Alcohol&Drug-\$2,130.00; Coley,M-\$60.00; Comfort Inn-\$140.00; Conoco-\$242.69; Cooperative Extension Service-\$151.03; Correctional Billing-\$5.73; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$118.00; D Ware-\$110.00; Dakota Graphics-\$140.00; Dartek Computer Supplies-\$967.06; Deadwood Home Center-\$74.14; Deadwood,City Of-\$38.00; Deckers Food-\$59.60; Dept Of The Treasury-\$36,088.59; Diamond Mowers-\$652.50; Diamond Post & Steel Bldg-\$1,173.47; Dietrich,D-\$67.67; Domestic Crisis Outreach-\$1,177.50; Eagle Aviation-\$47.27; Elan Finanical Services-\$352.10; Election Sys & Software-\$84.99; ET Sports-\$148.96; Evercom Systems-\$1,050.00; Extension Service-\$26.13; Family Thrift Center-\$18.69; Federal Express-\$19.56; Feld Equipment Company-\$21,440.43; Fish,V-\$34.20; Forrester Electric-\$1,940.23; Frederickson,J-\$2,099.56; Gene's Lock Shop-\$134.48; Glenney,T-\$240.00; Grant,K-\$1,920.00; Greens Alignment-\$40.00; Grimm's Pump Service-\$734.92; Havemeier,L-\$62.80; Hewlett-Packard Company-\$4,037.00; Hood & Nies & Dardis-\$1,673.27; Ikon Office Solutions-\$105.88; Insight Public Sector-\$1,413.76; Integrity Ford-\$141.68; Kar Products-\$97.73; Karpinen,S-\$541.92; King,M-\$188.78; Kinney,M-\$650.90; Knecht True Value-\$18.05; Koala Electric-\$1,795.38; LC Centennial-\$472.56; LC Sheriff-\$305.51; LC Treasurer-\$100.00; Language Line Services-\$578.60; Lee,J-\$15.00; Lewis & Clark Bhs-\$130.00; M&T Fire & Safety-\$115.00; Mearthur,J-\$40.00; McMichael Property Mgmt-\$325.00; Mid States Organized-\$195.00; Mid-Continent Testing-\$794.00; Montana Dakota Utilities-\$2,022.26; NH Collection-\$50.00; NH General Hospital-\$346.52; Neve's Uniforms-\$420.00; Nicholas,C-\$40.00; Novus-\$194.00; Office Of Child Support-\$284.50; Office Technology/Supply-\$8.22; Ore Car Express-\$53.00; Pennington Co Jail-\$1,637.99; Pennington County Sheriff-\$18.00; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$69.14; Pitney Bowes-\$858.70; Postmaster, Deadwood-\$259.00; Postmaster, Spearfish-\$31.40; Queen City Motors-\$2,060.21; Queen City Rocket Lube-\$161.55; Qwest-\$1,005.18; Qwest Communications-\$150.00; RC Medical Center-\$144.00; RC Police Dept-\$3,290.00; Rabe Elevator-\$568.45; Rchetto,J-\$636.81; Radio Shack/Kazco-\$359.94;

Rapid Delivery-\$6.60; Reindl,S-\$983.86; Reliable-\$302.17; Root Spring Scraper-\$88.34; SD Retirement System-\$42,639.73; SD Dept Of Transportation-\$160.00; SD Human Services Center-\$26.00; SD Safety Council-\$35.00; SD Supplemental Retirement-\$857.00; Servall Towel & Linen-\$584.94; Simpson,J-\$500.00; Slowey,Y-\$105.00; Small's Typewriter Service-\$152.00; Snyder,N-\$180.00; Spearfish Auto Supply-\$150.27; Spearfish Husky-\$83.00; Specialized Auto Service-\$1,428.16; Stretch's Glass & Mirror-\$30.00; Summit Signs & Supply-\$1,026.00; Superior Lamp And Supply-\$467.34; Tessiers-\$926.33; Texaco-\$45.40; Total Security Concepts-\$640.00; Triple K Tire & Repair-\$449.27; Trump Law Office-\$132.00; Twin City Hardware & Lumber-\$199.65; US Identification Manual-\$82.50; Verizon Wireless-\$382.80; Victims Of Violence-\$1,177.50; Viking Office Prod-\$218.39; Voelker & Adams-\$223.20; Walmart Store-\$122.77; Waste Connections-\$459.51; Watt,E-\$325.00; West Group-\$106.60; West River International-\$5.50; Western Communication-\$618.05; Western SD Juvenile-\$3,898.65; Williams Rentals-\$190.00; Williams Standard Serv-\$46.05; Wolff's Plumbing & Heating-\$248.00; Xerox Corporation-\$1,000.00; Yankton Co Sheriff-\$16.50; Yankton County-\$91.05; **Witness & Jurors:** Hall,M-\$21.92; Reed,R-\$21.92; Porter,L-\$29.60; Gillespie,A-\$62.80; Hubbard,T-\$62.80; Hudson,R-\$23.84; Leahy,R-\$62.80; Montgomery,B-\$60.24; Nicholas,J-\$69.20; Novotny,R-\$51.28; Pabst,J-\$61.52; Rehorst,J-\$57.68; St James,A-\$60.24; Charles,J-\$26.40; Bachand,N-\$21.92; Davis,R-\$20.64; Donner,J-\$21.92; Dower,C-\$20.64; Geuke,B-\$20.64; Harder,D-\$34.72; Harris,L-\$20.64; Johnson,J-\$29.60; Johnson,J-\$21.92; Katon,E-\$29.60; Komes,T-\$34.08; Kraft,B-\$29.60; Longden,D-\$21.92; Newton,J-\$27.68; Nikodym,R-\$30.88; Rantapaa,R-\$21.92; Reams,L-\$48.80; Rear,J-\$29.60; Reese,M-\$29.60; Sargent,R-\$21.92; Stettler,J-\$21.92; Swanson,B-\$27.68; Valdez,L-\$29.60

ADJOURN: 3:40 p.m. - There being no further business it was Moved-Seconded (Opitz-Ewing) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – OCTOBER 12, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 12, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of September 28, 2004. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Robert W. Siedschlaw as a reserve Deputy I effective 10-5-2004 at a base rate of 11.14 /hr. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Ewing) to approve advertising for Heavy Equipment Operator in the LC Highway Department to fill an open position. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Ewing-Opitz) to approve Bruce Outka as a Deputy States Attorney effective November 1, 2004 at \$44,290.00 /yr. Motion Carried Aye 4, Nay-Douglas.

PLANNING & ZONING: Moved-Seconded (Douglas-Ewing) to approve Amber Vogt as Administrative Secretary effective October 7, 2004 at \$10.61/hr. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Douglas-Ewing) to approve the travel request for Colin Thompson to attend the Advanced Taser Instructor Class in St. Paul MN on November 17-19, 2004. Motion Carried.

VETERN SERVICE OFFICE: Moved-Seconded (Ewing-Opitz) to approve the travel request for William Locken to attend the VA Black Hills VSO/Congressional Forum in Hot Springs SD on November 17, 2004. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Seward-Ewing) to approve the travel request for Brandon Flanagan to attend the Zoning & Land Use SD Seminar and SD Planners Assn. Planning & Zone Conference in Sioux Falls & Mitchell on October 26-28, 2004. Motion Carried.

ABATEMENTS:

CLEO ROWE: Moved-Seconded (Seward-Opitz) to approve the abatement for Cleo Rowe on Parcel 32660-00400-080-00 the house was torn down on May 24, 2004. Motion Carried.

US GEOLOGICAL SURVEY: Moved-Seconded (Opitz-Ewing) to continue the joint funding agreements with the US Geological Survey for Water Resources Investigations and Creek Gage Stations.

CHANGE OF ZONING # 238 PAUL AND GRACE REDINGER: A public hearing was held on a request for a Change of Zoning #238 from Paul and Grace Redinger- To allow the change of zoning from A-1 General Agriculture District to C/LI Commercial/Light Industrial District on

Lot VW-2C of VW Subdivision NW1/4 SE1/4 & NE1/4 SE1/4 Sec 16 T6N R4E Located North of I-90 and Whitewood.

Moved-Seconded (Opitz-Seward) to allow Change Of Zoning #238 from A-1 General Agriculture District to C/LI Commercial/Light Industrial District for Paul & Grace Redinger. Motion Carried.

CONDITIONAL USE PERMIT #296 LYLE AND DAISY BAUMEISTER: A public hearing was held on a request for a Conditional Use Permit #296 from Lyle and Daisy Baumeister – To allow Overflow Storage on SE1/4 SE1/4 Tr 1B Ex Hi & Lot 1 of Tract 1A Sec 5 T6N R2E Located West of Spearfish on Hillview Drive.

Moved-Seconded (Ewing-Seward) to approve Conditional Use Permit #296 for Lyle and Daisy Baumeister to allow Overflow Storage with attached conditions. Motion Carried.

ATTACHED CONDITIONS: 1) Should the U-Haul business be sold, this Conditional Use Permit becomes null and void. 2) The lot shall be kept in a neat and in an uncluttered fashion. 3) This permit shall be for Temporary Storage (Overflow) for U-Haul equipment. It is not intended to become the outlet for the U-Haul or any other business. 4) There shall be no more than ten (10) units on the premises at any given time, and no unit shall remain on premises for longer than thirty (30) days. 5) No signage shall be allowed for advertising of the business. 6) Any loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. 7) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 8) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 9) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

CONDITIONAL USE PERMIT #297 RHEA AND BETTY TREVINO: A public hearing was held on a request for a Conditional Use Permit # 297 from Rhea and Betty Trevino – To allow a second Residence on Lot T of HES 297 Sec 19 T4N R4E Located on Highway 385.

Moved-Seconded (Opitz-Seward) to approve Conditional Use Permit #297 for Rhea and Betty Trevino to allow a second residence with attached conditions. Motion Carried.

ATTACHED CONDITIONS: 1) This permit shall be for allowing a second residence, for the parents of Betty Trevino, on a single lot. The permit shall NOT be allowed to continue past the use for which it was granted. 2) The septic system shall be inspected and updated or approved for the additional capacity prior to occupying the second residence. 3) Applicants shall get approval from utility companies prior to moving the second residence onto the property. 4) Applicants shall determine the availability of water (existing or new well) prior to moving the second residence onto the property. 5) At such time as the intended occupants cease to inhabit the residence, the permit holder shall have 6 months in which to remove the second residence from the property and shall notify the Planning and Zoning Office. 6) This permit shall be reviewed on

an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 7) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

FOREST PLAN PHASE II AMENDMENT: Bill Coburn and Conrad Rupert met with the Board to report on the Phase II Amendment. The Phase II Amendment will set out the long-term management of the Black Hills for years to come, including how the risks of wildfire and pine beetle infestation, timber outputs, and viability for certain wildfire species are addressed. Discussion on Alternatives and the need to get the public informed was the top issue of the meeting. There is a 90 day comment period that goes till December 15, 2004.

RUBBLE SITE PAT MILOS, CITY OF LEAD: Pat Milos from the City of Lead was present to ask the County to join an agreement with the City of Lead, City of Deadwood, Town of Central City and Homestake Mining Company of California to accept the offer from Homestake for donation of land deed for a new facility. The agreement is to take over and close the Wasp Waste Disposal Facility and reclaim the land in exchange for Homestake land deed. Board asked that Bruce Outka have at least a week to look at the agreement before making a decision.

VARIANCE TO ALLOW MARKETING OF LOTS BEFORE PLAT APPROVED-ROGER RILEY: Moved-Seconded (Douglas-Seward) to approve a request to grant a variance to Section 13.1 "Sale of Lots from Unrecorded Plats" of the Subdivision Ordinance. Mr. Riley agreed to put wording in the marketing materials that reflects the granting of permission by the Board to market lots prior to plat approval, and include wording that all sales are subject to final approval of plats by the County. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2004 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$64,743.25; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,438.61; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$1,164,460.74; Savings-\$1,849,598.81; GNAMS-\$41,604.25; and Money Market \$1,194,556.98, Total \$8,020,287.64.

CDBG 9902-104 FIRE EQUIPMENT PURCHASE: Moved-Seconded (Douglas-Seward) Lawrence County moves to accept CDBG No. 9902-104 Fire Equipment Purchases, as satisfactorily complete. Motion Carried.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of September 30, 2004 is \$1,670,055.25 or 16.98%.

BILLS: Moved-Seconded (Douglas-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$6,006.66; Treas-\$8,134.12; Comp-\$4,937.49; States Atty-\$8,709.17; Pub Def-\$4,394.51; Gen Govt Bldg-\$5,265.69; Equal-\$10,719.52; ROD-\$5,845.04; VSO-\$989.31; Disp-\$9,153.30; Sher-\$29,050.80; Jail-\$14,818.87; Emerg Mgnt-\$2,291.88; E911-\$1,347.62; Highway-\$32,424.66; Air-\$141.68; Ext-\$1,251.70; Weed-\$2,089.96; PZ-\$2,433.68; **Bills:** Baumann,M-\$34.00; Larson,D-\$19.20; Mccormick,R-\$9.00; Mowell,R-\$7,105.50; Schumacher,D-\$34.25; A&B Business Equip-\$344.44; A&B Welding Supply-\$32.95; A&J Supply-\$479.26; A-Z Shredding-\$25.50; ABC Business Supply-\$3,812.20; Accurant Accounts Receivable-\$20.50; Ager Rubble Site-\$140.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$340.06; American Family Life-\$2,613.70; Amoco Oil-\$234.07; Armstrong Extinguish-\$103.67; AT&T-\$18.39; Audiss,J-\$421.56; BH Chemical Company-\$646.77; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$1,008.10; BH Land Analysis-\$3,105.00; BH Medical Center-\$34.60; BH Medical Ctr Pharmacy-\$2,646.69; BH Pioneer-\$18.57; BH Power & Light-\$444.12; BH Window Cleaning-\$15.00; Best Western Ramkota-\$136.00; Bickle's Truck & Diesel-\$48.33; Black Hills Pure-\$11.50; Blue Cross-\$42,462.14; Brandenburg,M-\$91.00; Brown & Saenger-\$325.40; Building Permits Lab Bulletin-\$88.78; Butler Machinery Co-\$229.24; Butte County Sheriff-\$55.20; Butte Electric Coop-\$348.17; Cellular One-\$109.65; Central Parts-\$416.76; Child Psychology Services-\$2,517.50; City/County Alcohol & Drug-\$105.00; Conoco-\$496.87; Consumer Reports-\$26.00; Corral West-\$29.95; Credit Collections Bureau-\$50.00; Crume,K-\$360.00; Culligan Soft Water Serv-\$137.25; Dartek Computer Supplies Corp-\$1,044.63; Deadwood Home Center-\$94.91; Deadwood Recreation Center-\$78.00; Deadwood, City Of-\$594.93; Deckers Food-\$18.46; Dept Of The Treasury-\$35,326.29; Dietrich,D-\$122.55; Eddie's Truck Sales/Serv-\$801.08; Ekeren,M-\$15.00; Elan Financial Services-\$470.68; Election Sys & Software-\$1,122.98; Ellingson,J-\$232.45; Express Collections-\$79.16; Extension Service-\$116.00; Family Thrift Center-\$32.13; Fastenal-\$353.51; Fish,V-\$37.40; Fisher Sand & Gravel-\$4,141.63; Gateway Master Distributors-\$142.02; General Service Garage-\$407.17; Glaxosmithkline Financial-\$420.00; Godfrey's Brake Serv-\$388.09; Golden West Technologies-\$33.00; Great Western Tire-\$151.50; Greens Alignment-\$54.00; Grimm's Pump Service-\$703.36; Heisler Hardware-\$65.69; Hobart Sales & Service-\$242.83; Holiday Inn-\$164.00; Honeywell-\$81.63; Hood & Nies & Dardis-\$1,502.25; Johnson Machine-\$1,327.22; Kar Products-\$565.09; Karpinen,S-\$400.00; Kieffer,T-\$22.00; Kinney,M-\$740.96; Kooistra,N-\$15.00; L C Centennial-\$170.84; LC Conservation Dist-\$4,500.00; LC Emerg Mgnt-\$12.01; LC Public Health-\$2,208.00; LC Sheriff-\$52.00; LC Treasurer-\$100.00; Law Enforcement Labor Serv-\$195.00; Lead, City Of-\$37.60; Lead-Deadwood Sanitary-\$317.68; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$49.20; Lorman Education Services-\$299.00; Mcleod's Office Supply-\$125.66; Miller,P-\$153.50; Montana-Dakota Util-\$64.85; NH Collection-\$50.00; NH Family Ymca-\$286.00; NH General Hospital-\$314.31; National Assoc Of Counties-\$430.00; National Assoc Extradition Off-\$50.00; Office Of Child Support-\$284.50; Pennington County Sheriff-\$19.20; Pennington County Sts Attny-\$200.00; Phoenix Investigations-\$998.75; Postmaster,Spearfish-\$175.00; Queen City Motors-\$124.76; Queen City Rocket Lube-\$259.51; Quill Corp-\$305.87; RC Journal-\$41.04; Rombough,D-\$712.16; Root Spring Scraper-\$35.89; SD Retirement System-\$39,810.83; SD State Treasurer-\$6,070.06; SD Planners Association-\$80.00; SD Sheriff's Association-\$90.00;

SD Supplemental Retirement-\$857.00; Salzsieder,M-\$3,435.00; SD Corrections Association-\$75.00; Servall Towel & Linen-\$196.36; Spearfish Auto Supply-\$896.26; Spearfish Extinguisher Service-\$22.95; Street Image-\$60.00; T & W Appliance Knothole-\$505.63; Taser International-\$7,649.87; Texaco-\$7.43; The Repair Shop-\$260.00; Triple K Tire & Repair-\$1,103.14; Twin City Hardware & Lumber-\$578.09; Waste Connections-\$362.49; Western Communication-\$1,693.10; Whitewood, City Of-\$7,500.00; Xerox Corporation-\$159.00; Z&S Dust Control-\$1,765.27; **Witness & Jurors:** Carr,J-\$59.60; Howard,K-\$59.60; Hudson,R-\$53.84; Mcaulay,B-\$57.68; Nicholas,W-\$70.48; Phillips,R-\$51.92; Richendifer,K-\$59.60; Ritter,J-\$73.04; Votroubek,N-\$62.80

ADJOURN: 11:45 a.m. - There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – OCTOBER 26, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 26, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Opitz) to approve the minutes of October 12, 2004. Motion Carried.

PERSONNEL:

EMERGENCY MANAGEMENT: Moved-Seconded (Douglas-Weisenberg) to approve Rene' Larson as a permanent $\frac{3}{4}$ time employee. Motion Carried.

SHERIFF: Moved-Seconded (Douglas-Seward) to approve the advertising for a part-time dispatcher. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Nick Armstrong as a part-time correctional officer at the base rate of \$11.39 an hour, after the completion of 40 hours of training at \$7.29 an hour, effective 10-15-2004. Motion Carried.

TRAVEL REQUESTS:

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for David Heck to attend the District Five Meetings in Bison, SD on November 4th and to travel to the 2005 NDWCA Annual Meeting and Conference in Bismarck, ND on January 13-15, 2004. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Ewing) to approve the travel request for Rick Mowell to attend the SD Sheriff's Association Fall Conference in Pierre, SD on October 26-29, 2004. Motion Carried.

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Douglas) to approve the travel request for William Locken to attend the VSO Executive Committee meeting in Pierre, SD on November 5, 2004. Motion Carried.

RESOLUTION #04-25 TO ESTABLISH CONSOLIDATED BOARD OF

EQUALIZATION: Moved-Seconded (Opitz-Weisenberg) to approve the following Resolution #04-25 to establish a Consolidated Board of Equalization. Motion Carried. **BE IT RESOLVED** the Lawrence County Commission, Deadwood, South Dakota that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Lawrence County, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School District and Spearfish School District. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11. **BE IT FURTHER RESOLVED** that three members from the Lawrence County Commission and one member of the City Commission and one member of the School District shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66. **BE IT FURTHER RESOLVED** that the Lawrence County Commission, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School

District and Spearfish School District shall be responsible for the per diem, salary and mileage costs of the respective members that serve on the consolidated Board of Equalization. Lawrence County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless the Lawrence County Commission, City of Lead, City of Deadwood, City of Central City, City of Spearfish, Lead/Deadwood School District or Spearfish School District shall request that they be modified prior to December 1st of each year. **THIS RESOLUTION** shall be binding upon Lawrence County Commission, Deadwood, South Dakota upon each governing body adopting this Resolution according to law. Dated this 26th day of October, 2004. FOR THE BOARD OF COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor.

LAWRENCE COUNTY RESOLUTION #2004-26 FIRE RESPONSE BOUNDARIES:

Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the following Resolution 2004-Defining the Fire Response Boundaries. Motion Carried. WHEREAS, The Lawrence County Fire Advisory Board has recommended defining fire department response boundaries for Lawrence County, inclusive; and WHEREAS, the Lawrence County Commission recognizes the need to establish boundaries for the purpose of determining which fire department is the first initial fire responder; and WHEREAS, a Fire Response Boundary Map will also aid fire departments in locating and arriving quickly at the scene of a fire; NOW THEREFORE BE IT RESOLVED; that the Lawrence County Commissioners, with the advice and cooperation of the Lawrence County Fire Advisory Board, hereby establishes fire response boundaries for all fire departments located in Lawrence County and adopts the attached Lawrence County Fire Response Boundary Map legally described as follows: The boundaries of the Spearfish Canyon Fire Response Area are described as: (per Fire District previously elected) LAWRENCE COUNTY: Sections 1-24, Township 3 North, Range 1 East; Sections 2-11 and 14-19, Township 3 North, Range 2 East; all of Township 4 North, Range 1 East (or Sections 1-36, T4N, R1E); Sections 4-9, 14-23 and 26-35, Township 4 North, Range 2 East; Sections 13-36, Township 5 North, Range 1 East; Sections 17-20, 30 and 31, Township 5 North, Range 2 East; BHM, Lawrence County South Dakota. The boundaries of the Whitewood Fire Response Area are defined as: (per Fire District previously elected) LAWRENCE COUNTY: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, in Township 7 North, Range 4 East of the B.H.M.; Sections 1 through 36, inclusive, in Township 6 North, Range 4 East of the B.H.M., including the municipality of Whitewood, South Dakota; Sections 1, 12, 13, 24, 25 and 36 in Township 6 North, Range 3 East of the B.H.M.; and Section 2, 3, and 4 in Township 5 North, Range 4 East of the B.H.M., all in Lawrence County South Dakota. The boundaries of the Rochford Fire Response Area within Lawrence County are defined as: (per Fire District previously elected) LAWRENCE COUNTY: All of Sections 25 through 36, inclusive, T3N, R1E, All of Sections 20 through 36, inclusive, T3N, R2E; All of Sections 19 through 22 and 27 through 34, inclusive, T3N, R3E, BHM, All of Sections 1 through 6, inclusive, T2N, R1-3E; All of Sections 3 through 6, inclusive, T2N, R4E; Those parts of Sections 7 through 12, inclusive, located in Lawrence County, T2N, R1-3E; Those parts of Sections 7 through 10, inclusive, located in Lawrence County, T2N, R4E, B.H.M. South Dakota and The boundaries of the Spearfish Fire Response Area are defined as: LAWRENCE COUNTY: Sections 1 through 12 inclusive in Township 5 North, Range 1 East of the B.H.M.; Sections 1 through 36 inclusive in Township 6 North, Range 1 East of the B.H.M.; Those portions of Sections 7 through 36 inclusive within Lawrence County in Township 7 North, Range 1 East of the B.H.M.; Sections 2 through 11, and Sections 14 through 16 inclusive in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 36, inclusive in Township 6 North, Range 2 East of the B.H.M., Sections 1 through 36 inclusive within Lawrence County in Township 7 North, Range 2 East of the B.H.M.; Sections 5 through 11, and Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 6 North, Range 3 East of the B.H.M.;

Sections 18, 19, 30, 31 in Township 7 North, Range 3 East of the B.H.M. The boundaries of the St. Onge Fire Response Area are defined as: LAWRENCE COUNTY: Sections 2 through 4 inclusive in Township 6 North, Range 3 East of the B.H.M.; Sections 1 through 17, and Sections 20 through 29, and Sections 32 through 36 inclusive in Township 7 North, Range 3 East of the B.H.M.; Sections 4 through 9, Sections 16 through 20, and Sections 29 through 32 inclusive in Township 7 North, Range 4 East of the B.H.M. The boundaries of the Sturgis Fire Response Area within Lawrence County are defined as: LAWRENCE COUNTY: Sections 1, 10, 11, 12, 13, 14, NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, and the SE $\frac{1}{4}$, and the North $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, NE $\frac{1}{4}$ of Section 23, and Sections 24, 25, 36 in Township 5 North, Range 4 East of the B.H.M. The boundaries of the Deadwood Fire Response Area are defined as: LAWRENCE COUNTY: The North $\frac{1}{2}$ of Section 1, and that portion of Section 2 that is East of Highway 385 in Township 4 North, Range 3 East of the B.H.M.; Sections 1, 12, 13, the North $\frac{1}{2}$ of Section 24, in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 18 inclusive, the North $\frac{1}{2}$ of Section 19, Sections 20 through 26 inclusive, the SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, of Section 27, the North $\frac{1}{2}$ of Section 28, the NE $\frac{1}{4}$, North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, that portion of Sections 34 and 35 that is East of US Highway 385, and Section 36 in Township 5 North, Range 3 East of the B.H.M.; Sections 5 through 9 inclusive, the South $\frac{1}{2}$ of the SW $\frac{1}{4}$, of Section 15, Sections 16 through 22 inclusive, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 23, and Sections 26 through 35 inclusive in Township 5 North, Range 4 East of the B.H.M. The boundaries of the Lead Fire Response Area are defined as: LAWRENCE COUNTY: Sections 1, 12, 13, in Township 3 North, Range 2 East of the B.H.M.; Sections 1 through 3 inclusive and Sections 10 through 13 inclusive, and Sections 24, 25, 36 in Township 4 North, Range 2 East of the B.H.M.; Sections 21 through 23 inclusive, the South $\frac{1}{2}$ of Section 24, Sections 25 through 36 inclusive, in Township 5 North, Range 2 East of the B.H.M.; SW $\frac{1}{4}$, of Section 4, Sections 5 through 9 inclusive, and Sections 16 through 18 inclusive in Township 3 North, Range 3 East of the B.H.M.; That portion of Section 2 that is West of US Highway 385, Sections 3 through 11 inclusive, that portion of Section 12 that is West of US Highway 385, the North $\frac{1}{2}$ of Section 15, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, the North $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 16, Sections 17 through 20 inclusive, and Sections 29 through 32 inclusive in Township 4 North, Range 3 East of the B.H.M.; the South $\frac{1}{2}$ of Section 19, the SW $\frac{1}{4}$, of Section 27, South $\frac{1}{2}$ of Section 28, the NW $\frac{1}{4}$, SW $\frac{1}{4}$, South $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 29, Sections 30 through 33 inclusive, and that portion of Section 34 that is west of US Highway 385 in Township 5 North, Range 3 East of the B.H.M. The boundaries of the Brownsville Fire Response Area are defined as: LAWRENCE COUNTY: Sections 1 through 3 inclusive, the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive, and Sections 35, 36, in Township 3 North, Range 3 East of the B.H.M.; The South $\frac{1}{2}$ of Section 1, that portion of Section 12 that is East of US Highway 385, Sections 13, 14, the South $\frac{1}{2}$ of Section 15, the South $\frac{1}{2}$ of the SE $\frac{1}{4}$, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12, that are West of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M.; and that part of Section 7 in Township 2 North, Range 5 East lying west of Highway 385. The boundaries of the Nemo Fire Response Area are defined as: LAWRENCE COUNTY: The portions of Section 1 and the portions of Section 12 that are East of US Highway 385 in Township 2 North, Range 4 East of the B.H.M.; Sections 1, 12, 13, 24, 25, and 36 in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 6 inclusive, and that part of Section 7 lying east of Highway 385, and Sections 8 through 12 inclusive in Township 2 North, Range 5 East of the B.H.M.; Sections 1 through 36 inclusive in Township 3 North, Range 5 East of the B.H.M.; Section 36 in Township 4 North, Range 4 East of the B.H.M. Dated this 26th day of October, 2004. FOR THE BOARD: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor.

LAWRENCE COUNTY RESOLUTION # 2004-27 RESOLUTION TO LIFT THE TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE COUNTY:

Moved-Seconded (Ewing-Seward) to approve and authorize the Chairman to sign the following Resolution #2004-27 To Lift The Temporary Emergency Regulation Of Fire Hazards In Lawrence County. Motion Carried. WHEREAS, the Lawrence County Commission is charged with protecting the health and safety of citizens of Lawrence County including all property situated therein; and WHEREAS, on August 9, 2004 the Lawrence County Commission instituted temporary controls to ban open burning, prohibit fireworks, and any other activity which could be reasonably calculated to lead to the ignition and/or spread of wildfires in Lawrence County; and WHEREAS, after consultation with local fire and emergency personnel, it has been determined that the threat posed by wildfires has abated; NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commission does hereby lift the temporary controls instituted by Resolution #2004-17. Dated this 26th day of October 2004. FOR THE BOARD: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor.

FOUR WHEEL DRIVE BACKHOE/LOADER: Moved-Seconded (Opitz-Ewing) to set the bid opening for a Current Year Model Four Wheel Drive Backhoe/Loader for 9:00 am on November 23, 2004. Motion Carried.

PHASE II FOREST SERVICE PLAN PROJECT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Letter of Agreement with the SD Department of Agriculture Resource Conservation and Forestry on the Phase II Amendments to the Forest Service Plan Project. Motion Carried

SHERIFF BUSINESS:

TASER EQUIPMENT: Joe Harmon updated the Board on the new taser equipment that has been ordered. Training will be conducted for the new equipment. \$20,000 volts will be transmitted from the tasers and they can reach 25 feet.

SPEED TRAILER: Moved-Seconded (Opitz-Ewing) to approve the purchase of a speed trailer to be utilized by the Sheriff's Office. Motion Carried. Harmon stated donations have been received for the purchase of the trailer and the remaining amount is within the Sheriff's budget.

EMERGENCY MANAGEMENT GRANTS: Moved-Seconded (Douglas-Opitz) to approve and authorize the Chairman to sign the Office of Public Safety State of South Dakota Sub-grantee Award Letter of Agreement HMEP Planning Grant CFDA #20.703 for \$5,250.00. Motion Carried.

FIRE EQUIPMENT: Paul Thomson discussed the bid specs for the new fire equipment (water tender truck), which will be partially purchased with Lawrence County Title III funds. The bid specs will ask for a 2 wheel drive and 4 wheel drive option. Ewing questioned name brand specifications. The Board stated name brands can't be on the bid specs and directed Thomson to remove name brands and bring the specs back to the Board on November 4, 2004.

SAFETY MANUAL: Paul Thomson provided a copy of the new Safety Manual for Lawrence County and compliance spreadsheet.

COMMUNITY HEALTH SERVICES: Wade Huntington provided the Quarterly Report and the Guide to Community Health Services. The South Dakota Department of Health developed two possible contractual options for the delivery of community health services in Lawrence County for 2005. The Board asked for a third option to consider.

FOREST PLAN PHASE II AMENDMENT: Pam Brown, US Forest Service District Ranger, was present with Forest Service Officials to Discuss the Forest Plan Phase II Amendment. The Draft Environmental Impact Statement (DEIS) for the Phase II Amendment (Phase II DEIS) to the Black Hills National Forest Land and Resource Management Plan has been released and the 90-day public comment period has started. The comment period ends December 15, 2004. The DEIS addresses Viability of Plant and Wildlife Populations, Fire and Insect Hazard, Research Natural Area Assessment, and Social and Economic Impacts. Comparisons were made for the various alternatives and the current Phase I Amendment. Alternative 6 is the DEIS preferred alternative. It provides enough habitat for each of the 89 emphasis species to maintain species viability. It reduces fire and mountain pine beetle hazard more than the other alternatives and recommends five candidate RNAs to provide more species conservation. The Board and concerned citizens expressed concerns on the 230 million board foot deficit in cut timber, mountain pine beetle infestations, lack of forest management and the fact that forest growth figures are not calculated into the projections in the alternatives.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$6,087.68; Treas-\$8,124.29; Comp-\$4,937.48; States Atty-\$8,709.19; Pub Def-\$4,394.52; Gen Govt Bldg-\$5,203.04; Equal-\$10,832.64; Rod-\$5,845.04; Vso-\$989.31; Disp-\$9,482.98; Sher-\$26,535.16; Jail-\$16,403.79; Emerg Mngt-\$2,568.91; E911-\$1,347.62; Highway-\$32,724.21; Air-\$51.52; Ext-\$1,194.16; Weed-\$2,376.34; PZ-\$1,717.51; **Bills:** Fitzgerald,J-\$34.00; Kosel,J-\$28.80; Smith,M-\$19.84; Weisenberg,T-\$52.56; 4HCCS Distribution Center-\$128.65; A.Rifkin Co-\$215.59; A&B Welding Supply-\$18.00; A-Z Shredding-\$28.25; ABC Business Supply-\$362.46; Alco Store-\$8.00; Amoco Oil-\$245.87; BH Collection Service-\$50.00; BH Federal Credit Union-\$8,604.14; BH Pest Control-\$215.00; BH Pioneer-\$202.39; BH Power & Light-\$7,066.33; Behavior Mngt Systems-\$1,384.25; Biegler,G-\$60.00; Brownsville Fire Dept-\$833.00; Buckstop Express Mart-\$1,175.00; Bullberry Systems-\$5,232.19; Butler Machinery Co-\$220.90; Butte County Sheriff-\$34.90; Butte Electric Coop-\$175.14; Cellular One-\$248.82; Chemical Sanitizing Sys-\$7.51; Christensen Law Office-\$1,124.00; Cleveland Cotton Products-\$118.27; Clinical Lab Of BH-\$2,123.04; CNA Surety-\$50.00; Cole Information Services-\$199.95; Community Health Services-\$50.00; Correctional Billing Svc-\$5.73; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$64.75; Dakota Graphics-\$546.00; Dartek Computer Supplies-\$651.65; Deadwood Home Center-\$79.96; Dept Of The Treasury-\$35,592.78; Diamond Mowers-\$307.43; Domestic Crisis Outreach-\$665.00; EF Johnson Company-\$22,896.25; Ellingson,J-\$568.10; Ensignal-\$19.95; Evercom Systems-\$1,272.09; Express Collections-\$79.16; Extension Service-\$130.31; Fast Break Screen Printing-\$200.00; Federal Express Corp-\$9.94; Fisher Sand & Gravel-\$26,591.80; Fox, Youngberg & Lewno-\$169.88; Frederickson,J-\$180.00; Gateway Master Distributors-\$4,261.61; Great Western Tire-\$466.00; Greens Alignment-\$500.94; Havemeier,L-\$90.00; Hewlett-Packard Company-\$858.00; Honeywell-\$1,965.30; Hood & Nies & Dardis-\$744.44; Hughes County Sheriffs-\$10.50; Huron Culvert & Tank Co-\$4,557.60; IBM

Corp-\$493.02; Ikon Office Solutions-\$61.60; Jacobs Precision Welding-\$43.00; Kadrmas, Lee And Jackson-\$534.85; Kimball-Midwest Co-\$489.53; Kinney,M-\$487.16; LC Centennial-\$327.31; LC Sheriff-\$124.95; LC Treasurer-\$100.00; Language Line Services-\$116.60; Lead, City Of-\$159.96; Lead-Deadwood Sanitary-\$35.00; Lewis & Clark BHS-\$130.00; Mayer Radio-\$137.11; Mearthur,J-\$120.00; McLeod's Office Supply-\$364.38; Meade County Sheriff-\$29.00; Montana Dakota Utilities-\$797.23; Mountain Shadows Estates-\$160.00; NH Collection-\$50.00; NH Drug Task Force-\$702.91; NH General Hospital-\$660.00; Neighbors,J-\$264.00; Nelson,T-\$360.00; Neve's Uniforms-\$51.94; NFPA International-\$540.00; Office Of Child Support-\$284.50; Office Technology/Supply-\$30.74; Paperdirect-\$43.93; Pennington Co Auditor-\$244.00; Pennington Co Jail-\$1,251.85; Pennington County Sheriff-\$52.80; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$20.00; Porter Law Office-\$108.40; Queen City Motors-\$21.95; Quill Corp-\$270.26; Qwest-\$963.15; RC City Of-\$1,180.00; RC Regional Hospital-\$237.00; Radio Shack/Kazco-\$929.94; Regan Battery Maint Services-\$585.92; Reindl,S-\$3,212.72; SD Dept Of Revenue-\$730.00; SD Human Services Center-\$322.60; SD Supplemental Retirement-\$857.00; Sanito Oil-\$19,163.28; Schmit,A-\$240.00; Servall Towel & Linen-\$292.47; Shedd Jewelers-\$120.95; Silverado-\$376.58; Spearfish Auto Supply-\$232.26; Spearfish City Of-\$1,285.00; Stanley & Durr-\$315.00; Subway-\$25.82; Teen Court-\$767.52; Tellinghuisen, Gordon & Percy-\$216.00; Twin City Hardware & Lumber-\$650.92; US Dept Of Interior-\$1.10; US Postal Service-\$5,000.00; Verizon Wireless-\$402.08; Victims Of Violence-\$665.00; Viking Office Prod-\$619.84; Voelker & Adams-\$252.30; Walmart Store-\$479.70; Waste Connections-\$145.53; Wells Fargo Bank-\$51.25; West Group-\$1,092.00; Western Sd Juvenile Serv-\$4,121.43; Yankton County-\$91.05; Z&S Dust Control-\$4,108.77; **Witness & Jurors:** Wetz,J-\$29.60; Gillespie,A-\$62.80; Hubbard,T-\$62.80; Leahy,R-\$62.80; Montgomery,B-\$60.24; Nicholas,J-\$69.20; Novotny,R-\$51.28; Pabst,J-\$61.52; Rehorst,J-\$57.68; Dunwoody,D-\$29.60; Graves,A-\$29.60; Gregory,J-\$28.32; Hammond,R-\$48.80; Hughes,B-\$21.92; Lafayette,K-\$29.60; Lawson,C-\$21.92; Lee,S-\$20.64; Maynard,M-\$21.60; Niemeyer,J-\$28.32; Niesent,T-\$29.60; Parker,E-\$29.60; Rask,B-\$48.80; Span,J-\$28.96; Stouffer,M-\$21.92

ADJOURN: 11:45 a.m. - There being no further business it was Moved-Seconded (Opitz-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 4, 2004

Vice-Chairman Bob Ewing called the special meeting of the Lawrence County Commissioners to order at 11:00 a.m. on October 26, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, George Opitz and James J. Seward present. Terry W. Weisenberg was absent

All motions were passed by unanimous vote unless stated otherwise.

CORONER: Moved-Seconded (Seward-Douglas) to accept the resignation of K. Michael Chaput as County Coroner. Motion Carried. Weisenberg absent.

Moved-Seconded (Douglas-Seward) to appoint Randall Rosenau as County Coroner to fill the term of K. Michael Chaput. Motion Carried. Weisenberg absent.

2004 GENERAL ELECTION: Moved-Seconded (Opitz-Seward) to canvass the 2004 General Election Results. Motion Carried. Weisenberg absent.

BID OPENING – WATER TENDER: Moved-Seconded (Seward-Douglas) to set the bid opening for the new County water tender for December 14, 2004 at 9:00 a.m. Motion Carried. Weisenberg absent.

EXECUTIVE SESSION: 11:37 a.m. Moved-Seconded (Seward-Opitz) to go into executive session for personnel matters. Motion Carried. Weisenberg absent. 12:05 p.m. reopened for regular business. No action was taken.

ADJOURN: 12:18 p.m. - There being no further business it was Moved-Seconded (Seward-Douglas) to adjourn. Motion Carried. Weisenberg absent.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 9, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 9, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present. Opitz left at 10:50 a.m.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Douglas-Ewing) to approve the minutes of October 26 and November 4, 2004. Motion Carried.

PERSONNEL:

GGB: Moved-Seconded (Opitz-Weisenberg) to approve Tamara N. Blevins as a permanent part-time 20-29 hours a week, Maintenance I, effective November 8, 2004 at a base rate of 9.59/hr. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Opitz) to approve Nathan Ross as a full time heavy equipment operator at the base rate of \$15.31 an hour, effective 11-22-2004. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Megan Fitzgerald as a temporary dispatcher at the base rate of \$11.39 an hour, effective 11-9-2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairman to sign the Emergency Management FY2005 State and Local Agreement (SLA) between the State of South Dakota and Lawrence County. Motion Carried.

HOLIDAY LUNCHEON: Moved-Seconded (Douglas-Seward) to allow the County Offices to close from 11:30 a.m. to 1:00 p.m. on December 14, 2004 for the Holiday Luncheon. Motion Carried.

GILT EDGE MINE: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to send a letter to Ken Wangerud stating that the County Commission has concluded that it joins the State in recommending that the affected properties be reclaimed for woodland grazing/forest meadow. Motion Carried.

COUNTY HEALTH NURSE: The Board discussed three options for County health services in Lawrence County. Moved by Seward to choose option 3 which would have one contractor (State Department of Health) and one office in Lawrence County, located in Spearfish, for an increase of \$443 for 2005. Motion died due to lack of second.

Moved-Seconded (Opitz-Ewing) to approve option 2 which would have one contractor (State Department of Health) and two offices in Lawrence County, located in Spearfish and Deadwood, for an increase of \$7,633 for 2005, effective 1-1-2005. Aye-4, Nay-Seward. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Seward) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of October 31, 2004 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$327,041.43; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000.00; Bank Balance-\$1,264,479.59; Savings-\$8,551,175.52; GNAMS-\$41,445.16; and Money Market \$1,195,361.78, Total \$15,082,388.48

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Douglas-Opitz) to approve an automatic supplement of \$4,949.00 in the Emergency Management Search & Rescue budget to cover reimbursement from the State of South Dakota on the Search and Rescue Trailer. Motion Carried.

INVASIVE SPECIES MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Opitz) to approve an automatic supplement of \$1,916.00 in the Invasive Species Management supplies budget to cover reimbursement from the United States Treasury. Motion Carried.

RESOLUTION 2004-28: Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign Resolution #2004-28 that Lawrence County's financial statements will be prepared on OCBOA. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2004-28: Whereas the Governmental Accounting Standards Board (GASB) issued statement of Governmental Accounting Standard No. 34 – Basic Financial Statements – and Management's Discussion Analysis (No. 34) and Lawrence County needs to established what measurement focus basis of accounting will be utilized, and Whereas GASB encourages and requires that policies are established for Capital Assets, Interest Earnings, and Restricted and Unrestricted Resources. Now Therefore, Be It Resolved that Lawrence County's financial statements will be prepared on "other comprehensive basis of accounting" (OCBOA), the cash receipts and disbursements basis of accounting (GASB 34 "cash basis"). One modification to the cash basis method of accounting is that long-term investments acquired with cash assets will be recorded at cost. Be It Further Resolved that Lawrence County sets the following Capital Assets Capitalization Amounts: Land – All; Buildings -\$50,000; Improvements Other than Buildings - \$50,000; and Equipment and Vehicles - \$5,000. Be It Further Resolved that County funds receive their applicable amount of interest earnings and will be recorded in the respective fund. Be It Further Resolved that Lawrence County sets the following Restricted and Unrestricted Resource Policy: When both restricted and unrestricted resources are available for use, it is Lawrence County's policy to use restricted resources first, then unrestricted resources as they are needed. Dated this 9th day of November, 2004.
LAWRENCE COUNTY COMMISSION FOR THE BOARD: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, Auditor

UTILITY PERMIT: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-of-Way for Alan Crago, Hardin Lane, for a livestock water line. Motion Carried.

GERANIUM ENVIRONMENTAL ASSESSEMENT: Dean Rasmuson and Bill Coburn were present to discuss the Timber Committee comments on the Geranium Environmental Assessment. The Timber Committee proposal is as follows: Proposal: Use Alternative A as the base. Do more aspen enhancement work like is in Alternative B. Do more prescribe burning under Alternative A. None proposed in alternative A. Need to have some travel management plan that increases dispersed motorized recreation including off road travel. It seems like every EA that the USFS works on proposes less open roads and no increased travel opportunities. Would suggest that the USFS look at including some mandatory POL removal for some of the areas. There is a significant amount of dead fuel on the west side of the old fish hatchery that could use some treatments piling and burning. Hopefully KV money could be used to do some work in this area. With all things considered the Lawrence County Timber Committee would like to commend the USFS for doing a comprehensive job on this project.

Moved-Seconded (Ewing-Seward) to approve the comments of the Timber Committee and forward a copy of the comments with a letter to Pamela Brown, US Forest Service. Motion Carried.

CHANGE OF ZONING #239/DEVELOPMENT PLAN: A public hearing was held on a request for Change of Zoning #239 - Owner/Representative: Ken Nelms, Legal Description: Lots 4 & 5, Block 2, of the Original Township of St. Onge, AKA 204 Center Street, From: A-1 General Agriculture To: General Commercial, Location: St. Onge, Purpose: For Use as an Office and to Re-Establish a Restaurant/Entertainment Facility. Ken Nelms presented the following business Plan for 214 Center Street St Onge SD: The Main goal is to restore the once grand building that housed St Onge Bank, The Rancher, and early Western Bar. It also housed a mercantile that sold tools and hardware. The upstairs was the woodsman club with a Kitchen and a Dancehall. The building was the center of Commerce for St Onge for many years. The Rancher was open until the 1980's. The building has since fallen into disrepair and is in desperate need for Restoration. The proposed Business Plan is designed to bring in funds to restore the building. The plan for the main floor is for Epic Construction Inc. with an office, storage for tools, and a 3 bay workshop. Epic Construction is a residential construction company and has been involved in the construction of many houses in the Black Hills area. The proposed restoration will highlight the skills of Epic Construction and provide needed office space, as well as provide a place to work on Epic equipment. The main floor will have 2 front entrances. The southwest corner will house a gift or antique shop, with an office and bathroom, and may be leased by others. The Rancher will be upstairs. The timeline is: Year 1, to restore the downstairs façade to qualify for historical listing and possible grants. Year 2, establish an office for Epic Construction. Year 3, open the gift shop and continue work upstairs. Year 4, open the upstairs (limited) and completion of the entire project is scheduled for Year 5.

Opitz questioned if water and sewer is available. Nelms stated he has checked into the matter and he has water and sewer. A local resident spoke in favor of the project and stated it would

add something to the community. Community member Greg Weidner spoke against the project expressing concerns that there isn't a need for another bar in the community and they don't have law enforcement that can respond quick enough if the need arises. Parking, noise and public nuisance were also voiced. Mike Leveque stated he had property across the alley and would like to see the building fixed up but is concerned about the noise. Nelms stated they would only be selling beer and wine because they do not have a hard liquor license. Nelms stated it would not be a bar that it would be a restaurant.

The public hearing was closed and the Board discussed the request for Change of Zoning. Planning and Zoning recommended denial on the application for a change of zoning on lots 4, 5, 6, 7, and 8. However, this request has been downgraded because they are now only requesting a change of zoning on lots 4 & 5. The Board discussed the past commercial use of the building and stated it is located in the core area of St. Onge. Access Roads are good and the utilities are appropriate.

Moved-Seconded (Seward-Opitz) to approve Change of Zoning #239 - Owner/Representative: Ken Nelms, Legal Description: Lots 4 & 5, Block 2, of the Original Township of St. Onge, AKA 204 Center Street, From: A-1 General Agriculture To: General Commercial, because the roads and utilities are sufficient for the request, the historical use of the building is commercial and is located in the core area of St. Onge making it appropriate for commercial use. Motion Carried.

VARIANCE #92 TRAVIS RUFF: A public hearing was held on Request #92 from Travis Ruff on Legal Description: Lot Y7 of Lots 3 & 4 SE1/4 NW1/4 located in Sec. 4, T6N, R2E, B.H.M., Location: Spearfish Valley, Purpose: 2' Encroachment into 25' Front Set Back Requirement. No public was present to speak and the public hearing was closed. Moved-Seconded (Seward-Ewing) to approve Request #92 from Travis Ruff. Motion Carried.

ROCHFORD RIDGE SUBDIVISION: Ralph Reausaw and Al Schreier discussed the Rochford Ridge Estates security proposal. A letter of credit from Wells Fargo will be used for surety and the paperwork is being prepared. Schreier stated they would be making some changes to the plat because of some changes to the roads. Outka stated the additional road costs need to be included in the surety agreement.

SPEARFISH JOINT POWERS AGREEMENT: Brandon Flanagan and Jayna Shewak, Spearfish Planning and Zoning, discussed the joint powers agreement. The Board stated they would be willing to accept the developments that have no development or are developed out for building permits. The Board stated consistency and uniformity is needed within the subdivisions. The Board was also in agreement to sign a two-year agreement. A county building code official was mentioned and Flanagan stated that issue would come before the Board at a later time after he has compiled all the numbers.

INVASIVE SPECIES MANAGEMENT: Dave Heck and Paul Miller were present to discuss the weed infestation problem on Forest Service Land. Heck stated they wanted to meet with the

Forest Service and discuss the management of weeds. The Board stated they were in support of Dave Heck meeting with the Forest Service.

BOULDER CANYON SCENIC BYWAY: Paul Berry and Dwight Peterson were present to ask the Board to support a scenic byway for Boulder Canyon. The Board discussed a Resolution that was adopted in 1995 that established a non-outdoor advertising sign overlay zone along Highway 85. Berry stated they didn't feel a resolution like this would protect them enough, and stated they only want to preserve the aesthetic beauty of the canyon. Berry stated they are not interested in obtaining any money to build pullouts. The Board decided a public hearing would be scheduled to get more input on the matter before making any decisions.

BILLS: Moved-Seconded (Ewing-Douglas) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$6,447.59; Treas-\$7,548.46; Comp-\$4,691.64; States Atty-\$10,203.60; Pub Def-\$4,197.95; Gen Govt Bldg-\$4,665.44; Equal-\$10,021.05; Rod-\$5,471.14; Vso-\$989.31; Disp-\$9,245.62; Sher-\$26,528.64; Jail-\$14,257.29; Emerg Mgnt-\$2,568.95; E911-\$1,253.60; Highway-\$30,676.34; Air-\$25.76; Ext-\$1,085.60; Weed-\$1,396.96; PZ-\$2,232.09;

Bills: Baumann,M-\$30.00; Fitzgerald,J-\$30.00; Flanagan,B-\$282.47; Jansevics,J-\$19.60; Larson,D-\$161.60; Mcgruder,B-\$45.76; Mowell,R-\$7,128.00; Nelson,M-\$13.12; Ostert,C-\$3.25; Rear,K-\$75.00; Sargent,D-\$9.60; Smith,M-\$12.80; Tridle,D-\$12.00; Vogt,A-\$1.59; Weisenberg,T-\$136.53; A&B Business Equip-\$371.28; A&M Transport-\$210.00; A-Z Shredding-\$12.75; ABC Business Supply-\$1,468.64; Accurint Accounts Receivable-\$23.50; Alco Store-\$42.95; Altaire Enterprises-\$20.00; Aman,B-\$85.00; Amcon Distributing-\$327.82; American Family Life-\$2,719.71; Amoco Oil-\$339.22; AT&T-\$0.92; Audiss,J-\$230.80; BH Chemical Company-\$527.14; BH Collection Service-\$22.78; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$2,446.07; BH Land Analysis-\$1,440.00; BH Medical Ctr Pharmacy-\$3,049.73; BH Pioneer-\$48.85; BH Power & Light-\$459.41; Baker,E-\$85.00; Baker,H-\$85.00; Best Business Prod-\$45.29; Best Western Ramkota Inn-\$330.00; Black Hills Pure-\$11.50; Blue Cross-\$42,746.30; Burleson,A-\$85.00; Burleson,S-\$85.00; Butte Electric Coop-\$1,591.59; Cabela's Retail-\$139.99; Callahan,M-\$85.00; Carlsen & Aldinger-\$1,320.00; Caserio,B-\$35.00; Caserio,M-\$85.00; Cellular One-\$981.23; Chemical Sanitizing Sys-\$122.91; City/County Alcohol & Drug-\$5,169.00; Clark Printing-\$156.00; Coburn Insurance Agency-\$75.00; Coburn,B-\$162.12; Comfort Inn-\$140.00; Conoco-\$222.45; Cook,S-\$85.00; Cook,W-\$85.00; Corral West-\$26.95; Credit Collections Bureau-\$50.00; Crosswait,R-\$29.25; Damuth,M-\$75.00; Dartek Computer Supplies-\$265.39; Deadwood Home Center-\$1.98; Deadwood Recreation Center-\$94.00; Deadwood, City Of-\$597.63; Deckers Food-\$14.04; Dept Of The Treasury-\$33,598.72; Derosier,L-\$205.68; Dingeman,E-\$85.00; Ecsi-\$195.00; Eddy,S-\$75.00; Elan Financial Services-\$110.89; Election Sys & Software-\$2,042.80; Ellingson,J-\$2,434.22; Ensignal-\$29.99; Express Collections-\$79.16; Extension Service-\$719.26; Family Fun-\$9.95; Family Thrift Center-\$23.47; Fast Break Screen Printing-\$160.00; Fuller,J-\$111.60; Gold Dust-\$79.49; Golden West Technologies-\$33.00; Goodrich,J-\$85.00; Graveman,S-\$85.00; Gustafson,A-\$85.00; Havemeier,L-\$327.80; Hewlett-Packard Company-\$7,467.02; Holiday Inn-\$118.80; Holiday Inn Express-\$261.40; Hood & Nies & Dardis-\$545.86; Hovland,A-\$115.00;

Howe,M-\$85.00; Hughes,L-\$85.00; Hughes,W-\$85.00; Hunt,D-\$124.60; Huntley,K-\$57.60; Ikon Office Solutions-\$105.88; Integrity Ford-\$59.06; Kellogg,D-\$124.60; Keough,M-\$93.00; Kids-\$12.00; Kieffer,T-\$68.00; King,M-\$127.25; Kinney,M-\$844.33; Knecht True Value-\$30.71; Koala Electric-\$254.88; Kullbom,J-\$75.00; Kullbom,T-\$139.50; LC Auditor-\$3.85; LC Centennial-\$784.38; LC Emerg Mgnt-\$11.57; LC Public Health-\$2,208.00; LC Sheriff-\$189.06; LC Treasurer-\$100.00; Lead, City Of-\$49.20; Lead-Deadwood Sanitary-\$323.16; Little,C-\$85.00; Littleton,D-\$85.00; Loken,M-\$75.00; Luthern Social Services-\$782.46; M&T Fire & Safety-\$116.00; Marshall & Swift-\$1,901.90; Martin,J-\$85.00; Masters,P-\$85.00; Mattson,B-\$139.50; Mattson,D-\$85.00; May, Johnson, Doyle& Becker-\$2,902.44; Mcarthur,J-\$40.00; McCormick,R-\$124.60; Mcgrath,M-\$85.00; McLeod's Office Supply-\$180.20; Meade County Sheriff-\$7.50; Mickelson,C-\$137.12; Millard,N-\$75.00; Moe,F-\$75.00; Montana-Dakota Util-\$2,887.67; NH Collection-\$50.00; NH Family Ymca-\$286.00; NH General Hospital-\$60.29; National Academy Of Emd-\$180.00; Nelson,B-\$85.00; Northern Hills Casa-\$4,500.00; Nugent,J-\$85.00; Office Max-\$49.29; Office Technology/Supply-\$127.02; Optries-\$504.35; Chickering,C-\$85.00; Paasd-\$325.00; Pawlowski,L-\$85.00; Pennington County Sheriff-\$21.60; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$413.06; Quaschnick,E-\$115.00; Queen City Rocket Lube-\$92.75; R C Finance Office-\$1,155.00; R C Regional Hospital-\$230.53; Rabe Elevator-\$568.45; Ridley,R-\$124.60; Robidou,E-\$85.00; Robinson,P-\$75.00; Rombough,D-\$440.20; Rotert,J-\$85.00; SD Retirement System-\$38,711.49; SD State Treasurer-\$60.00; SD Human Services Center-\$725.02; SD Supplemental Retirement-\$857.00; Sandidge,V-\$85.00; Schenk,D-\$85.00; Schmit,A-\$240.00; Servall Towel & Linen-\$196.36; Seymour,C-\$114.60; Silvernail,G-\$115.00; Slate Creek Counseling-\$260.13; South Dakota Ltap-\$60.00; Spearfish Auto Supply-\$31.24; Taylor,J-\$115.00; Teen Court-\$3,548.66; Tellinghuisen, Gordon & Percy-\$793.42; The Motherlode-\$180.00; Top Cat Steno-\$217.00; Trent,J-\$124.60; Tri-Tech-\$65.87; Twin City Hardware & Lumber-\$125.78; US Bank-\$1,293.75; U S Geological Survey-\$12,900.00; United Parcel Service-\$12.60; Viking Office Prod-\$91.62; Waisanen,A-\$85.00; Walmart Store-\$230.14; Waste Connections-\$223.93; Weber,E-\$75.00; Wells Fargo Bank-\$26.00; Western Communication-\$382.10; Westphal,H-\$85.00; White's Electronics-\$49.90; York,B-\$116.92; Zwingelberg,A-\$94.60; Robinson,W-\$75.00; **Witness & Jurors:** Carr,J-\$59.60; Gillespie,A-\$62.80; Howard,K-\$59.60; Hubbard,T-\$62.80; Hudson,R-\$53.84; Leahy,R-\$62.80; Lee,M-\$51.28; Mcaulay,B-\$57.68; Montgomery,B-\$60.24; Nicholas,J-\$69.20; Nicholas,W-\$70.48; Novotny,R-\$51.28; Pabst,J-\$61.52; Phillips,R-\$51.92; Rehorst,J-\$57.68; Richendifer,K-\$59.60; Ritter,J-\$73.04; Aldren,H-\$132.00; Aman,R-\$21.52; Bailey,L-\$19.60; Barrett,L-\$103.84; Brady,S-\$19.60; Brown,T-\$112.80; Caron,K-\$13.20; Cass,G-\$11.92; Clark,R-\$16.40; Coffield,K-\$106.40; Conner,C-\$19.60; Coyle,D-\$17.68; Crane,R-\$24.72; Croft,S-\$17.04; Dahl,D-\$22.80; Deis,D-\$22.80; Dittus,J-\$11.28; Edwards,S-\$19.60; Engel,L-\$22.80; Feterl,J-\$11.28; Friedel,K-\$19.60; Haak,R-\$125.60; Hagen,T-\$11.92; Hochstetler,L-\$12.56; Holst,K-\$20.24; Huddleston,R-\$19.60; Kerber,L-\$103.84; King,D-\$11.92; Kinghorn,S-\$11.92; Kratz,J-\$11.92; Krautschun,T-\$26.00; Kruzal,M-\$17.04; Larson,J-\$16.40; Lee,T-\$19.60; Levy,C-\$26.00; Mathis,B-\$20.88; Matthew,T-\$12.56; Mcneill,C-\$11.92; Merchen,M-\$26.00; Meredith,D-\$114.08; Millard,C-\$13.20; Morgan,B-\$10.64; Oedekoven,H-\$108.96; Parke,H-\$16.40; Peacemaker,E-\$20.88; Pearman,P-\$21.52; Podoll,S-\$17.04; Pongruber,G-\$115.36; Redinger,P-\$133.28; Schroeder,K-\$11.92; Schumacher,G-\$14.48; Shostrom,K-\$10.64; Starkey,S-\$125.60; Steinbach,B-\$112.80; Stich,L-\$15.12; Swanhorst,E-\$20.88; Terveen,S-\$22.80; Toavs,S-\$38.80; Treber,J-\$121.76; Veldman,A-\$26.00; Walker,B-\$21.52; Walker,D-\$17.68; Wermers,J-\$11.92;

ADJOURN: 11:40 a.m. - There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Aye-4, Absent-Opitz. Motion Carried.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 23, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 23, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Opitz-Weisenberg) to approve the minutes of November 9, 2004. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Douglas-Opitz) to approve Wendy Nolan-Zweber as a full time cook/jail assistant Grade 2 to Grade 3 at the base rate of \$12.67 an hour, effective 11-16-2004. Motion Carried.

TREASURER : Moved-Seconded (Douglas-Weisenberg) to approve Sally Atkinson as a Secretary G3 at the base rate of \$12.21 an hour, effective 12-1-2004. Motion Carried.

Moved-Seconded (Douglas-Seward) to approve Ina Peck as an Accounting Clerk G2 at the base rate of \$10.16 an hour, effective 12-1-2004. Motion Carried.

REGISTER OF DEEDS: Moved-Seconded (Douglas-Opitz) to approve Roxie Feterl as a Records Clerk G2 at the base rate of \$10.16 an hour, effective 12-1-2004. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Opitz) to allow employees to donate leave to Tim Barrett. Motion Carried.

COUNTY HEALTH INSURANCE: Moved-Seconded (Seward-Weisenberg) to follow the recommendation of the Health Insurance Committee and allow two options for health insurance plans for the employees. Motion Carried.

TRAVEL REQUESTS:

AUDITOR: Moved-Seconded (Douglas-Opitz) to approve the travel request for Connie Atkinson to attend the GASB 34 Training in Rapid City, SD on December 13, 2004. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve the travel request for Paul Thomson to travel to Chamberlain , SD to attend a Committee Meeting on December 7-8, 2004. Motion Carried.

HOUSING COMMISSION: Moved-Seconded (Opitz-Ewing) to appoint Coreen Lerwick to the Lawrence County Housing Board to replace Pat Rotert who resigned his position on the Board. Motion Carried.

SAPPHIRE LANE ROAD DISTRICT: Moved-Seconded (Opitz-Seward) to canvass the election results for Sapphire Lane Road District with 16 (sixteen) ballots cast: 16 (sixteen) for the incorporation of Sapphire Lane Road District and 0 (zero) against incorporation of the Road District.

Moved-Seconded (Opitz-Seward) to approve and authorize the Chairman to sign the following Order Declaring Sapphire Lane Road District Incorporated. Motion Carried.

ORDER DECLARING SAPPHIRE LANE ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the registered voters in the Sapphire Lane Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on November 22, 2004. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was 16 (sixteen), together with the number of 16 (sixteen) voting for and the number of 0 (zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Tracts 1, 2 and 3-B of Lot 3-E; Lot A of Tract 2 of Lot 3-E; Lots A and B of Tract 3-C of Lot 3-E; Remainder of Tract 3-C of Lot 3-E; Tracts A and B of Lot 3-F; Lot 3-C; Lots 1, 2A and 2B of Tract 2 of Lot 3A; Lots 1 and 2 of Lot 4 of Outlot A; Lots 5,6,7 and 8 of Outlot A; W 1/2 and E1/2 of Lot 9 of Outlot A; W1/2 and E1/2 of Lot 10 of Outlot A; All in the NW1/4 of Section 5, Township 6 North, Range 2 East B.H.M., Lawrence County, South Dakota: all located in Lawrence County, SD. WHEREAS, the Board of County Commissioners are satisfied with the legality of such election. WHEREAS, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the Sapphire Lane Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 23rd day of November, 2004. TERRY W WEISENBERG, Chairman Lawrence County Commission. ATTEST:
CONNIE ATKINSON, Auditor

SHERIFF VEHICLE BIDS: Moved-Seconded (Ewing-Seward) to set the bid opening for December 28, 2004 at 9:00 a.m. for three sheriff vehicles. Motion Carried.

COMMUNITY HEALTH SERVICES: Wade Huntington was present to review the Community Health Services that will be available in the Spearfish and Lead/Deadwood area, effective 1-1-2005. Offices will be located at 930 10th Street, Spearfish, SD and at 9 Kirk Road, Deadwood.

BACKHOE/LOADER BID: The following bids were received for the new current year model four wheel drive backhoe/loader for the highway department: Butler Machinery Cat 420D \$72,000 (-) guaranteed bid price (7 years or 7,000 hrs) \$32,000 = Total guaranteed maximum cost of ownership \$40,000; RDO 2005 John Deere 310SG \$69,811 000 (-) guaranteed bid price

(7 years or 7,000 hrs) \$25,000 = Total guaranteed maximum cost of ownership \$44,811; Jenner Equipment – did not bid total cost. Moved-Seconded (Opitz-Seward) to follow the recommendation of Highway Superintendent and award the bid to Butler Machinery for a CAT 420D. Motion Carried.

HIGHWAY REDWATER BRIDGE PROJECT BRO 8041 (13): Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the following Resolution #04-29 on the Redwater Bridge Project. Motion Carried.

LAWRENCE COUNTY #04-29: COUNTY FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION: WHEREAS, the Lawrence County Board of County Commissioners desire the replacement xx or rehabilitation _____ (check one) of the bridge hereinafter described: LOCATION AND LENGTH: Str. 41-090-009 located 0.5 mi. W & 7 mi. N of Spearfish over Redwater River AND WHEREAS, Lawrence County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements .AND WHEREAS, Lawrence County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds. AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons: 1.) The sufficiency rating is 40.9. 2.) The bridge is ___ or is not _____ located on a County or Township designated minimum maintenance Road. 3.) The bridge is located on a Federal Aid Route _____, a school bus route _____, a mail route _____, a field to farm to market route _____, a lake or recreation access route _____, or other (please specify) _____. 4. The load carrying capacity of the existing bridge can _____ or cannot xx be improved to carry legal loads by rehabilitation of the existing bridge. NOW THEREFORE BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges", the bridge replacement or rehabilitation project at the above described location. Consultant services are to be with xx or without ___ Federal Participation. Preliminary Engineering Services by State Forces with xx or without _____ Federal Participation are the Hydraulic Study and the Foundations Investigation (if necessary). Construction administration is to be handled by State forces with Federal Participation. Lawrence County will have sufficient funds available during calendar year 2005 to match available Special Bridge Replacement Funds. Vote of Commissioners: Yes 5 No 0, Dated at Deadwood, SD, this 23rd day of November, 2004. Terry W. Weisenberg, Chairman, ATTEST: Connie Atkinson, Auditor.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the Utilities Certificate for Project Number BRO08041 (13). Motion Carried.

Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Letting Authorization for Project Number BRO08041 (13). Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Right of Way Certificate for Project Number BRO08041 (13). Motion Carried.

ABATEMENTS:

LIVINGSTON, CHARLES: Moved-Seconded (Seward-Opitz) to approve the abatement for Charles S. Livingston on a 94 Liberty Mobile Home Title #10774369 because the mobile home was moved to Wyoming in July, 2004. Motion Carried.

CHANGE OF ZONING # 240/DEVELOPMENT PLAN / HANDER: A public hearing was held on a request for Change of Zoning #240 Development Plan for Owner/Representative: Donald & Karen Hander; Legal Description: W ½ N ½ SE ¼ SE ¼ and the W ½ E ½ N ½ SE ¼ SE ¼ of Section 16, T6N, R4E, B.H.M (Tract H); From: A-1 Agriculture To: C/LI – Commercial Light Industrial; Location: North of I-90 and Whitewood; Purpose: To build a shop for construction business. Tommy Thompson expressed concerns about gypsum soil, water, sewer, roads, access and questioned why they were not notified for the Planning and Zoning hearing. Reata Weyrich questioned the use of a platted subdivision road for commercial use. Moved-Seconded (Seward-Ewing) to table the issue to determine if proper notification was given to neighboring property owners. Motion Carried.

COMPREHENSIVE PLAN: Brandon Flanagan, Planning and Zoning Director discussed the Comprehensive Plan. UGA/IGA, Reduction in Base Density, Zoning & Subdivision Ordinances, Zoning Map and a County Code Official were topics of discussion. Flanagan reviewed fee schedules, liability concerns and costs for the Code Official. Flanagan stated the citizens of the county would receive a higher level of service, basic protection and it could be done with no additional cost to the County. The fees charged for the building permits would cover the additional expenses of a code official.

FINAL PLAT / RILEY – HIGGINS GULCH: Roger Riley, Developer, was present to request final plat and surety approval for tracts 1 through 6 Higgins Gulch. The Board discussed the road and shoulder work that needs to be completed. Chuck Williams was present and suggested a Surety deposit be held by the County until roadwork is completed.

Moved-Seconded (Seward-Weisenberg) to accept the \$1,000 Surety Deposit, for road improvements, to be held by the County; road improvements to be completed on or before July 1, 2005, if improvements are not completed by that time to county specs, the County may finish the improvements and may recoup their costs from the deposit, and any amount expended by the County above and beyond the \$1,000 to complete the road improvements; building permits will not be issued on the property until road improvements are completed. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve the final plat for Roger Riley, Developer / Arleth & Associates, Legal Description: Tracts 1 through 6 of Higgins Gulch Subdivision, located in the NE ¼ NW ¼ of Section 13, T6N R1E B.H.M. Location: Higgins Gulch West of Spearfish, Purpose: New Tracts - Tract 1 = 5.26 Acres; Tract 2 = 12.03 Acres; Tract 3 = 3.34; Tract 4 = 4.97 Acres; Tract 5 = 4.97 Acres; Tract 6 = 9.89 Acres; with the Surety Condition attached. Motion Carried.

CONDITIONAL USE PERMIT #299 / MPT INC./JIM KIRBY & BILL PEARSON: A public hearing was held on conditional use permit #299, Owner/Representative: MPT Inc./Jim Kirby & Bill Pearson, Legal Description: Lot 3 Block 1 Except H1 Oak Mountain Country Estates, located in Section 18, T5N, R4E, B.H.M., Location: Hwy 14A East of Deadwood, Purpose: To Allow for Offices and Storage. Roger Tellinghuisen, Attorney representing the petitioners, provided the certified receipts for notification to Flanagan, and stated they have reviewed the proposed attached conditions.

Tom Hill and Jerome Harvey expressed concerns on septic, water, outdoor storage, retail/commercial development, and congestion on the highway. Discussion followed that the previous use of the building was commercial and the water and septic is in place and is addressed in the conditions. The Forest Service previously had up to 40 employees utilizing the building. Tellinghuisen asked that retail be allowed so business such as insurance sales, surveying, art galleries, and etc., would be acceptable. Outdoor storage will not be allowed and is covered under condition #5.

The public hearing was closed. A proposed condition on retail services vs. retail goods were discussed. Tellinghuisen stated there might be a retail goods business that would be low impact but yet suitable for the area. Tellinghuisen stated the covenants are different for this piece of property. Douglas suggested a condition on highway congestion and discussion followed. Outka stated this is a conditional use permit that will be reviewed yearly, or earlier if problems are brought forward. Outka stated if a questionable tenant is brought in the CUP could be jeopardized. Tellinghuisen stated this is an issue that will have to be addressed by the Tenant and Landlord, when the space is leased, that will provide the landlord with a termination of the lease if the CUP is in jeopardy.

Ewing stated during the public hearing for a change of zoning the public stated they wouldn't have a problem with a conditional use permit but didn't want the permanent change of zoning.

Moved-Seconded (Seward-Ewing) to approve conditional use permit #299, MPT Inc./Jim Kirby & Bill Pearson with the following conditions. Motion Carried. **ATTACHED CONDITIONS:** Applicants are requesting the County grant permit for the operating of "For Lease" office and storage space in an existing office building and existing storage building. This shall be to allow leasing of space to multiple individuals in either structure for office, retail, and/or storage space. 1) Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking area shall be located within designated areas. 2) One on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 3) Screen Planting shall be provided along the west and north property boundaries. A screen-planting plan shall be submitted by the principle operator to the Administrator for approval of the location and time frame of the plantings. 4) Storage of paint, pesticides, fuels, or other hazardous materials shall conform to all state and federal regulations. 5) There shall be no outdoor storage of vehicles or equipment allowed. 6) The landing of helicopters on the property shall be restricted to emergency situations only. 7) Exit signs, emergency lighting, fire extinguishers, fire detection or suppression systems will be inspected as required by the State Fire Marshall's Office. 8) Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption. 9) Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand. 10) Any improvements or modifications to the septic system shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). 11) All noxious weeds shall be controlled per the Lawrence County Weed Department regulations. 12) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 13) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 14) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

WHITEWOOD CREEK WATERSHED RESTORATION PLAN: Craig Shaver discussed the Whitewood Creek Watershed Restoration Plan. Shaver stated Meade County has reviewed the Draft Conceptual Restoration Plan for Whitewood Creek and the Belle Fourche and Cheyenne River Watersheds, South Dakota and have prepared comments. The comment period ends December 1, 2004.

SEARCH & RESCUE ALUMINUM RESCUE BODY BIDS: Moved-Seconded (Ewing-Seward) to set the bid opening for December 28, 2004 at 9:15 a.m. for 1 –2005 Aluminum Rescue Body to be mounted on a 2005 F550 Cab and Chassis supplied by Lawrence County. Motion Carried.

BILLS: Moved-Seconded (Ewing-Opitz) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$6,407.98; Treas-\$8,120.65; Comp-\$5,007.37; States Atty-\$12,572.77; Pub Def-\$4,394.51; Gen Govt Bldg-\$5,356.68; Equal-\$10,844.87; Rod-\$5,845.05; Vso-\$989.31; Disp-\$9,938.72; Sher-\$26,937.20; Jail-\$16,721.32; Emerg Mgnt-\$3,417.64; E911-\$1,378.96; Highway-\$30,433.29; Air-\$122.36; Ext-\$1,194.16; Weed-\$2,008.78; Pz-\$2,433.68;

Bills: Atkinson,C-\$188.50; Baumann,M-\$32.00; Fitzgerald,J-\$32.00; Kosel,J-\$9.28; Leatherman,D-\$9.76; Rear,K-\$99.76; Smith,M-\$23.04; Weisenberg,T-\$563.73; A&B Business Equip-\$191.89; A&B Welding Supply-\$6.60; A&I Distributors-\$498.52; A&J Supply-\$103.80; A&M Transport-\$140.00; A-Z Shredding-\$21.50; ABC Business Supply-\$148.97; Amick Sound-\$709.35; APCO Institute-\$540.00; Archonix Services-\$4,224.00; AT&T-\$13.19; BH Federal Credit Union-\$8,604.14; BH Pest Control-\$95.00; BH Pioneer-\$976.31; BH Power & Light-\$5,961.88; BH Powersports-\$298.00; Best Western Ramkota-\$69.00; Bickle's Truck & Diesel-\$720.96; Butler Machinery Co-\$17,616.64; Campbell Supply-\$449.00; Central Parts-\$1,050.77; Character Counts-\$25.00; Christensen Law Office-\$236.50; City/County Alcohol & Drug-\$315.00; Clinical Lab Of B H-\$6.30; Credit Collections Bureau-\$50.00; Crume,K-\$440.00; Culligan Soft Water Serv-\$127.25; Dakota Graphics-\$675.00; Dakotaland Equipment-\$47.94; Dale's Tire & Retread-\$4,360.00; Dartek Computer Supplies-\$107.70; Dept Of The Treasury-\$36,534.26; Div Of Motor Veh-\$13.00; Domestic Crisis Outreach-\$442.50; Eagle Aviation-\$546.59; Ecolab-\$93.00; Election Sys & Software-\$2,428.00; Ellingson,J-\$215.43; Evident Crime Scene Products-\$209.00; Express Collections-\$79.16; Fastenal-\$147.08; Frederickson,J-\$917.00; Gateway Master Distributors-\$406.29; Genpro Power Systems-\$299.98; Gilbarco-\$99.00; Glenney,T-\$120.00; Godfrey's Brake Serv-\$420.01; Golay,B-\$7.27; Greens Alignment-\$261.50; Heisler Hardware-\$64.23; Hewlett-Packard Company-\$783.00; Hills Material Comp-\$6,819.29; Honeywell-\$21,480.00; Hood & Nies & Dardis-\$776.46; IBM Corp-\$53.44; Insight Public Sector-\$254.99; JD Evans-\$270.84; Jacobs Precision Welding-\$46.80; Kadrmas, Lee And Jackson-\$12,161.75; Karpinen,S-\$400.00; Kinney,M-\$4,132.10; LC Assessor-\$23.00; LC Auditor-\$25.00; LC Centennial-\$382.64; LC Treasurer-\$100.00; Lawson Products-\$327.39; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$65.15; Matthew Bender & Co-\$178.65; Mcfarling,B-\$403.16; Meade Co Auditor-\$86.40; Meade County Sheriff-\$7.50; Midwest Alarm Co-\$84.00; Mobile Electronic Service-\$141.45; Montana-Dakota Util-\$229.11; NH Collection-\$50.00; NH General Hospital-\$420.00; Nelson,T-\$160.00; Neve's Uniforms-\$601.95; Newman Traffic Signs-\$2,042.55; Office Technology/Supply-\$34.99; Outdoor Motor Sports-\$588.33; Pennington Co Auditor-\$540.00; Pennington Co Jail-\$1,426.11; Pennington County Sheriff-\$19.20; Pennington County Sts Attny-\$400.00; Percy Law-\$72.00; Phoenix Investigations-\$915.88; Pitney Bowes-\$250.82; Postmaster, Deadwood-\$222.00; Pronto Auto Supply-\$22.64; Qwest-\$916.27; RC Journal-\$246.00; RC Medical Center-\$154.93; RC Regional Hospital-\$1,572.79; Rchetto,J-\$802.80; Radio Shack/Kazco-\$579.96; Reindl,S-\$886.42; Reliable-\$501.47; Rud-Chain-\$7,161.61; SD Dept Of Transportation-\$463.70; SD Supplemental Retirement-\$857.00; Sanito Oil-\$1,040.40; Scott Peterson Motors-\$14,546.50; Secretary Of State-\$25.00; Servall Towel & Linen-\$292.47; Shoemaker,V-\$600.00; Silverado-\$232.88; Sinclair Oil Corporation-\$16.34; Small's Typewriter Service-\$32.50; Spearfish Auto Supply-\$792.05; Stadler Ind Service-\$5,800.00; Summit Signs & Supply-\$980.97; Team Lab Chemical-\$2,351.25; Tellinghuisen, Gordon & Percy-\$3,222.82; Tigerdirect-\$313.43; Triple K Tire &

Repair-\$100.50; Twin City Hardware & Lumber-\$193.42; United Parcel Service-\$23.60; Verizon Wireless-\$339.83; Victims Of Violence-\$442.50; Voelker & Adams-\$2,353.33; Waste Connections-\$138.56; West Tire And Alignment-\$3,066.32; Western SD Juvenile Serv-\$1,559.46; Z&S Dust Control-\$9,063.98; Ziggy's Building Center-\$103.10; **Witness & Jurors:** Wickenheiser,T-\$29.60; Newton,J-\$30.88; Carr,J-\$59.60; Gillespie,A-\$62.80; Howard,K-\$59.60; Hubbard,T-\$62.80; Hudson,R-\$53.84; Leahy,R-\$62.80; Lee,M-\$51.28; Mcaulay,B-\$57.68; Montgomery,B-\$60.24; Nicholas,J-\$69.20; Nicholas,W-\$70.48; Novotny,R-\$51.28; Pabst,J-\$61.52; Phillips,R-\$51.92; Richendifer,K-\$59.60; Ritter,J-\$102.64; St James,A-\$60.24; Votroubek,N-\$62.80; Caton,E-\$20.00; Caton,N-\$29.60; Niesent,T-\$32.80; Baenen,T-\$20.64; Beasley,B-\$29.60; Brennan,T-\$20.64; Cottrill,J-\$39.20; Fay,K-\$21.92; Foster,M-\$29.60; Gibson,D-\$29.60; Hicks,C-\$29.60; Hogan,P-\$32.80; Huntley,S-\$71.20; Jeffords,L-\$20.64; Jensen,M-\$21.92; Kopp,S-\$21.92; Larson,M-\$62.40; Martinez,A-\$59.68; Stock,J-\$29.60; Watson,L-\$20.00; Weber,A-\$26.40; Williams,R-\$29.60

ADJOURN: 11:50 a.m. - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried. Douglas absent.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – DECEMBER 14, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 14, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Seward-Ewing) to approve the minutes of November 23, 2004. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Douglas-Weisenberg) to approve Lori Fredericksen as a part time Dispatcher II G3, at the base rate of \$13.10 an hour, effective 12-1-2004. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Dawn Allen as a full time Correctional Officer II G3, at the base rate of \$13.10 an hour, effective 12-1-2004. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Opitz) to approve Jeff Harper as a Heavy Equipment Operator at the base rate of \$15.31, effective 11-16-2004. Motion Carried.

TRAVEL REQUESTS:

SHERIFF: Moved-Seconded (Douglas-Seward) to approve the travel request for Rick Mowell and Paul Hansen to attend the SD LECC Training Conference in Sioux Falls, SD on November 17-19, 2004. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve the travel request for Lori Fredericksen to attend the telecommunicator class in Pierre, SD on November 28 thru December 10, 2004. Motion Carried.

AMBULANCE AGREEMENT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the chairman to sign the ambulance agreements with Northern Hills General Hospital for Emergency Ambulance Service for the year of 2005. Motion Carried.

SPEARFISH MAINTENANCE SHOP: Moved-Seconded (Seward-Douglas) to authorize the Chairman to send a letter to the SD Dept of Transportation agreeing to pay two-thirds of the well pump repairs and two-thirds of the cost of repairs to the septic system at the Spearfish Maintenance Shop yard, concurring that is fair to split the upkeep costs between the occupiers of the yard. Motion Carried.

PERSONNEL COMMITTEE: Moved-Seconded (Douglas-Ewing) to appoint a personnel committee consisting of Bob Ewing, Marlene Barrett, Connie Atkinson, Chuck Williams, Bruce Outka and a representative from the Sheriff's Office. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Opitz-Weisenberg) To accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of November 30, 2004 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days check deposit in transit)-\$140,604.31; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,718.87; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,704,192.04; Bank Balance-\$861,731.85; Savings-\$4,754,401.69; GNAMS-\$41,445.16; and Money Market \$1,196,139.33, Total \$10,707,118.25

SHERIFF BUSINESS: Joe Harmon requested that the Board consider amending the holiday pay policy for shift workers effective 1-1-2005. This would allow shift workers to observe the actual day of the holiday. The Board will reconsider on the 28th of December meeting.

Harmon discussed upgrading the Sheriff computer system. The estimated cost is \$250,000. This would be shared with Spearfish and Harmon estimates that he will have about \$95,000 in surplus 2004 funds that could be used towards the upgrade. Grant funds of \$35,000 will also be available. Harmon stated the video equipment that was budgeted to be installed in 2004 will not be done until 2005 and a supplement may be needed.

HIGHWAY BUSINESS:

BLACK HILLS TRAILS OFFICE: Moved-Seconded (Seward-Weisenberg) to authorize the SD Game Fish and Parks – Black Hills Trails Office to use the County Road ROW along the Rochford road from the Highway 85 junction south to the north side of the Golden Reward Parking Lot for a snowmobile trail. Motion Carried.

BOX ELDER FORKS ROAD: Chuck Williams discussed a petition received in regards to the Box Elder Forks Road at Nemo, commencing just behind the Nemo Guest Ranch at a point past the bridge and continuing for the next ½ mile along the Box Elder Forks Creek. The Nemo Community residents living along this stretch of road are concerned with the large amount of dust. Williams stated the cost for mag chloride on this road would be about \$870 for ½ mile. Williams stated he would be willing to apply the chloride if the Forest Service pays for the chloride. The Board asked Williams to relay the proposal to the Forest Service.

IRON CREEK CANYON ROAD: Charlie Fillmore and Gale Shockey were present to ask the Board to assist them in persuading the Forest Service to open a mile stretch of road within the Spearfish Canyon Fire Protection District to allow the Fire Department to respond quicker to fire calls. Fillmore stated if this was not possible they would like to opt out of the Spearfish Canyon Fire Protection District and receive services from the Spearfish Fire Department, as they now can respond quicker to calls. The Board stated the fire departments have cooperating agreements and Spearfish can still respond to calls within the district. The Board asked Fillmore and Shockey to work with Brandon Flanagan to see if this road could be determined to be a RS2477 Road. If this is a RS2477 road they can petition the Forest Service to open the road.

WATER TENDER / BID OPENING: The following bid was received for a new 2005 model 2000 gallon water tender. Danko: \$155,386, + \$1,865 if chassis is not paid upon delivery to factory, Option 1 -\$25,352 4-wheel drive, Option 2- \$4,255 (4x2) & \$3,050 (4x4), Option 3 -

\$380.00; Option 4 – standard, Option 5 - \$2,975, Option 6 - \$385.00, Option 7 - \$415.00, Option 8 - \$1,765. Bids will be reviewed, no action taken.

FINAL PLAT - HANDER/MAITLAND PARTNERS LLC: Moved-Seconded (Seward-Weisenberg) to approve the final plat of Lots 7, 32, 36, and 37 of Paradise Acres and Dedicated Right of Way, all of the Rodman, L. Fraction, and Ibex Lodes and portions of the Penobscot Fraction and Penobscot No. 2 Lodes of M.S. 1237; Annex Fraction, Contention, Golden Slipper, Golden Ledge, Golden Age, Combination, Anticipation and Bessie Fraction Lodes of M.S. 1678; Smoky City and Smoky City Fraction Lodes of M.S. 1662; Tract H and Tract I, all located in the NE¹/₄ and the SE¹/₄ of Section 18, T5N, R3E, B.H.M. and the S¹/₂ of Section 7, T5N, R3E, B.H.M Motion Carried.

SUPPLEMENTAL BUDGET: Moved-Seconded (Opitz-Weisenberg) to set a supplemental budget hearing for Mentally Handicapped Services for \$10,000 on December 28, 2004 at 8:15 a.m. Motion Carried.

2005 LIQUOR LICENSE RENEWALS: Moved-Seconded (Ewing-Seward) to renew the following liquor licenses for 2005: Package Liquor - Off Sale License: Kim J. Rhodes, Branding Iron Bar & Rest.; Tim & Janet Asheim (St.Onge Store); Retail Or Retail And Sunday On-Sale License Gary & Lisa Lutz, Spearfish Canyon Bar; Lead Country Club, Inc.; Vezaro, Inc., Guadalajara Mexican Restaurant; Spearfish Canyon Resorts LLC,; Dakota Resorts Management Group Inc., Deer Mountain Ski Area; Black Hills Chairlift Co.Inc.; Queen City Vfw Post #5860; Tomahawk Lake Country Club; Boulder Canyon Country Club; Retail On-Sale Wine - Spearfish Canyon Resorts LLC, (Latchstring Village); Seven Down LLC. Motion Carried.

LAWRENCE COUNTY RESOLUTION #04-30

RESOLUTION & ORDER VACATING A PORTION OF A SECTION LINE: A public hearing was held on a request for vacating a portion of a section line. Dale Rossow asked if the vacation could include the section line that goes through his property. The Board instructed Rossow a petition would need to be received for his request. No other public input was received.

Moved-Seconded (Seward-Ewing) to approve the following Lawrence County Resolution #04-30 Resolution & Order Vacating A Portion Of A Section Line. Motion Carried.

LAWRENCE COUNTY RESOLUTION #04-30 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Centennial, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: Beginning at the intersection of sections 11, 12, 13, and 14, Township 6 North, Range 4 East, BHM, Lawrence County, SD, and running Southerly along the section line approximately 1/2 of a mile to the 1/4 corner. Affecting The Landowners Listed Below: Terry and Patricia Larson, Gregory J. and Michelle R. Feterl, and Ahlers Properties, LLC, by Dwight Ahlers. Dated

this 14th day of December, 2004. TERRY W. WEISENBERG, CHAIRPERSON Lawrence County Commission. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

LAWRENCE COUNTY RESOLUTION #04-31

RESOLUTION & ORDER VACATING A PORTION OF A SECTION LINE: A public hearing was held on a request for vacating a portion of a section line. No public input was received.

Moved-Seconded (Seward-Ewing) to approve the following Lawrence County Resolution #04-31 Resolution & Order Vacating A Portion Of A Section Line. Motion Carried.

LAWRENCE COUNTY RESOLUTION #04-31 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Centennial, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: Beginning at the intersection of sections 13, 14, 23, and 24, Township 6 North, Range 4 East, BHM, Lawrence County, SD, and running Easterly along the section line approximately $\frac{3}{4}$ of a mile to the 1/16 corner. Affecting The Landowners Listed Below: Richard P. and Sharon M. Hagerty; Jason R. and Trina M. Hagerty, Duane L. and Shirley M. Schreuers, David L. and Elaine L. Musgrove, Greg A. Holien, and Ahlers Properties, LLC, by Dwight Ahlers. Dated this 14th day of December, 2004. TERRY W. WEISENBERG, CHAIRPERSON Lawrence County Commission. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

BOULDER CANYON SCENIC BYWAY: Dwight and Bonnie Peterson spoke in favor of a State Scenic Byway designation for Boulder Canyon. Peterson stated a sign would be placed on both ends of the canyon and a confidence sign in the middle. The state would be responsible for 78% of the costs and local match would be 22%. This would cover any turnouts or other improvements requested in the area. Peterson's stated they want to see the canyon preserved and to keep the billboards out without infringing on any property owners rights. Craig McIntire from the SD Department of Transportation was present to answer questions if needed.

Marguerite Kelly and Chuck Nelson spoke in opposition to the designation stating the property owners rights will be affected and it would not only affect the property owners bordering the road but also any property you can see from the road. Dwayne Tvedt, Mike Leveque, Floyd Caldwell, Ron Island, Jon & Barb Mattson, Pat Roberts and Jack Cole were among the concerned citizens who spoke against the designation. Concerns voiced were the need for billboards to support the community and income for some property owners and businesses. Loss of property rights and additional rules and regulations were also voiced. Real property values were discussed and the affects the designation may have on property values.

The Board discussed the current Planning and Zoning Ordinances and the rules and regulations currently in affect. The Meade County Natural Resource Committee stated they have opted not to support the Boulder Canyon Scenic Byway designation. Meade County has not decided if they

would support the designation request. Douglas stated she could not support the request for a scenic byway designation because it goes beyond billboards, and doesn't protect the canyon against them. The Board discussed sending a directive to Planning and Zoning to be cognizant of the concerns in the Boulder Canyon area.

Moved-Seconded (Ewing-Weisenberg) to approve and adopt the following Resolution #2004-33. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2044-33: RESOLUTION OF SUPPORT

DIRECTING PLANNING AND ZONING COMMISSION TO CONSIDER AND

INCORPORATE CITIZENS' CONCERNS AS THE SAME RELATES TO REGULATIONS

AFFECTING BOULDER CANYON AS A PART OF THE REVISION OF THE

COMPREHENSIVE PLAN AND DEVELOPMENT OF ZONING ORDINANCES:

WHEREAS, the Lawrence County Commission has been made aware of citizens' concern relating to the installation of outdoor advertising signs, also referred to as off premise signs, along that portion of Highway 14A commencing at the Deadwood municipal boundary and headed easterly to the Lawrence County/Meade County boundary. This section of road is commonly referred to as the "Boulder Canyon" highway. WHEREAS, the Boulder Canyon Highway represents a unique geologic traverse through a significant and nearly complete section of Paleozoic rocks. This same geology provides beautiful scenery for those residents, tourists and commuters passing along this portion of road; and WHEREAS, the Boulder Canyon highway passes through a mix of zoning districts, including: Park Forest, Highway Service Commercial and Suburban Residential. WHEREAS, the existing Lawrence County Zoning only permits outdoor advertising signs on commercially zoned property, and WHEREAS, the corridor along the Boulder Canyon Highway is recognized in the Lawrence County Comprehensive Plan as an area suitable for future commercial development, and resultantly the propagation of outdoor advertising signs, and WHEREAS, the Lawrence County Comprehensive Plan calls for the preservation of scenic features and viewscapes; and WHEREAS, the Lawrence County Planning

and Zoning Commission is presently undertaking the process of reviewing the existing Lawrence County Comprehensive Plan and Zoning Ordinances; and WHEREAS, the Lawrence County Board of County Commissioners has heard the input of landowners in Boulder Canyon, and the input of those with a stake in commercial interests all of which could be affected by regulations in Boulder Canyon; and NOW THEREFORE BE IT RESOLVED; that the Lawrence County Commission hereby directs the Lawrence County Zoning Commission to consider and implement, as a part of the current review of the Comprehensive Plan and Zoning Regulations, appropriate regulations accommodating, to the extent possible, the interests of those concerned, as the same meets the directives of the Comprehensive Plan. Dated this 14th day of December, 2004. FOR THE BOARD: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, Auditor.

RUBBLE SITE: Pat Milos and Dave Morris, City of Lead; Jim Raysor, City of Deadwood; and Karl Burke, HMC/Barrick were present to discuss the new and old rubble site. Milos stated they would like to see the County on the permit and share in the ownership of the land. He thanked the County for their assistance in closing the old rubble site. Morris asked the County to be on the permit and share in the ownership of the land. The Board stated the County was not on the old rubble site's permit, or part owners in the land. The County did provide in kind services and allocated money to the spring cleanup on a yearly basis. Jim Raysor stated the lowest bid came in at \$160,000 from RCS and since then they have additional material they can use, the bid price would be less. The cost to the county to close the old rubble site and prepare the new site would be about \$40,000. Raysor stated if the County decided to give an allocation and not be named on the permit or take part ownership in the land, he would be comfortable with the decision.

Moved-Seconded (Ewing-Opitz) to participate monetarily, up to \$40,000 plus in kind services, to assist in the closure of the old rubble site and to open the new site. Motion Carried. Aye-4, Nay-Seward. A contingency transfer will be made to the Commissioners Professional Services to pay the expenses. The County will pay 1/3 of the bills as presented, up to the \$40,000.

The Commissioners stated they would like to continue to participate in the spring cleanup so all county residences are allowed to use the facility. Raysor stated they would still welcome the Counties donation so all residence can participate in spring cleanup, even if the County chooses not to be a permit holder or have ownership in the land.

Moved-Seconded (Ewing-Opitz) Lawrence County will not become a legal owner in the land or be named as a permit holder for the new or old rubble site. Motion Carried. Aye-4 Nay-Weisenberg.

EMPLOYEE ID / ACCESS CARDS: Moved-Seconded (Douglas-Seward) to adopt and include the following Card Access Policy. Motion Carried.

Card Access Policy: • Only the person listed and shown on each card is authorized display or utilize the subject card. • Upon termination by resignation, or otherwise, employees are required to return the cards to the Security Officer, or their Department Head, who will immediately return the card to the Security Officer. • Whether or not a card is returned, Department Heads will notify the Security Officer, who will ensure the employee's card is deactivated in the Card Access System: • Employees are required to display the card in a visible location on their person while performing their job duties, whether on or off the premises. The only exceptions are: Law enforcement personnel visibly displaying badges; when attending off-site training, conferences or workshops; or, during any circumstances where the card becomes a potential safety hazard. Failure to comply with the established policies may result in disciplinary action, in accordance with the Lawrence County Personnel Manual. Employees will pay \$1.00 for cards if lost or destroyed.

ROCHFORD RIDGE ESTATES: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the Memorandum of Agreement between Lawrence County and HES 125, LLC (Ralph Reusaw) and to accept the Irrevocable Letter of Credit. Motion Carried.

FINAL PLAT – ROCHFORD RIDGE ESTATES: Moved-Seconded (Douglas-Seward) to approve and authorize the Chairman to sign the Final Plat of Lots 3, 4, 11, 13, 14, 16, 17,18, 20, 21, and dedicated public access easements, of Rochford Ridge Estates, a subdivision of H.E.S. 125, Located in the W1/2 of Section 32 and the E1/2 of Section 31, all located in T4N, R3E, BHM. Lawrence County, SD. Motion Carried.

ATM: Mary Kay Budmayer, Tri-State LTD proposed installing an ATM in the Courthouse Annex. Budmayer stated currently Lawrence County does not allow individuals to pay with credit cards. Placing an ATM in the building would allow the general public to have access to cash when renewing license tabs, paying court fees or fines, property taxes, liens, judgments, providing bail money, etc. Tri-State would install a full service-ATM, provide the vault cash, service and maintenance and 24 hour online cash monitoring without any charges. A \$3.00 transaction fee will be charged to the individual user that will go to Tri-State. After a 60-day monitoring period they will evaluate the usage of the machine and determine at that time if the placement of the ATM is beneficial to the County and Tri-State. If feasible a split of the transaction fee may be considered.

Moved-Seconded (Douglas-Seward) to allow Tri-State LTD to install an ATM machine in the Courthouse Annex. Motion Carried. The Board asked Budmayer to report back to the Board in 90 days.

EMERGENCY MANGEMENT VEHICLE: Moved-Seconded (Ewing-Weisenberg) to allow Emergency Management to purchase a 2005 Chevrolet Tahoe from Queen City Motors for \$29,000 because they could meet and exceed the state bid contract at \$29.004. Motion Carried.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$5,962.30; Treas-\$8,183.09; Comp-\$4,943.65; States Atty-\$12,262.94; Pub Def-\$4,394.51; Gen Govt Bldg-\$5,825.73; Equal-\$10,844.87; Rod-\$5,845.06; Vso-\$994.14; Disp-\$11,521.31; Sher-\$29,640.02; Jail-\$18,422.72; Emerg Mgnt-\$2,448.04; E911-\$1,378.96; Highway-\$31,946.51; Air-\$206.08; Ext-\$1,232.52; Weed-\$1,396.96; Pz-\$2,401.85; **Bills:** Larson,D-\$46.00; Mowell,R-\$7,753.50; Seward,J-\$325.00; Shanklin,K-\$43.84; Thomson,P-\$14.00; A&B Business Equip-\$1,730.86; A&B Welding Supply-\$32.95; A&I Distributors-\$353.30; A&J Supply-\$663.22; A&M Transport-\$70.00; A-Z Shredding-\$38.00; ABC Business Supply-\$2,107.56; Aberdeen LLC-\$65.99; Alco Store-\$347.81; Alpine Impressions LLC-\$60.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$392.00; American Family Life-\$2,719.09; Amoco Oil Co-\$270.99; Audiss,J-\$100.32; BH Ammunition-\$362.90; BH Chemical Company-\$1,795.57; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$2,507.43; BH Land Analysis-\$1,710.00; BH Medical Ctr Pharmacy-\$2,439.41; BH Pest Control-\$95.00; BH Pioneer-\$598.85; BH Power &Light-\$609.06; BH Window Cleaning-\$2,450.00; Behavior Mngt Systems-\$393.75; Behavior Mngt Systems-\$1,409.00; Best Business Prod-\$48.05; Best Western Ramkota Hotel-\$158.00; Biegler,G-\$60.00; Black Hills Pure-\$11.50; Blue Cross-\$43,071.32; Bob Barker Company-\$236.70; Brookings Inn-\$246.00; Butler Machinery Co-\$72,758.21; Butte County Sheriff-\$15.90; Butte Electric Coop-\$474.60; Cellular One-\$542.75; Central Parts-\$1,235.30; Chemical Sanitizing Sys Ltd-\$122.91; Christensen Law Office-\$600.25; Claggett,D-\$922.75; Clarke,N-\$426.10; Clinical Lab Of Bh-\$3,128.28; Conoco-\$233.05; Corral West-\$26.95; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$123.75; Dakota Graphics-\$210.00; Deadwood Home Center-\$66.76; Deadwood Photography-\$9.00; Deadwood Recreation Center-\$94.00; Deadwood, City Of-\$577.25; Dept Of The Treasury-\$38,051.21; Design Specialties-\$228.00; Dewese,R-\$390.60; Dietrich,D-\$123.55; Eagle Aviation-\$230.62; Eddie's Truck Sales/Serv-\$438.54; Ekeren,M-\$15.00; Elan Financial Services-\$644.46; Election Sys & Software-\$170.00; Ellingson,J-\$753.42; Ensignal-\$19.95; Esri-\$400.00; Evercom Systems-\$1,267.16; Evident Crime Scene Products-\$177.45; Executone Of The BH-\$13.00; Express Collections-\$79.16; Extension Service-\$641.10; Family Thrift Center-\$49.73; Fast Break Screen Printing-\$175.00; Fastenal-\$2,356.50; Federal Express Corp-\$15.09; Fish,V-\$108.80; Frederickson,J-\$784.80; Gall's-\$251.84; Gene's Lock Shop-\$150.00; Golay,B-\$459.80; Gold Dust-\$52.00; Golden West Technologies-\$17.00; Great Western Tire-\$37.95; Havemeier,L-\$37.00; Haywire Fencing-\$4,755.00; Heisler Hardware-\$71.14; Henry Schein-\$219.77; Hewlett-Packard Company-\$755.00; Hobby Lobby-\$381.02; Hood & Nies & Dardis-\$755.00; Huron Culvert & Tank Co-\$10,781.00; Ikon Office Solutions-\$105.88; Inland Truck Parts-\$69.31; Integrity Ford-\$15.60; J&H Underground-\$3,292.56; Jonathan Publishing-\$39.00; Jones,M-\$46.48; Jones,S-\$244.00; Kadrmas, Lee And Jackson-\$8,500.75; Kar Products-\$395.82; Karpinen,S-\$240.00; Ken's Camper Sales-\$207.40; Kieffer,T-\$18.40; Kimball-Midwest Co-\$82.76; Kinney,M-\$1,057.22; Knecht True Value-\$238.64; Kooistra,N-\$15.00; LC Auditor-\$51.85; LC Centennial-\$508.37; LC Emerg Mgnt-\$25.76; LC Public Health-\$2,208.00; LC Sheriff-\$868.33; L C Treasurer-\$100.00; Lead, City Of-\$54.00; Lead-Deadwood Sanitary-\$298.86; Lee,J-\$15.00; Lehrke,T-\$100.00; Lewis & Clark Bhs-\$130.00; Light & Siren-\$2,413.98; Lincare-\$400.50; Macks Auto Body-\$296.67; Mcleod's Office Supply-\$993.67; Meade Co Auditor-\$442.40; Meade County Sheriff-\$8.90; Montana-Dakota Util-\$5,237.43; Mutchler,T-\$328.30; NH Collection-\$50.00; NH Family Ymca-\$486.00; NH General Hospital-\$538.84; NACVSO-\$30.00; NASPPG-\$2,520.48; National Emergency-\$95.00; Nelson,T-\$280.00; Neve's Uniforms-\$202.65; Paradeis,D-\$409.85; Pennington County Sheriff-\$39.90; Perez,C-\$53.19; Postmaster, Spearfish-\$3.83; Pro Rental Management-\$255.00; Queen City

Motors-\$79.32; Queen City Rocket Lube-\$358.36; Queen City Tire-\$464.00; Queen Motel-\$255.00; Qwest-\$880.26; RC Finance Office-\$875.00; RC Journal-\$170.00; RC Regional Hospital-\$3,187.59; Rabe Elevator-\$648.65; Rachtetto,J-\$1,756.59; Radio Shack/Kazco-\$211.97; Regan Battery Maint Services-\$130.00; Reindl,S-\$1,251.74; Rensch,T-\$3,595.80; Ritz Camera-\$2,204.80; Rombough,D-\$64.04; Root Spring Scraper Co-\$168.23; Royal Electric-\$75.48; SD Assn Of Co Comm-\$3,898.22; SD Retirement System-\$41,237.64; SD State Treasurer-\$257.40; SD AAO-\$330.00; SD CVSO-\$50.00; SD Dept Of Transportation-\$4,481.09; SD Sheriff's Association-\$518.40; SD Supplemental Retirement-\$857.00; Sanito Oil-\$13,077.28; Servall Towel & Linen-\$292.47; Sign Express-\$195.13; Sinclair Oil Corporation-\$41.39; Slate Creek Counseling-\$382.40; Spearfish Alt/Starter Rebuild-\$45.00; Spearfish Auto Supply-\$449.13; Spearfish Glass-\$3.32; Spearfish Husky-\$356.50; Spearfish Motors-\$168.52; Specialized Auto Service-\$10.87; State Bar Of South Dakota-\$1,525.00; Summit Signs & Supply-\$2,502.50; Texaco-\$46.21; The Cad Zone-\$209.00; Tigerdirect-\$416.37; Tri-State Leader Forum-\$20.00; Triple K Tire & Repair-\$493.40; Twin City Hardware & Lumber-\$315.85; US Bank Corp Trust Debt Manag-\$12,320.00; UAP Timberland-\$16,609.60; United Parcel Service-\$12.95; Velvet Uniforms-\$60.00; Versatile Carpets & Inter-\$8,186.41; Walmart Store-\$549.45; Waste Connections-\$362.49; Wells Plumbing & Farm Supp-\$21.51; West Group-\$666.50; Westcoast Sales & Market-\$78.53; Western Communication-\$2,827.93; Wheeler Lumber-\$126.00; Whorton,R-\$146.08; Wienk,M-\$392.40; Williams Standard Serv-\$21.95; Wolff's Plumbing & Heating-\$229.50; Yankton Co Sheriff-\$33.00; **Witness & Jurors:** Carr,J-\$59.60; Gillespie,A-\$62.80; Hubbard,T-\$62.80; Montgomery,B-\$60.24; Nicholas,W-\$70.48; Novotny,R-\$51.28; Pabst,J-\$61.52; Ritter,J-\$73.04; St James,A-\$60.24; Soller,K-\$21.92; Brown,N-\$21.92; Ford,L-\$34.72; Fuchs,C-\$54.56; Galea,C-\$52.00; Hanna,C-\$21.60; Haraldson,M-\$135.20; Hoffman,T-\$32.16; Husky,D-\$20.64; Johnson,M-\$21.28; King,E-\$59.20; Kyte,J-\$20.64; Lavallie,T-\$29.60; Lyons,D-\$29.60; Mork,P-\$29.60; Morris,D-\$21.92; Pierce,E-\$21.28; Podoll,J-\$27.04; Quackenbush,B-\$48.80; Ritter,D-\$29.60; Miranda,L-\$22.88; Rutowski,A-\$20.00; Rutowski,D-\$29.60; Soller,L-\$21.92; Zindler,K-\$20.64; Zupet,T-\$20.64

ADJOURN: 2:52 pm - There being no further business it was Moved-Seconded (Douglas-Opitz) to adjourn. Motion Carried. Douglas absent.

DATE APPROVED

TERRY W. WEISENBERG, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – DECEMBER 28, 2004

Chairman Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 28, 2004 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing, George Opitz and James J. Seward present.

All motions were passed by unanimous vote unless stated otherwise.

MINUTES: Moved-Seconded (Ewing-Opitz) to approve the minutes of December 14, 2004. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Douglas-Weisenberg) to approve Anita McNeil as a full time Deputy Public Defender at the base rate of \$44,000, effective 1-31-2005. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Opitz) to approve Brandon Bott as an Appraiser III G-1 at the base rate of \$13.36 an hour, effective 1-1-2005. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Dennis Schumacher as an Appraiser IV G-1 at the base rate of \$14.53 an hour, effective 1-1-2005. Motion Carried.

SHERIFF: Moved-Seconded (Seward-Weisenberg) to accept the resignation of Kesha Nelson effective 12-31-2004, and to approve the promotion of Karla Shanklin as a full time Secretary G2 at the base rate of \$11.53 an hour effective 1-1-2005. Motion Carried.

Moved-Seconded (Douglas-Opitz) to approve the advertising of a permanent part-time (20 hours a week) secretary to fill the vacant position. Motion Carried.

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Opitz-Weisenberg) to approve an automatic supplement of \$2,250 (grants) in the Emergency Management Grants Budget to cover grant fund expenditures for 2004. Motion Carried.

AMBULANCE AGREEMENT: Moved-Seconded (Seward-Ewing) to approve and authorize the chairman to sign the ambulance agreements with Spearfish Emergency Ambulance Service for the year of 2005. Motion Carried.

CANCELED CHECK RESOLUTION 04-32: Moved-Seconded (Ewing-Seward) to approve the following Resolution #04-32 to cancel checks that have not been presented for payment within two years for a total of \$1,076.09. Motion Carried. RESOLUTION # 04-32: 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 two (2) years of the date upon which the check was issued, 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 28th day of December 2004. BOARD OF COUNTY COMMISSIONERS:

AMENDMENT TO PERSONNEL MANUAL: Moved-Seconded (Sewing-Weisenberg) to approve the following Resolution #2004-34 Amending the Personnel Manual for Holiday's. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2004-34 AMENDMENT #7 / ARTICLE VIII. HOLIDAYS: Permanent, regular, County employees shall be paid straight time for the following holidays not to exceed eight (8) hours per holiday. The days paid for under this Article shall be counted toward the forty (40) hour work week.

- | | |
|---------------------------|------------------------|
| 1. New Year's Day | 6. Labor Day |
| 2. Martin Luther King Day | 7. Native American Day |
| 3. President's Day | 8. Veteran's Day |
| 4. Memorial Day | 9. Thanksgiving Day |
| 5. Independence Day | 10. Christmas Day |

Veteran's and Memorial Days will be observed on the same day that is observed by State employees. Every day appointed by the President of the United States, the Governor of South Dakota for State employees, or the County Commissioners of Lawrence County, for a public fast, administrative leave, thanksgiving or holiday shall be observed as a legal holiday. If the holiday falls on a Sunday, Monday will be the day observed as the holiday. If the holiday falls on a Saturday, Friday will be the day observed as the holiday. SHIFT WORKERS: Shift workers will observe the Holiday on the actual day the Holiday falls on. Full time employees will be paid at 100% of the holiday hours granted. Permanent part-time employee's will be paid for the holiday as follows: Three-quarter time ($\frac{3}{4}$) time employees will be paid at the rate of 75% of the holiday hours granted. Half-time ($\frac{1}{2}$) time employees will be paid at the rate of 50% of the holiday hours granted. Quarter-time ($\frac{1}{4}$) employees will be paid at the rate of 25% of the holiday hours granted. For this section Three-quarter time employees are employees who are approved for 30 to 39 hours of work a week. Half-time employees are employees who are approved for 20 to 29 hours of work a week. Quarter-time employees are employees who are approved for 10-19 hours of work a week. : (This section applies to Holiday hours not worked.) When, an employee physically works on a day observed as a Holiday they will be compensated at a rate of two and one-half ($2 \frac{1}{2}$) times their base rate. Temporary, fill-in, and seasonal employees are not eligible for holiday pay unless they actually are working on the day observed as the holiday. An employee who is off with no pay is not eligible for holiday pay. SHIFT WORKERS: Shift workers who are required to work the holiday as part of their schedule, will receive holiday pay at the rate of two and one-half ($2 \frac{1}{2}$) times the base rate. If the holiday falls on a shift workers regularly scheduled day off, they will be compensated an additional eight (8) hours straight time. If the shift worker is scheduled to work and takes the day off, they will be required to take appropriate leave time or no pay. Dated and effective this 28th day of December 2004. FOR THE BOARD: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

SUPPLEMENTAL BUDGET: Moved-Seconded (Opitz-Ewing) to approve and adopt the following Supplemental Budget Resolution #04-35. Motion Carried. RESOLUTION #04-35 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2004, 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 2004, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: MENTAL HANDICAPPED SERVICES - \$10,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 28TH day of December, 2004 at the hour of 8:15 o'clock, a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 28th day of December, 2004. FOR THE BOARD OF COUNTY COMMISSIONERS: TERRY W. WEISENBERG, Chairman. ATTEST: CONNIE ATKINSON,
LAWRENCE COUNTY AUDITOR

PHASE II FOREST PLAN AMENDMENT: Bill Coburn discussed the Phase II Forest Plan Amendment and provided South Dakota and Wyoming Cooperating Agencies Detailed and Technical Comments on Draft Environmental Impact Statement for the Phase II Amendment Black Hills National Forest Land and Resources Management Plan. The Board will review the comments.

SPORT UTILITY BID OPENING: The following bid was received for the sheriff sport utility vehicles: Integrity Ford: Cash Purchase Price (3) 2005 Ford Explorer 4 door 4X4 XLT \$25,312.25 each for a total of \$75,936.75. Trade in allowance as follows: 2000 Ford Explorer, VIN: 1FMZU73XIYUB45710 with 94852 miles -\$4,500; one 2000 Ford Explorer VIN: 1FMZU73E3YUB44427 with 95995 miles - \$4,000; one 2001 Dodge Durango VIN: 1B4HS28N11F600479 with 82953 miles -\$7,500 total of \$16,000. Total Price with Trades-\$59,936.75. Moved-Seconded (Ewing-Douglas) to accept the only bid from Integrity Ford For \$59,936.75 with the trade ins and to declare the 2000 Ford Explorer, VIN: 1FMZU73XIYUB45710 with 94852 miles; one 2000 Ford Explorer VIN: 1FMZU73E3YUB44427 with 95995 miles and the 2001 Dodge Durango VIN: 1B4HS28N11F600479 with 82953 miles surplus and allow them to be traded in. Motion Carried.

EQUALIZATION / SPEARFISH SCHOOL: Darlene Piekola and Jason Writer discussed a proposal from the Spearfish School District Superintendent. Superintendent Peters asked the

County to assist them with a project to GIS students in the Spearfish School District to aid in the bussing of students. Writer estimated the project to take approximately 40 hours with a cost of about \$2,000. The Board discussed billing the School District for the cost and questioned if the Equalization had the time available to do the project. The Board will take the proposal under consideration.

SEARCH & RESCUE BID OPENING: No bids were received for the Rescue Equipment. Moved-Seconded (Seward-Ewing) to set a new bid opening for January 25th, 2005 at 11:20 a.m. Motion Carried.

CHANGE OF ZONING #241 / KELLER – RICHARDS: A public hearing was held on a Change of Zoning #241/development plan owner/representative: Robert Keller / Richards Rentals, Inc. (Tera Richards) Legal description: M.S. 1200 tract 2, a subdivision of Jay #1, 2 & 3 & Fay #3, Albert Steele fraction hazard, log cabin & violet #3, all located in sections 19 and 24, T4N R3E, BHM. From: PF – park forest to: RCD - Recreation Commercial District. Location: off HWY 85, top of Aztec Hill. Purpose: snowmobile/atv rental business. Doug Richards presented the business plan for Richards Rentals, Inc. It is proposed to put up a structure that is 70 by 30 feet, that is 2 levels. Included in the building will be a shop for repairs, an office area for rentals, and a snack and beverage area. The possible projections for the second level, is to put in three apartments. One will be for the residents and the other two for rent either monthly or nightly. Gas services will be offered for snowmobiles and ATV's. They will provide snowmobile and ATV rentals, sales of parts and accessories, and repair to recreational vehicles.

Mike Percech spoke in favor of the Change of Zoning. Stating the location is right for recreational activities and this development would add to the value of the property in the Deer Mountain area. Percech stated this would benefit the area and local economy. A letter of support from Blayne Sandidge was also noted. Reid Kochel also spoke in favor of the change of zoning and stated maybe a fence could be put up around the property to keep the snowmobiles and ATV's out of Deer Mountain Subdivision. Sally Reiman stated Deer Mountain is a recreation area and would bring more business to the area. Robert Kellar, landowner was present and stated water is already to the property.

Wendall Rollings expressed concerns against the Change of Zoning because of traffic, safety, noise, pollution and stated the snowmobiles and ATV's do not respect the covenants and boundaries within the development. Forrest Goodwin also stated safety concerns of crossing HWY 85, and destruction of private property from the snowmobilers. Larry Feltier and Bertha Carlson also echoed the concerns. Carlson stated the children and animals would be exposed to safety issues and expressed concerns of the subdivision road being used. Dawn Laskowski and Joyce Carlson expressed concerns on the water and water supply.

Richards stated signage and posting would be done on the road and the subdivision road would not be accessed for this business. The business entrance would be approximately 800 feet away. Richards stated the majority of the concerns are not a snowmobile rental issue but a snowmobile issue with the residence in the area. Richards stated the only access to the business would be off the Highway and a fence would be installed around the property.

The public hearing was closed and Flanagan informed the Board that Planning and Zoning denied the request because of Water and Highway crossing concerns.

The Commissioners discussed the commercial zoning already in the area and stated the location is suitable. Signage on the Highway would address the safety issue for crossing the road. Discussion followed on the water concerns. It was explained that water comes from a line from Lead/Deadwood Sanitary District and runs from Recreational Springs Resort across the Highway to the subject property, Deer Mountain Subdivision and then to a water holding tank. The size of lines was discussed and what the needed water supply is.

Moved-Seconded (Opitz-Ewing) to table the issue until the water issues are resolved. Motion Carried. Aye-4, Nay-Weisenberg. The board will reconsider on the 25th of January.

AMENDMENT TO CUP #224 / WHARF RESOURCES: A public hearing was held on **CONDITIONAL USE PERMIT #224-04(Amended)** Owner/Representative: Wharf Resources Legal Description: SW ¼ SW ¼ & SE ¼, Section 35 and SW ¼ SW ¼ Section 36, T5N, R2E Mineral 1035 thru 1135, B.H.M. Location: Terry Peak. Purpose: To allow onsite rubble disposal. Jack Cole was present and expressed concerns on the request. Cole asked if Wharf could guarantee that the quality of the surface and ground water would not be negatively affected by the rubble disposal. Cole also expressed concerns on the reclamation of the site. Carol Koerner stated the items disposed of cannot be leachable and the state regulates what can be disposed of. Wharf must keep track of all items disposed of in the site and are subject to inspection at all times.

Moved-Seconded (Opitz-Ewing) to approve the Amendment to Conditional Use Permit #224 to allow the rubble/construction and demolition Debris Disposal Site with the following additional condition: Wharf Resources shall be allowed to operate a Rubble/Construction and Demolition Debris Disposal site in the areas referenced by exhibit in the application materials as regulated by the State of South Dakota for such operations. This will allow for dumping of materials produced by Wharf Resources associated with reclamation and general housekeeping of their property only, and shall not extend to materials generated off-premises.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following LAWRENCE COUNTY RESOLUTION #2004-36. Motion Carried. LAWRENCE COUNTY RESOLUTION #2004-36: WHEREAS, Wharf Resources (U.S.A.), Inc. desires to establish a rubble/construction and demolition debris disposal site for the purpose of solid waste management; and WHEREAS, the siting of this proposed facility is not in conflict with any established zoning laws or ordinances; and WHEREAS, Wharf Resources (U.S.A.), Inc. will file a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and WHEREAS, DENR will review that application to determine that the facility can be operated within the South Dakota laws and regulations; and WHEREAS, DENR will recommend the approval of the permit with conditions adequate to safeguard the environment; and WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and WHEREAS, the County Commission of Lawrence County is required by South Dakota law SDCL 34A-6-103 to approve a solid waste facility prior to the issuance of a solid waste permit; NOW THEREFORE BE IT RESOLVED that the County Commissioners of Lawrence County hereby approves construction and operation of the proposed facility, with the attached conditions amending Conditional Use Permit #224, to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment. Approved this 28th day of December 2004, by the Lawrence County Commission in regular session. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

CONDITIONAL USE PERMIT # 301 / DAN MARTIN: A Public hearing was held on Conditional Use Permit # 301 Owner/Representative: Martin, Dan, Legal Description: 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., Location: Nemo, Purpose: To allow for a convenience store. Martin would like to open for business in the spring or early summer. Jan Kaberna was present to speak in favor of the CUP. Flanagan stated over 40 letters were received in support of the CUP. The Board discussed water and septic issues. Martin stated he intends on installing a septic system and drilling a well.

Moved-Seconded (Ewing-Seward) to approve Conditional Use Permit with the following conditions attached. Motion Carried.

ATTACHED CONDITIONS: Applicants are requesting the County grant permit for the operating of a convenience store, with or without fuel, in Nemo. This shall be to allow utilizing an existing structure located in the center of Nemo for the sales of products associated with convenience stores. 1) The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business. 2) The owner shall be required to obtain a South Dakota Sales Tax license. 3) The entire lot shall be kept in a neat and in an uncluttered fashion. 4) No outdoor storage shall be allowed. 5) Access off and onto the Nemo Road shall be coordinated and approved by the Lawrence County Highway Department. 6) The owner shall be required to contact the Nemo Fire Department to ensure that the retail store complies with fire and safety codes. 7) Only one (1) on-premise sign advertising the retail store, not attached to the store, shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. 8) Outdoor advertisement signage (billboards) shall not be allowed on the property per state law. Grandfathered signage is exempted. 9) Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the buildings. All trash containers shall be emptied on a regular basis or by demand. 10) All noxious weeds shall be controlled within the lot per the Lawrence County Invasive Species regulations. 11) All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. 12) Applicant is required to obtain a building permit prior to any new construction or significant alterations to the existing building. 13) In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department. 14) Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit. 15) This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached. 16) If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

PACKAGE OFF-SALE LIQOUR LICENSE TRANSFER: A public hearing was held on a transfer of license to sell intoxicating liquor package off-sale liquor license. *PREVIOUS LICENSE:* KIM J. RHODES, BRANDING IRON BAR & REST., Nemo, SD, Nemo Placer Mineral Survey 1368, Section 27, Township 3 north, Range 5 east, Lawrence County, SD. *TRANSFER TO:* DAN MARTIN, NEMO MERCANTILE: Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, all located in the NE ¼ of Section 27, T3N, R5E, B.H.M, Lawrence County, SD. Moved-Seconded (Seward-Weisenberg) to approve the liquor license transfer from Kim Rhodes to Dan Martin. Motion Carried.

WATER TENDER / BID OPENING: Paul Thomson, Emergency Management Director informed the Board that the only bid received for a new 2005 model 2000 gallon water tender did not meet specifications on insurance. Moved-Seconded (Douglas-Weisenberg) to reject the

bid from Danko because the insurance spec was not met and to set a new bid opening for January 25th, 2005 at 11:15 a.m. Motion Carried.

SHERIFF SOFTWARE UPGRADE: Joe Harmon, Greg Dias and Bruce Outka discussed the dispatch center software upgrade. The cost to the county would be \$125,000 for the software and \$25,000 for data conversion. A grant of \$35,000 would be available to help with the cost. A supplement of \$75,000 would be needed in the 2005 sheriff's budget to cover the expense. If the county does not accept this offer by the 29th of December the cost to the County will be \$250,000. Moved-Seconded (Douglas-Weisenberg) to authorize the Chairman to sign the Agreement with New World for a new sheriff computer software system, contingent upon the total Lawrence County expenses not to exceed \$150,000. Motion Carried.

BILLS: Moved-Seconded (Ewing-Weisenberg) To Approve Payment Of The Following Payroll And Authorize The Chairman To Approve The 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-\$3,365.22; Aud-\$5,962.31; Treas-\$8,252.15; Comp-\$4,943.65; States Atty-\$12,303.99; Pub Def-\$4,394.51; Gen Govt Bldg-\$6,004.96; Equal-\$10,846.61; Rod-\$5,895.22; Vso-\$990.00; Disp-\$9,727.07; Sher-\$26,255.56; Jail-\$15,810.64; Emerg Mgnt-\$2,448.04; E911-\$1,316.28; Highway-\$32,181.42; Air-\$19.32; Ext-\$2,591.87; Weed-\$1,396.96; PZ-\$2,433.68;

Bills: Atkinson,C-\$80.63; Rosenau,R-\$232.79; Seward,J-\$707.02; Smith,M-\$9.92; A&B Business Equip-\$4,313.08; A&J Supply-\$81.38; A-Z Shredding-\$11.00; ABC Business Supply-\$7,199.98; Accurint Accounts Receivable-\$12.75; Alco Store-\$29.98; Altaire Enterprises-\$300.00; Amcon Distributing-\$317.93; Amoco Oil-\$155.74; Armstrong Extinguish-\$2,559.50; AT&T-\$7.77; Audiss,J-\$77.96; BH Chemical Company-\$1,495.62; BH Federal Credit Union-\$8,604.14; BH Fibercom-\$1,732.91; BH Medical Center-\$95.14; BH Pest Control-\$95.00; BH Pioneer-\$713.68; BH Power & Light-\$6,980.48; BH Security & Systems-\$48,764.06; BH Windshield Repair-\$100.00; Baker,P-\$322.48; Bear-Aide-\$23.90; Best Business Prod-\$45.29; Bickle's Truck & Diesel-\$35.18; Bob Barker Company-\$1,390.52; Boyer,J-\$285.02; Butler Machinery Co-\$1,381.70; Campbell Supply-\$17.50-Cellular One-\$926.10; Central Parts-\$631.04; Chain Saw Center-\$22.65; Chemsearch-\$295.63; Chris Supply Co-\$239.00; Christensen Law Office-\$523.55; Clark Printing-\$40.00; Clem,L-\$375.00; Clinical Lab Of BH-\$1,061.52; Corral West-\$85.08; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$43.50; Dakota Deuces-\$102.96; Dakota Graphics-\$25.00; Deadwood Vol Fire Dept-\$2,250.00; Deckers Food-\$3.98; Dept Of Hlth Lab Services-\$54.00; Dept Of The Treasury-\$35,863.85; Domestic Crisis Outreach-\$300.00; Ellingson,J-\$940.88; Ensignal-\$35.95; Evercom Systems-\$630.00; Express Collections Inc-\$79.16; Farm Plan/Rdo-\$222.28; Fastenal-\$64.00; Firehouse-\$30.00; Frederickson,J-\$1,529.40; Gall's-\$63.94; Gene's Lock Shop-\$42.00; Godfrey's Brake Serv-\$242.66; Gold Dust-\$80.06; Gordon,B-\$144.00; H&S Sand & Gravel-\$126.00; Hart's Auto Supply-\$61.23; Hefner,D-\$353.70; Heisler Hardware-\$78.89; Hewlett-Packard Company-\$7,877.00; Hills Material Comp-\$469.14; Hobby Lobby-\$496.44; Hood & Nies & Dardis-\$394.47; Iaa-\$264.00; Identisys-\$126.25; Ikon Office Solutions-\$105.88; Insight Public Sector-\$2,631.66; Kadrmas, Lee And Jackson-\$4,630.20; Kimball-Midwest Co-\$180.46; Kinney,M-\$2,200.27; Koala Electric-\$612.63; LC Centennial-\$432.07; LC Treasurer-\$100.00; Laser Labs-\$147.00; Lawson Products-\$283.90; Lead, City Of-\$42.00; Looyenga,Dr-\$350.00; M&T Fire & Safety-\$3,075.00; Macks Auto Body-\$630.00; Manlove Psychiatric Group-\$2,850.00; Mayer

Radio-\$93.16; McClure,S-\$160.00; Meade County Sheriff-\$71.70; Mid Dakota Vegetation Mngment-\$40,950.00; Midwest Teletron-\$75.00; Miller,P-\$391.50; Montana-Dakota Util-\$9,106.06; NH Collection-\$50.00; NH General Hospital-\$93.50; Neighbors,J-\$300.00; Neuerburg,A-\$325.00; Neve's Uniforms-\$720.53; New View Optical-\$93.00; Nicholas,C-\$396.32; Occupational Health Network-\$20.00; Office Max-\$304.98; Office Technology/Supply-\$319.87; Pennington Co Jail-\$713.97; Pennington County Sheriff-\$18.00; Percy Law-\$2,652.33; Pheasantland Industries-\$363.00; Pitney Bowes-\$732.00; Pizza Hut-\$351.16; Powerplan-\$80.00; Williamson,P-\$400.00; Pro Rental Management-\$300.00; Queen City Motors-\$298.09; Quill Corp-\$464.70; Qwest-\$97.61; R C Regional Hospital-\$237.00; Radio Shack/Kazco-\$73.65; Rapid Delivery-\$6.60; Regan Battery Maint Services-\$26.46; Reindl,S-\$336.55; Reliable-\$133.87; Ritz Camera-\$244.98; Rombough,D-\$88.20; Root Spring Scraper-\$238.91; Ru2 Systems-\$8,824.60; Rud-Chain-\$3,604.94; SD Human Services Center-\$100.10; SD Planners Association-\$45.00; SD Supplemental Retirement-\$857.00; Servall Towel & Linen-\$488.83; Seward,S-\$19.60; Sheehan Mack Sales & Equip-\$51.56; Slowey,Y-\$20.00; Software House International-\$6,964.97; Spearfish Auto Supply-\$306.73; Spearfish Chamber Of Commerce-\$100.00; Spearfish Husky-\$88.00; Speedylube-\$16.95; Stretch's Glass & Mirror-\$6.45; Summit Signs & Supply-\$312.00; Superior Lamp And Supply-\$518.70; Taser International-\$1,761.15; Teen Court-\$735.97; Tellinghuisen, Gordon & Percy-\$1,036.23; Tigerdirect-\$2,085.40; Tollefson,J-\$37.83; Twin City Hardware & Lumber-\$267.59; Tysdal,R-\$158.85; U S Postal Service-\$8,000.00; United Parcel Service-\$7.45; Verizon Wireless-\$357.40; Victims Of Violence-\$300.00; Viking Office Prod-\$442.37; Waisanen,A-\$10.64; Walmart Store-\$1,317.98; West Group-\$471.00; Western Communication-\$829.10; Western SD Juvenile Serv-\$2,784.75; Western Stationers-\$668.64; Williams Standard Serv-\$131.95; Yankton County-\$91.05; **Witness & Juror Fees:** Harlan,J-\$13.84; Carr,J-\$59.60; Howard,K-\$59.60; Hudson,R-\$53.84; Lee,M-\$51.28; Nicholas,W-\$70.48; Phillips,R-\$51.92; Ritter,J-\$73.04; Votroubek,N-\$62.80; Swanson,B-\$59.60; Allen,S-\$26.00; Barkley,J-\$21.52; Bauerfeind,G-\$12.56; Blaha,M-\$19.60; Bryan,S-\$19.60; Buchholz,P-\$69.20; Burns,R-\$52.56; Catlin-Ensor,L-\$22.80; Chewakin,M-\$19.60; Craiger,E-\$56.40; Custis,D-\$16.40; Donner,L-\$16.40; Dunn,E-\$11.92; Dunne,M-\$50.64; Eastman,K-\$65.36; Fremont,R-\$19.60; Fryer,L-\$58.32; Gesinger,P-\$17.68; Hallan,W-\$20.88; Humbracht,L-\$19.60; Kapust,V-\$19.60; Karas,D-\$66.00; Kirkeby,L-\$11.28; Kissack,P-\$67.92; Langdeau,K-\$19.60; Lesselyoung,S-\$21.52; Mcdowall,M-\$19.60; Miles,D-\$20.88; Milos,G-\$10.64; Morris,A-\$19.60; Mund,D-\$69.20; Niesent,R-\$11.92; Quenzer,D-\$11.28; Reifenrath,D-\$20.88; Reiswig,K-\$22.80; Royer,T-\$22.80; Running,M-\$17.68; Schultz,H-\$15.12; Sieveke,M-\$11.92; Sohm,R-\$11.92; Strecker,P-\$17.68; Thompson,T-\$22.80; Thoresen,K-\$59.60; Thoresen,V-\$19.60; Vaughn,S-\$20.24; Voyles,A-\$59.60; Young,N-\$19.60

ADJOURN: 11:45 am - There being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried. Douglas absent.

DATE APPROVED

Chairman

ATTEST:

CONNIE ATKINSON, Auditor