

LAWRENCE COUNTY COMMISSIONERS MEETING – January 3, 2006

Bob Ewing called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 3, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Connie Douglas and George Opitz present.

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

2006 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Seward-Opitz) to appoint Commissioner Douglas as the Chairperson of the Lawrence County Commissioners for 2006. Motion Carried.

VICE-CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Seward as the Vice-Chairperson of the Lawrence County Commissioners for 2006. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Weisenberg-Ewing) to designate the B.H. Pioneer and the Lawrence County Journal as the legal newspapers for 2006. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Weisenberg-Ewing) To restate the full time positions in the Lawrence County Sheriff's office for 2006 as follows: (1) Chief Deputy (6) Deputies, (3) Detective, (2) Process Servers, (4) Office Personnel (11) Jailers, (1) Bailiff, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

INDIGENT FUNERAL EXPENSE: Moved-Seconded (Opitz-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 (Weisenberg-Seward) to appoint Commissioner Seward as representative for 2006 and Commissioner Opitz as alternate for 2006. Moved-Seconded (Seward-Opitz) to appoint Micky Wienk for a five-year term to end 1-2011. Motion Carried.

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Weisenberg-Seward) to appoint Commissioner Ewing for 2006. Motion Carried.

EXTENSION BOARD: Moved-Seconded (Seward-Ewing) To appoint Steve Peters, Marla Loken, Robin Auer, Joanne Goodrich, Kate Johnson, Richard Sleep, and Commissioner Douglas for a one-year term to expire 1-2007. Motion Carried.

FAIR BOARD: Moved-Seconded (Seward-Weisenberg) to appoint Dan Holben for a (3) year term to expire 1-2009 and Commissioner Ewing for 2006. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Seward-Weisenberg) to appoint Scott Sandvig to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2010. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Opitz-Seward) to appoint Commissioner Douglas for 2006. Motion Carried.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Seward-Ewing) to appoint Paul Miller and Paul Baker for a three-year term to expire on 1-2009; and appoint Commissioner Ewing for 2006. Motion Carried.

MENTAL ILLNES BOARD: Moved-Seconded (Weisenberg-Douglas) to appoint Bonnie Wright for a three year term to expire 1-2009. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Opitz-Seward) to appoint Commissioner Ewing for 2006 and Commissioner Weisenberg as alternate for 2006. Motion Carried. Moved-Seconded (Seward-Weisenberg) to appoint Rich Tysdal for a five year term to expire 1-2011. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Opitz-Seward) To appoint Commissioner Ewing, Commissioner Weisenberg and Jerry Apa to the Public Defender Board for 2006. Motion Carried.

VETERAN SERVICE OFFICER: Moved-Seconded (Seward-Weisenberg) To appoint William Locken as the Veteran Service Officer for a four year term to expire 1-2010. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Opitz-Seward) to appoint Commissioner Weisenberg as Representative and Commissioner Douglas as Alternate for 2006. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Ewing-Seward) to appoint Terry Weisenberg, Marlene Barrett, Chuck Vanderziel and Joe Peterson to the Lawrence County Revolving Loan Fund Board for 2006. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Seward-Ewing) to appoint Commissioner Weisenberg for 2006. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Opitz-Weisenberg) to appoint Commissioner Douglas to the Spearfish Economic Development Board for 2006 and Commissioner Seward as the alternate for 2006. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON: Moved-Seconded (Opitz-Seward) to appoint Chairperson Douglas and Vice-Chairperson Seward as alternate for 2006. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Seward to the Multiple Use Committee for 2006. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Weisenberg-Seward) to appoint Ida Marie Snorteland for 2006. Motion Carried.

LEAD OPERA HOUSE: Moved-Seconded (Seward-Douglas) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2006. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Seward-Douglas) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2006. Motion Carried.

LOCAL RULE OF ORDER: Moved-Seconded (Seward-Weisenberg) to adopt the local rule of order requiring three commission members approval to pass a motion for 2006. Motion Carried.

RULES OF ORDER: Moved-Seconded (Seward-Weisenberg) to adopt the Modern Edition of Roberts Rules of Order for 2006. Motion Carried.

2006 WAGES & SCALES: Moved-Seconded (Weisenberg-Seward) to accept the following 2006 wage scales and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise. Motion Carried.

2006 BASE WAGES (per SDCL 6-1-10): Commissioners: Douglas, Connie-9,447.90; Ewing, Bob-9,447.90; Opitz, George-\$9,447.90; Seward, James-\$9,447.90; Weisenberg, Terry-9,447.90; Barrett, Marlene-42,485.30; Auditor: Atkinson, Connie-48,983.38; Ehnes, Tamera-12.11; McGruder, Brenda-16.39; Nelson, Melody-13.81; Sargent, Debbie-13.39. Treasurer: Tridle, Debora-45,305.05; Atkinson, Sally-13.40; Hagerty, Sharon-14.34; Haupt, Janice-13.85; Peck, Ina-12.11; Sjomeling, Carol-15.75; Winters, Doris-14.18. Computer: Dias, Gregory-58,104.59; Leatherman, Debra-\$13.79; McGruder, Randall-20.22. States Attorney: Fitzgerald, John-62,680.62; Baumann, Michelle-16.28; Fox, Teryl M.-\$11.48, Kelley, John-47,502; Lopez, Amber \$49,519.68; Outka, Bruce -\$49,519.68; Silvernail, Janice-13.34; Stoflet, Margie-14.59. Public Defender: Kosel, Joe-58,510.92; Cuny, Traci-12.11; Mcneal, Anita-\$47,355, Smith, Molly-15.35. Maintenance: Frerichs, Richard-20.57; Blevins, Tamara – 10.47, Carr, Zoe-11.77; Caserio, Clifford-15.90; Enderby, Irene-9.77; Lee, Laura-9.83. Director of Equalization: Piekola, Darlene-53,248.47; Bridenstine, Nancy-14.18; Carrico, Linda-13.62; Runge, Brett-\$14.31; Sandvig, Scott-14.31; Schumacher, Dennis-15.53; Woodle, Sharon-13.89; Writer, Jason-15.86. Register of Deeds: Meverden, Judy-\$45,281.91; Feterl, Florence-12.34; Green, Sheree-15.31; Schulz, Sherryl-11.10; Slane, Mary-14.06. Veterans Service Officer: Locken, William-\$25,949.04. Sheriff: Mowell, Richard-57,455.63; Harmon, Joe-50,470.21; Black, Sue-14.96; Blanks, Katherine-14.37; Fitzgerald, Megan-12.44, Fitzgerald, Sara-14.30; Fredericksen, Lori-14.30; Ginsbach, Mark-14.30; Greeley, Laurie-14.30; Hamilton, Marian-14.56; Schumacher, Kristy-14.30; White, Richard-\$14.35; Davis, Judy-15.36; Dean, Brian-20.62; Deneui, Kimberly-10.54; Ensor, Frank-12.17; Gabriel, Larry-15.89; Goetsch, Julie-10.54; Goetsch, Martin-19.21; Hagerty, Richard-15.46; Hansen, Paul-19.21; Harmon, Joseph D.-\$15.00; Hill, Lynn-\$10.54; Hulm, Andrew-18.46; Jansevics, Jake-12.17; Kaiser, Daniel-12.17; Lechner, Shelly-10.54; Lechner, Tim-10.54; Leighty, Brooke-18.41; Liggett, Toni-10.54; Little, Tavis-18.49; Mykleby, Geraldine-13.34; Nelson, Keshia-13.34; Nicholas, Verla-10.54; Rear, Kay-10.54; Rosenau, Randall-19.36; Shafer, Mike-18.48; Siedschlaw, Robert-12.17; Thompson, Colin-12.17; Upton, Laurie-10.54; Utecht, Jerome-12.17; Utecht, Julie-10.54; Vrem, Laurie-12.11; Watts, James-18.46; Weber, Kurt-12.17; Allen, Alicia-12.44; Allen, Dawn-14.30; Armstrong, Nicholas-12.44; Asheim, Roger-14.50; Brennan, Seth-14.35; Burns, Jay-12.44; Cook, Ryan-14.30; Culver, Kim-14.35; Eggebo, Rachel-14.30; Klingaman, Nathan-12.44; Kotak, Joe-11.58; Larson, Dale-17.11; Lehto, James-12.44; Leveque, Tamera-12.44; Mckee, Angela-14.30; Mckeown, Susan-14.30; Portwood, Larry-14.30; Schumacher, Gerald-12.44; Trentz, David-12.44; Williams, Robert C.-15.32; Zweber-Nolan, Wendy-14.30; Emergency Management: Thomson, Paul-45,085.99; Larson, Rene-\$11.58. E911: Sandvick, Thomas-17.23; Highway: Williams, Charles-\$63,982.20; Agena, Timothy-16.98; Barret, Tim-16.77; Bey, John-20.80; Burlson, Norman-16.92; Dahl, Dennis-17.60; Eide, Curtis-17.56; Engel, Paul-16.72; Fystro, Terry-17.56; Grenstiner, Edwin-17.92; Harper, Jeffrey-16.72; Heying, Bradley-16.96; Hudson, Roger-16.79; Keller, Robert-16.72; Lensegrav, Richard-17.17; McCormick, Robert-21.33; Patino, Mark-16.78; Ross, Nate-16.72; Ryan, Steve-21.17; Silvernail, Dennis-17.52; Vandenberg, Maria-12.40; Wright, Bonnie-15.64. Airport: Harmon, James-14.07; Extension: Bertch, Alyce-14.74; Ellingson, Constance-10.47; McGuinness, Sherry-10.47. Weed: Heck, David-38,353.48; Campbell, Delbert-10.57; Doolan, Alisa-10.57; Doolan, Timothy-9.45; Stone, Traci-

9.45; Zuercher,Walter-10.57. Planning&Zoning: Flanagan,Brandon-41,454.00; Vogt,Amber-12.34.

2006 PAYROLL STEPS AND RATES

<u>POSITION</u>	<u>G1</u>	<u>G2</u>	<u>G3</u>	<u>POSITION</u>	<u>G1</u>	<u>G2</u>	<u>G3</u>
ACCT CLK / REC CLK	10.47	11.10	12.34	<u>SHERIFF</u>			
SECRETARY / LEGAL SEC I	11.48	12.11	13.34	DISPATCHER I	11.89	12.16	12.44
ADMIN SECRETARY	11.58	12.34	13.61	DISPATCHER II	13.74	14.02	14.30
LEGAL SECRETARY II	12.11	12.88	14.14	DISPATCHER III	14.30	14.58	14.87
				E-911 COORDINATOR	16.45	16.74	17.01
<u>APPRAISERS:</u>				GUARDS/TRANSPORT OFFICER	10.54	NA	NA
APPRAISER I	11.90	NA	NA	JAIL ADMINISTRATOR	15.40	15.69	16.54
APPRAISER II	12.80	13.08	13.37	TRAINEE	7.96	NA	NA
APPRAISER III	14.03	14.31	14.60	CORRECTIONAL I	11.89	12.16	12.44
APPRAISERS IV	15.26	15.53	15.81	CORRECTIONAL II / COOK	13.74	14.02	14.30
				CORRECTIONAL SERGEANT	14.30	14.58	14.87
<u>ADMINISTRATIVE ASSISTANTS</u>				COOK I	11.01	11.30	11.58
HIGHWAY ADM ASST	13.98	14.54	15.10	*****	13.27	13.56	13.84
SHERIFF ADM ASST	13.98	14.54	15.10	PROCESS SERVER	14.86	15.13	15.41
STATES ATTY LEGAL ASST	14.62	15.17	15.74	RESERVE DEPUTY I	NA	NA	12.17
COMPUTER SPECIALIST	17.91	19.04	20.16	RESERVE DEPUTY II	NA	NA	14.07
EQUAL 1ST DEPUTY INVESTIGATOR/PARA-LEGAL	16.64	17.21	17.77	DEPUTY I	16.37	16.64	16.93
	14.78	15.07	15.35	DEPUTY II	17.85	18.12	18.41
				SQUAD SERGEANT	18.39	18.67	18.95
<u>AIRPORT</u>				DETECTIVE	18.61	18.88	19.16
MAINTENANCE WORKER	12.94	13.49	14.07	CAPTAIN	19.82	20.11	20.38
<u>***** HIGHWAY & MAINTENANCE *****</u>				<u>*** ELECTED OFFICIALS FIRST DEPUTY ***</u>			
PT. TIME CUSTODIAN	NA	NA	7.75	AUDITOR	NA	NA	16.11
CUSTODIAN I	NA	NA	9.77	TREASURER	NA	NA	14.83
CUSTODIAN II	NA	NA	11.72	REG OF DEEDS	NA	NA	14.83
MAINT. WORKER I	NA	NA	10.47				
MAINT. WORKER II	NA	NA	12.72	<u>WEED</u>			
LIGHT EQUIPMENT OPERATOR	NA	NA	15.90	SPRAYER / GPS	9.45	10.57	11.81
HEAVY EQPMT / MECHANIC	NA	NA	16.72	GPS	10.12	10.69	11.25
FOREMAN/SHOP FOREMAN	NA	NA	20.29				

<i>NEWLY ELECTED BASE</i>	<i>2006 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 #06-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Weisenberg-Seward) to approve the following Resolution #2006-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2006-01 ELECTION OFFICIALS COMPENSATION** WHEREAS, SDCL 12-15-11 requires the Lawrence County Commission at its first regular meeting each year to set the compensation to be paid out of the County Treasury to election Superintendents and Judges of each Election Board. NOW, THEREFORE, the following election officials shall be compensated at the rate set below: Superintendents \$125.00; Judges \$100.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$20.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment at the state rate per mile. Extra help hired to work on election night in the Auditor's Office will be paid at the rate of \$12.00 per hour. DATED this 3rd day of January 2006. For the Board, Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #06-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Opitz-Seward) to approve the following resolution setting the polling places and precincts in 2006. 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 City Hall; **Reeds Crow Peak & Valley 1**-Spearfish Park Pavilion; **Valley 2**-Spearfish Park Pavilion. **DATED** this 3rd day of January 2006. For the Board, Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #06-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Weisenberg-Seward) to approve the following Resolution #06-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 06-03 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 2006: 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 2006. Dated this 3rd day of January 2006. For the Board of County Commissioners: Connie Douglas, Chairperson Attest: Connie Atkinson, Auditor

COMMISSION MEETINGS: Moved-Seconded (Weisenberg-Seward) to continue the 2006 regular commission meetings on the second and fourth Tuesday's of the month. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Opitz) to approve the minutes of December 27, 2005. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to appoint Anita McNeal as Public Defender at the beginning salary of \$53,000, effective 2-5-2006; and on August 1, 2006 the salary shall be \$55,000. Motion Carried.

ABATEMENT

USA FOREST SERVICE: Moved-Seconded (Weisenberg-Opitz) to approve the following abatement for the USA Forest Service on parcel 26620-01488-000-60 & 26620-01488-000-55 because the property is tax exempt. Motion Carried.

TITLE III FUNDS: Moved-Seconded (Seward-Weisenberg) to set a deadline for Title III Fund requests for January 31, 2006 to allow the Board to fully consider all requests for funds at the same time. Motion Carried.

SEARCH & RESCUE BUILDING: Paul Thomson discussed the Search and Rescue Building with the Board. The Board authorized an additional \$5,162 of expenses for the new building. A supplement will be conducted later in the year for these additional funds. The Board stated a supplement could be conducted at the same time to cover for the equipment purchases needed in 2006 that were originally budgeted for in 2005, but were unable to be acquired do to the new building.

KLUTHE ISOLATED TRACT: Moved-Seconded (Weisenberg-Seward) to bring off the table the Kluthe Isolated Tract Issue. Bruce Outka updated the Board on the ongoing negotiations involving the Kluthe isolated Tract. The Board was informed the negotiations between the landowners have failed. Moved-Seconded (Seward-Ewing) to table any action on the issue until the January 24, 2006 meeting to allow the Commission time to work with Bruce Outka to determine the proper condemnation procedures. Motion Carried.

WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT: Moved-Seconded (Ewing-Weisenberg) to approve the following Order Declaring Area Incorporated and Subject to Vote and to set the election for February 14, 2006 from 4:00 pm to 4:30 pm.. Motion Carried. ***ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE WEST ACRES COMMUNITY ASSOCIATION 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: Consisting of Lot 10 Block 1 Except the North 50'; Lots 1-4 Block 4; Lots 4-7 Block 3; and 50' R.O.W. between said Lots; of the West Subdivision all located in the SE ¼ SW ¼ and SW ¼ SE ¼ of Section 28, T7N, R2E, B.H.M., Lawrence County, South Dakota. **SHALL**, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of West Acres Community Association Road District. **DATED** this 3rd day of January 2006. CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

WILDERNESS ESTATES SUBDIVISION: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Memorandum of Agreement and accept the Letter of Credit as surety for the Wilderness Estates Subdivision, contingent upon receiving the original documents. Motion Carried.

SUPPLEMENTAL BUDGET & BUDGET ESTABLISHMENT: Moved-Seconded (Opitz-Seward) to establish the Court Appointed Attorney Budget and set a supplemental budget hearing for \$200,000. for January 24th, 2006 at 8:45 a.m.. Motion Carried.

PUBLIC DEFENDER CONFLICT CONTRACT: The Board discussed the Conflict Contract with Bruce Outka and Joe Kosel. The Board discussed issues within the contract and insurance issues. Moved-Seconded (Weisenberg-Seward) to table any action on the Public Defender Conflict Contract to allow more time to for Outka to review the contract and insurance issues. Motion Carried.

PRISONER MEALS: Moved-Seconded (Ewing-Weisenberg) to authorize Bruce Outka, Deputy States Attorney, to draft a new contract with Sheriff Richard Mowell setting the prisoner meal rate at \$6.00 per day and to authorize the Chairperson to sign the contract. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,248.83; Aud-\$5,902.84; Treas-\$7,875.76; Comp-\$4,690.44; States Atty-\$11,718.05; Pub Def-\$5,843.52; Gen Govt Bldg-\$5,712.58; Equal-\$10,467.44; Rod-\$4,729.64; Vso-\$926.73; Disp-\$9,643.11; Sher-\$24,785.23; Jail-\$14,283.77; Emerg Mgnt-\$2,459.70; E911-\$1,327.00; Highway-\$31,169.10; Air-\$529.30; Ext-\$1,191.00; Weed-\$1,446.17; Pz-\$2,397.56; **Bills:** Bott,B-\$3.25; Patino,M-\$7.00; American Family Life-\$2,756.24; BH Federal Credit Union-\$9,061.67; BH Fibercom-\$1,126.91; Cellular One-\$771.06; Deadwood Recreation Center-\$165.00; Dept Of The Treasury-\$34,016.61; Fort Dearborn Life Ins-\$971.45; LC Treasurer-\$100.00; Lead, City Of-\$44.40; Montana-Dakota Util-\$13,210.03; NH Family Ymca-\$164.00; Office Of Child Support-\$386.31; RCRH Patient Collections-\$100.00; Realtors Against Meth-\$3,000.00; S D Retirement System-\$39,267.99; Verizon Wireless-\$121.39; A&B Business Equip-\$361.24; ABC Business Supply-\$6.49; Best Business Prod-\$52.08; Biegler,G-\$75.00; Butte Electric Coop-\$140.30; CDW Government-\$2,031.99; Cellular One-\$93.92; Central Parts-\$57.96; Clinical Lab Of BH-\$2,257.04; Conoco-\$196.41; Deadwood, City Of-\$461.41; Division Of Highway Patrol-\$83.00; Ellingson,J-\$895.40; First Western Bank-\$47.90; Hewlett-Packard Company-\$23.00; Kinney,M-\$759.57; Lead-Deadwood Sanitary-\$253.98; Lexisnexis Matthew Bender-\$104.25; Office Technology/Supply-\$162.73; Pennington County Sts Attny-\$400.00; Percy Law-\$2,164.97; Rabe Elevator-\$596.88; Rachtetto,J-\$222.00; Reindl,S-\$1,886.24; SD Assn Of Co Comm-\$1,683.12; SD Municipal League-\$64,030.00; Servall Towel & Linen-\$247.22; Superior Lamp And Supply-\$443.79; Teen Court-\$1,177.17; Timberland Apartments-\$148.00; Twin City Hardware & Lumber-\$464.21; Walmart Store-\$181.15

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

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 24, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 24, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of January 24, 2006. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Ewing-Weisenberg) to approve Eric Whitcher as deputy public defender at the base salary of \$45,000 a year for the first 6 months of employment and then a base salary of \$47,000 a year, upon completion of the first 6 months of employment, effective 1-25-2006. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Seward) to allow employees to donate leave to Katherine Blanks. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Ron Achtziger as a Reserve Deputy at the base rate of \$12.17 an hour, effective 1-15-2006. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Weisenberg-Seward) to approve Janice Silvernail as a Legal Secretary 2 G3 at the base rate of \$14.14 an hour, effective 1-23-2006. Motion Carried.

EQUALIZATION: Moved-Seconded (Opitz-Douglas) to approve Carmen Symonds as a full time Appraiser II, G1 at the base rate of \$12.80 an hour, effective 2-7-2006. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve full time status for Rene' Larson, effective 1-1-2006. Motion Carried.

BOARD APPOINTMENTS:

EXTENSION BOARD: Moved-Seconded (Seward-Opitz) to appoint Stephanie Crowley to the Extension Board for a term to expire 1-2007. Motion Carried.

ENVIRONMENTAL REVIEW PLAN: Moved-Seconded (Seward-Ewing) to appoint Druse Kellogg to the Environmental Review Plan Timber Committee for a three year term to expire 1-2009. Motion Carried

RESOURCE CONSERVATION & DEVELOPMENT: Moved-Seconded (Seward-Ewing) to appoint David Heck as the Resource Conservation Development Representative for 2006. Motion Carried.

WEED TRAVEL REQUESTS: Moved-Seconded (Ewing-Opitz) to approve the travel request for David Heck to attend the Weed Association Training meeting in Dickinson, ND on January 10-12, 2006. Motion Carried.

CORPORATE CREDIT CARD: Moved-Seconded (Opitz-Seward) to approve and authorize the signing of the Wells Fargo Corporate Credit Card Application. Motion Carried.

FOREST SERVICE SPECIAL USE PERMIT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the US Department of Agriculture Forest Service Special Use Permit. Motion Carried.

COURTROOM USAGE: Moved-Seconded (Weisenberg-Douglas) to approve the usage of the 3rd floor courtroom for a movie scene, contingent upon a donation to Teen Court. Motion Carried. Aye-4, Nay Ewing.

Moved-Seconded (Weisenberg-Seward) to require a minimum donation of \$500.00 to Teen Court, for the use of the Courtroom. Motion Carried.

AIRPORT ISSUES: Chairperson Douglas referenced a letter received from Ted Miller, Black Hills Aero, with the Board. Douglas suggested that Bruce Outka and two County Commission members research the issues raised in the letter and report back. Moved-Seconded (Weisenberg-Seward) to appoint Ewing, Opitz and Outka to investigate the issues and report back to the Board with their findings. Motion Carried.

ABATEMENT:

VAVRUSKA, KYLE: Moved-Seconded (Opitz-Seward) to approve the Abatement for Kyle Vavruska on a 1985 Friendship Mobile Home because the taxes were paid twice. Motion Carried.

HIGHWAY:

SUPPLIES BID OPENING: Moved-Seconded (Seward-Ewing) to set a bid opening for March 14, 2006 at 9:00 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates and de-icing sand. Motion Carried.

RIGHT OF WAY: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Application for Occupancy on Right of Way for Qwest Communications on the Nemo Road for telephone service for Rollin Sieveke. Motion Carried.

SUPPLEMENTAL BUDGET 06-04: Moved-Seconded (Seward-Ewing) to approve and authorize the following Resolution for Supplemental Budget #06-04 for the Court Appointed

Attorney Budget for \$200,000. Motion Carried. RESOLUTION #06-04 TO ADOPT A SUPPLEMENTAL BUDGET **WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND:** Court Appointed Attorneys - \$200,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further **RESOLVED** that a hearing was held on the 24th day of January, 2006 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 24th day of January, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS. CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

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 December 31, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,037,574.33; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,205.37; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$5,192,277.79; GNAMS-\$14,965.16; Total \$8,907,242.65.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2004 taxes levied for in 2005 was \$24,802,399.12 and the total unpaid as of 12-31-05 was \$395,395.71 which represents a 1.59% delinquency. *Moved-Seconded* (Weisenberg-Opitz) to accept the Delinquent Taxes Report of 2005 levied and unpaid taxes as reported by the Auditor. Motion carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Weisenberg-Seward) to set February 14, 2006 at 8:20 for a supplemental budget hearing for Sheriff Computer Budget. Motion Carried.

BUILDING PURCHASE: Moved-Seconded (Ewing-Weisenberg) to pursue an option to purchase a building on Sherman Street for expanded office space for the Sheriff's Office. Motion Carried.

SHERIFF FEES: Moved-Seconded (Opitz-Seward) to follow the recommendation of the Sheriff and set the fees for mileage, on process serving, to \$.38 a mile. Motion Carried.

CONDITIONAL USE PERMIT #315 / NELSON BED & BREAKFAST: A public hearing was held on CONDITIONAL USE PERMIT # 315-BED & BREAKFAST
Owner/Representative: Wes & Nancy Nelson. Legal Description: M.S. 776 Coe Placer, Section 24, T5N, R3E. Location: East of Deadwood. No public was present and the public hearing was closed. Moved-Seconded (Opitz-Seward) to follow Planning and Zoning recommendation and approve Conditional Use Permit #315 for Wes and Nancy Nelson, with conditions as on file in the Planning and Zoning Office. Motion Carried.

CHANGE OF ZONING #249 / RILEY: A public hearing was held on CHANGE OF ZONING #249-SUBDIVISION. Owner/Representative: Roger Riley. Legal Description: Proposed Tract 4, located in NE ¼ SW ¼, Section 12, T6N, R1E. Location: Spearfish. Purpose: To subdivide property into 2 lots. No public was present and the public hearing was closed.

Moved-Seconded (Seward-Ewing) to follow Planning and Zoning recommendation and approve COZ #249 with the stipulation, as volunteered by the owner, that there be a deed restriction with no more than three building sites, a note on the plat which restricts no more than three building sites and if a second residence is built on the larger lot it must be for a family member and the \$3,000 fee would be paid to the County for impact on the road. Motion Carried.

NATIONAL FIRE PROTECTION ASSN: Moved-Seconded (Seward-Ewing) to appoint Bill Coburn as the County Planning and Zoning representative to the National Fire Protection Association and to allow travel expenses for Coburn to attend the Committee Meeting February 16-18, 2006 in Nashville TN. Motion Carried.

REQUEST FOR VARIANCE #104 / JAMES: A public hearing was held on VARIANCE #104-SIDE SETBACKS FOR EXISTING CAPORT. Owner/Representative: Stan James. Legal Description: Lot 8 of Lots 8 & 9 of SE1/4NE1/4, Section 4, T6N, R2E. Location: Spearfish/Lower Valley. Purpose: Side setbacks/compliance/requested by City of Spearfish. No public was present and the public hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve Variance #104 for Stan James. Motion Carried.

REQUEST FOR VARIANCE #105 / HALSEY: A public hearing was held on VARIANCE #105

Owner/Representative: Ken Halsey. Legal Description: M.S. 1708 PT Nest Lode, Section 21, T5N, R3E. Location: Mt. Roosevelt/Upper Denver St. Purpose: Cost prohibitive/lot configuration. No public was present and the public hearing was closed. Weisenberg expressed concerns in regards to a septic system. Halsey stated at the time of construction, if topography allows, they intend to install a septic system. Moved-Seconded (Seward-Ewing) to follow

Planning and Zoning recommendation and approve Variance #105 for Ken Halsey. Motion Carried. Aye-4 Nay-Weisenberg.

KLUTHE ISOLATED TRACT: Moved-Seconded (Weisenberg-Seward) to bring off the table the Kluthe Isolated Tract Issue. Motion Carried. Outka updated the Board on issues in regards to the Kluthe isolated tract. Moved-Seconded (Weisenberg-Seward) to table any action on the issue until the February 14, 2006 meeting at 9:45 a.m.. Motion Carried.

PUBLIC DEFENDER CONFLICT CONTRACT: Moved-Seconded (Weisenberg-Seward) to bring off the table the conflict contract issue. Motion Carried. The Board discussed the conflict contract with Joe Kosel. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Contract for Legal Representation of Indigent Persons Wherein Conflict Exists with Public Defender, with Joe Kosel, Attorney at Law, upon receipt of the Insurance Policy. Motion Carried.

GRANT REIMBURSEMENT AGREEMENT FY2005: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Grant Reimbursement Agreement for US Department of Homeland Security Office for Domestic Preparedness FY 2005 Equipment Grant. Motion Carried.

FIRE PROTECTION / EMERGENCY SERVICES: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Memorandum of Understanding for Mutual Aid Concerning Lawrence County Fire Protection and Emergency Services. Motion Carried.

RANGE FIRE ASSISTANCE RESOLUTION #2006-05: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following Lawrence County Resolution #2006-05. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2006- 5 WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and WHEREAS, a county must formally request his assistance pursuant to SDCL 4120-8.1; and WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Lawrence County can designate a person with authority to request assistance under this law; NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commissioners hereby designate the following persons with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires: Connie H. Douglas, Chairperson; Paul Thomson Emergency Management Director. Dated this 24th day of January, 2006. For the Board: Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor.

TITIE III FUND REQUEST: Dianne Miller, Project Learning Tree Coordinator, presented

An update on the 2005 projects. Miller showed a breakdown of the Title III Grant Funds spent. Miller thanked the Board for the Grant Funds and asked the Board to Consider Project Learning Tree for 2006 funds for \$9,000.

COUNTY SURPLUS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following Resolution 2006-06. Motion Carried. RESOLUTION #2006-06

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 desires to give the attached surplus property to the respective Fire and Search and Rescue Departments. NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the items to be given to the respective departments. Dated this 24th day of January, 2006. FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

SAFETY PROGRAM: Paul Thomson presented the 2005 safety program update.

BILLS: Moved-Seconded (Weisenberg-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-\$3,349.90; Aud-\$6,101.52; Treas-\$8,154.33; Comp-\$4,823.02; States Atty-\$12,536.27; Pub Def-\$6,056.06; Gen Govt Bldg-\$5,768.36; Equal-\$10,315.33; Rod-\$5,348.04; Vso-\$967.39; Disp-\$12,117.54; Sher-\$29,458.35; Jail-\$18,993.47; Emerg Mgnt-\$2,436.35; E911-\$1,363.20; Highway-\$32,272.39; Air-\$522.64; Ext-\$1,171.60; Weed-\$1,429.66; Pz-\$2,489.58; **Bills:** Mcneal,A-\$28.80; Mowell,R-\$6,831.00; Sargent,D-\$62.80; Seward,J\$472.16; Smith,M-\$19.84; Thomson,P-\$24.99; A&B Business Equip-\$223.38; A&B Welding Supply-\$25.02; A&I Distributors-\$1,767.79; A&M Transport-\$87.50; Abc Business Supply-\$413.67; Accurint Accounts Receivable-\$12.00; Alco Store-\$42.10; Altaire Enterprises-\$180.00; Amcon Distributing-\$639.84; American Tech Serv-\$4,972.00; At&T-\$30.42; BH Chemical Company-\$769.92; BH Council Of Local Govt-\$7,153.00; BH Federal Credit Union-\$9,061.68; BH Medical Ctr Pharmacy-\$1,777.34; BH Pest Control-\$95.00; BH Pioneer-\$652.13; BH Power & Light-\$5,902.82; BH Regional Multiple-\$100.00; BH Security & Systems-\$4,467.00; BH Window Cleaning-\$15.00; BH Windshield Repair-\$50.00; Baumann,C-\$5,469.00; Behavior Mngt Systems-\$20,655.00; Bickle's Truck & Diesel-\$109.70; Black Hills Neurology-\$108.15; Black Hills Pure-\$16.75; Blue Cross-\$52,109.76; Bob Barker Company-\$378.52; Bp-\$50.25; Braun Intertec Corp-\$1,562.50; Burghardt Amateur Center-\$189.90; Butte County Sheriff-\$30.52; Butte Electric Coop-\$354.39; Cellular One-\$98.66; Central Parts-\$120.22; City/County Alcohol & Drug-\$5,141.00; Cna Surety-\$100.00; Correctional Billing-\$35.38; Culligan Soft Water Serv-\$112.50; Dale's Tire & Retread-\$135.00; Deadwood Thymes Cafe & Bistro-\$198.00; Deckers Food-\$44.54; Dept Of The Treasury-\$38,319.71; Dietrich,D-\$269.53;

Domestic Crisis Outreach-\$555.00; Dynamic Imaging System-\$1,682.50; Ellingson,J-\$473.06; Ertz,D-\$410.00; Fastenal-\$369.95; Frederickson,J-\$1,748.40; Fsh Communications-\$45.70; Gene's Lock Shop-\$16.00; Gold Dust-\$177.10; Great Western Tire-\$29.45; Greens Alignment-\$101.62; Havemeier,L-\$178.40; Heartland Paper Co-\$2,029.40; Heisler Hardware-\$6.58; Hewlett-Packard Company-\$1,198.00; Hinker Trk & Trlr Repair-\$2,340.00; Ibm Corp-\$594.00; Ikon Office Solutions-\$120.70; Integrity Ford-\$28.25; Intoximeters-\$212.50; Jacobs Precision Welding-\$26.00; Kabeiseman & Pollard Law-\$171.30; Kadrmas, Lee And Jackson-\$18,539.06; Karpinen,S-\$460.00; Kimball-Midwest Co-\$271.77; Kinney,M-\$1,592.19; Knecht True Value-\$137.46; Kooistra,N-\$36.00; LC Conservation Dist-\$5,000.00; LC Emerg Mngt-\$41.40; LC Journal-\$99.73; LC Sheriff-\$238.43; LC Treasurer-\$100.00; Lawson Products-\$603.37; Lead-Deadwood Regional Hospita-\$1,263.96; Lee,J-\$15.00; Lewis & Clark-\$260.00; Lexisnexis On-Line-\$328.00; Looyenga,Dr-\$450.00; Main Street Conoco-\$34.33; May, Johnson, Doyle & Becker-\$538.60; Mcarthur,J-\$90.00; McClure,S-\$135.00; Medicap Pharmacy-\$14.70; Mid States Organized-\$150.00; Montana-Dakota Util-\$387.98; Moss,W-\$350.00; National Sheriff's Assoc-\$100.00; Nelson,T-\$520.00; Neve's Uniforms-\$52.90; New View Optical-\$56.00; Northern Hills Casa-\$5,625.00; Office Of Child Support-\$386.31; Office Technology/Supply-\$51.92; Paradeis,D-\$630.00; Pennington Co Auditor-\$59.00; Pennington Co Jail-\$378.15; Pennington County Sheriff-\$35.32; Pennington County Sts Attny-\$400.00; Performance One-\$1,723.94; Pitney Bowes-\$242.17; Pizza Hut-\$48.10; Porta Storage/Caj Enterprise-\$175.00; Postmaster, Deadwood-\$47.00; Postmaster, Spearfish-\$300.00; Prairiewave Communications-\$609.88; Queen City Motors-\$548.81; Queen City Rocket Lube-\$54.91; Qwest-\$852.49; RC Finance Office-\$1,330.00; RC Medical Center-\$90.65; RC Regional Hospital-\$6,050.66; Radio Shack/Kazco-\$59.96; Radiology Associates-\$26.55; Rapid Delivery-\$7.48; Rcrh Patient Collections-\$100.00; Rdo Equipment-\$236.25; Regional Behavioral Health-\$194.62; Rehfuss,C-\$36.00; Reliable-\$244.74; Rushmore Communications-\$524.54; S D State Treasurer-\$13,898.71; SD Dci Forensic Laboratory-\$15.00 SD Dept Of Transportation-\$97,368.97; SD Dept Of Transportation-\$230.99; SD Emergency Mngt Association-\$60.00; SD Federal Property Agency-\$180.00; SD Human Services Center-\$200.00; SD Planners Association-\$50.00; SD Public Assur Alliance-\$31,211.31; SD Sheriff's Association-\$475.00; SD Sheriff Assoc (Parker)-\$43.64; Salzsieder,M-\$3,735.00; Sand Creek Printing-\$165.00; Sanitation Products-\$1,218.65; Sdrs Supplemental Retirement-\$872.00; Servall Towel & Linen-\$247.22; Sign Express-\$194.14; Silverado-\$408.55; Slowey,Y-\$150.00; Snyder,J-\$1,343.91; Spearfish Auto Supply-\$272.79; Spearfish Chamber Of Commerce-\$250.00; Stadler Ind Service-\$492.50; Strawn,E-\$90.00; Summit Signs & Supply-\$234.00; Teen Court-\$10,000.00; Tigerdirect-\$1,751.78; Triple K Tire & Repair-\$1,079.76; Trugreen Chemlawn-\$240.35; Twin City Hardware & Lumber-\$1,151.05; U S Postal Service-\$600.00; Verizon Wireless-\$440.88; Victims Of Violence-\$555.00; Voelker & Adams-\$1,187.55; Warne Chemical-\$379.79; Waste Connections-\$425.67; Welke,L-\$135.00; Wells Fargo Business Card-\$13.21; Westcoast Sales & Marketing-\$60.42; Western Sd Juvenile Serv-\$4,785.00; Western State Fire Protection-\$445.00; Williams Standard Serv-\$15.80; Wolff's Plumbing & Heating-\$3,890.20; Xerox Corporation-\$165.00; Yankton Co Sheriff-\$33.00; Yankton County-\$112.05; Ziggy's Building Center-\$1,524.38; **Witness & Jurors:** Bricker,D-\$22.80; Brossart,B-\$56.40; Charlson,L-\$18.32; Christianson,J-\$59.60; Dardis,C-\$62.80; Delahoyde,J-\$19.60; Doran,L-\$21.52; Eckhart,D-\$13.20; Edstrom,T-\$10.64; Erickson,J-\$21.52; Green,C-\$59.60; Griffith,K-\$18.32; Johnson,A-\$21.52; Kremer,M-\$62.16; Mcdowall,B-\$59.60; Mehia,M-\$53.20; Morgan,R-\$10.64; Nickel,D-\$56.40; Poling,C-\$60.24; Pollard,C-\$19.60; Rehm,S-\$26.00; Robatallie,W-\$22.80; Schramel,T-\$18.96; Schuft-Baum,K-\$19.60;

Schwating,M-\$19.60; Soriano,P-\$60.88; Tetreault,L-\$60.24; Thacker,T-\$11.92; Vanvactor,J-\$19.60; Wiese,P-\$51.92; Wilson,P-\$11.92; Anderson,M-\$66.00; Bergey,C-\$58.32; Eaves,J-\$62.80; Flores,H-\$56.40; Lefler,K-\$53.84; Purchase,L-\$51.28; Rear,J-\$60.88; Sliper,R-\$53.20; Bernards,M-\$51.28; Blake,A-\$19.60; Braunesreither,J-\$10.64; Carlson,B-\$60.88; Chau,L-\$66.00; Cooch,E-\$19.60; Evans,R-\$66.00; Foerster,A-\$11.92; Heintz,D-\$58.96; Hoscheid,T-\$19.60; Huntington,A-\$59.60; Janssen,E-\$51.92; Job,L-\$51.28; Kennedy,G-\$11.92; Krier,G-\$59.60; Lacroix,D-\$12.56; Magnusson,B-\$22.80; Miles,G-\$18.96; Morgan,J-\$60.24; Rochelle,A-\$59.60; Rogers,H-\$58.32; Steffen,S-\$12.56; Stulken,P-\$11.92; Vannorman,S-\$13.20; Anderson,J-\$11.92; Arehart,U-\$22.80; Bartol,R-\$22.80; Bates,G-\$18.32; Buehner,C-\$19.60; Bush,R-\$20.24; Carlbom,J-\$22.80; Carsten,D-\$19.60; Charlson,A-\$16.40; Christensen,K-\$17.68; Christensen,L-\$18.96; Collins,I-\$19.60; Covell,S-\$19.60; Davis,B-\$52.56; Eastland,E-\$21.52; Enderby,J-\$11.92; Everhard,B-\$11.92; Evers,L-\$19.60; Fox,R-\$18.32; Geuke,G-\$10.64; Geuke,J-\$62.80; Gomez,A-\$62.80; Greenwald,J-\$11.92; Gusso,T-\$19.60; Hamilton,K-\$19.60; Hanson,E-\$22.80; Harlan,B-\$11.92; Hart,A-\$11.92; Hefner,D-\$62.80; Himrich,G-\$62.80; Hollerman,N-\$19.60; Jewett-Lund,J-\$22.80; Johnson,M-\$21.52; Johnson,N-\$19.60; Jones,E-\$19.60; Jones,M-\$19.60; Jordan,S-\$50.64; Kaitfors,C-\$21.52; Kimball,N-\$19.60; Kinson,K-\$12.56; Lamb,J-\$26.00; Lindgren,D-\$18.32; Lindstrom,J-\$57.68; Lulf,N-\$11.92; Mcburnett,J-\$21.52; Meade,L-\$16.40; Mutchelknaus,J-\$17.68; Myhre,S-\$66.00; Olsen,A-\$15.12; Olson,D-\$19.60; Oolman,S-\$11.92; Roberts,E-\$22.80; Ruhnnow,P-\$19.60; Say,G-\$61.52; Schmalz,L-\$22.80; Schmit,D-\$59.60; Schwarz,D-\$17.68; Shuck,C-\$19.60; Sohm,B-\$11.92; Sorensen,R-\$59.60; Steger,L-\$19.60; Steinlicht,L-\$12.56; Stevens,S-\$13.20; Stewart,D-\$18.32; Stoltenberg,S-\$21.52; Thomas,C-\$13.20; Thomas,S-\$19.60; Trumblee,W-\$13.20; Walker,J-\$19.60; Walker,R-\$19.60; Walton,K-\$24.08; Wanderschied,J-\$18.32; Whittington,B-\$11.92; Wilczynski,R-\$22.80; Willuweit,W-\$22.80; Wright,J-\$19.60; Wyett,M-\$22.80; Zacher,K-\$21.52; Abell,M-\$13.20; Anderson,M-\$11.92; Balsley,S-\$62.80; Barany,J-\$27.28; Batiem,B-\$22.80; Bergey,D-\$19.60; Bergum,G-\$21.52; Brandenbrug,S-\$59.60; Broadhurst,T-\$26.00; Brown,P-\$20.24; Brownell,A-\$13.20; Brownell,D-\$17.04; Buckmaster,C-\$19.60; Burnham,L-\$20.88; Callahan,J-\$50.64; Carr,W-\$11.92; Cooper,R-\$21.52; Cypher,J-\$17.68; Dodson,T-\$17.68; Downes,L-\$57.68; Edwards,C-\$19.60; Fischer,B-\$19.60; Gabriel,J-\$20.88; Golba,G-\$22.16; Gritts,T-\$19.60; Hartman,I-\$24.08; Haugland,L-\$26.00; Heinen,J-\$11.92; Henninger,A-\$11.28; Hoffman,M-\$20.88; Hohn,J-\$29.20; Kloppel,D-\$19.60; Lahr,T-\$20.24; Loken,A-\$19.60; Loper,L-\$22.80; Madler,F-\$65.36; Martinez,J-\$19.60; Mccoy,C-\$11.92; Mcdaniels,T-\$57.68; Meek,G-\$22.80; Mendoza,V-\$62.80; Milano,A-\$18.32; Miyake,C-\$19.60; Morgan,M-\$22.80; Mort,J-\$19.60; Moser,N-\$19.60; Padden,M-\$12.56; Palmer,K-\$19.60; Pedersen,M-\$25.36; Poling,D-\$10.64; Raschkow,L-\$59.60; Reiling,M-\$13.84; Ringstmeyer,M-\$22.80; Rounsefell,L-\$24.72; Sager,B-\$24.08; Schavone,A-\$19.60; Schilling,T-\$19.60; Scott,D-\$66.00; Shrader,J-\$19.60; Skaley,K-\$22.80; Smith,N-\$11.92; Speirs,F-\$26.00; Spencer,D-\$26.00; Spencer,M-\$22.16; Sprigler,S-\$62.80; Stuen,B-\$19.60; Terry,F-\$19.60; Terveen,L-\$22.80; Tracy,B-\$11.92; Truman,C-\$17.68; Vangeystelen,J-\$11.92; Wainman,V-\$13.20; Wieczorek,R-\$56.40; Williams,E-\$10.64; Wolfe,K-\$10.64; Zvorak,A-\$59.60; Adkins,L-\$11.92; Beguin,S-\$26.00; Biel,L-\$12.56; Burns,G-\$29.20; Burrer,L-\$10.64; Caton,E-\$15.12; Copeland,K-\$22.80; Crandall,M-\$19.60; Fierbach,L-\$11.92; Grone,L-\$21.52; Gussiaas,M-\$18.96; Haivala,J-\$58.32; Hambek,L-\$17.68; Hanson,R-\$21.52; Holst,M-\$59.60; Huggins,T-\$11.92; Ivers,V-\$11.92; Jennings,D-\$19.60; Johnson,J-\$19.60; Johnson,W-\$14.48; Jones,B-\$59.60; Junek,S-\$21.52; Larive,D-\$11.92; Lee,A-\$22.80; Mccallum,S-\$11.92; Mendoza,S-\$19.60; Merrill,M-\$60.88; Millard,J-\$22.80; Oaks,D-\$19.60; Oliver,T-\$59.60; Oshea,A-\$19.60;

Penn,J-\$19.60; Pittman,E-\$11.28; Rothenberger,P-\$56.40; Rounce,J-\$59.60; Schmidt,D-\$11.92; Schwab,J-\$19.60; Schwartz,R-\$13.20; Shilvock,B-\$15.76; Skroch,D-\$21.52; Slattery,W-\$19.60; Smith,B-\$22.80; Swords,T-\$11.92; Trucano,A-\$59.60; Walker,L-\$51.92; Wood,R-\$60.24; Anglin,J-\$65.36; Bellantino,B-\$21.52; Carlin,K-\$54.48; Carlstrom,A-\$19.60; Carrillo,B-\$60.88; Cleveland,J-\$18.32; Cole,J-\$18.96; Crotty,G-\$11.92; Crouse,K-\$11.92; Gibson,J-\$19.60; Hamann,J-\$19.60; Hughes,W-\$20.88; Janke,D-\$57.68; Johnson,J-\$19.60; Kub,P-\$18.96; Lopez,M-\$10.64; Madsen,T-\$16.40; Matthew,J-\$53.20; Moe,J-\$62.16; Morris,J-\$12.56; Newlon,L-\$13.84; Porter,M-\$22.16; Quesnell,J-\$56.40; Rantapaa,R-\$11.92; Reid,B-\$19.60; Richter,C-\$24.08; Schweigert,A-\$53.20; Straub,H-\$11.92; Trautman,R-\$24.72; Trezona,K-\$19.60; Ugland,M-\$62.80; Webb,T-\$61.52; Wennberg,C-\$59.60; Wolff,L-\$19.60; Wright,J-\$59.60; Wuitschick,C-\$11.92

ADJOURN: 1155 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 14, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 14, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of January 24, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Weisenberg) to approve a step raise for Megan Fitzgerald from a Dispatcher I to a Dispatcher II at a base rate of \$14.30 effective 1-1-2006. Motion Carried.

HIGHWAY: Moved-Seconded (Seward-Ewing) to allow the Highway Department to advertise for a Heavy Equipment Operator. Motion Carried.

TRAVEL REQUEST:

PLANNING & ZONING: Moved-Seconded (Seward-Ewing) to approve the travel request for Bill Coburn to attend the National Fire Protection Association Technical Committee Meeting to be held in Nashville Tennessee on February 15-17, 2006. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve the travel request for Brandon Flanagan to attend the Rocky Mountain Land Use Conference to be held in Denver Colorado on March 9-10, 2006. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Judy Davis to attend the National Association of Extradition Officials Training Conference in St. Louis Missouri on May 28-31, 2006. Motion Carried.

COMMISSIONER: Moved-Seconded (Opitz-Seward) to approve Terry Weisenberg to attend a Department of Tourism and State Development meeting on March 16, 2006 in Rapid City. Motion Carried.

RAFFLE: Moved-Seconded (Weisenberg-Seward) to allow the Lawrence County Republican Party to hold a raffle for the purpose of fund raising. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Opitz) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 31, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$72,547.25; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,075.23; Petty Cash-\$1,635.00; Total amount

of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$6,513,901.28; GNAMS-\$14,853.59; Total \$10,228,754.87.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Ewing-Seward) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. Tony Balistreri, Carl Buettner, Teresa Buettner, Ron Hoefler, Casey Keough, Mark Nelson, Vince Pfeifle, Larry Rhodes, Bob Richards, Ron Rust, Clint Schell, Terry Schmitz, Fred Schumann, Chad Solaas, Gary Solaas, Rick Krahn, Virginia Clark, Paul Dangel, Jerry Hood, Luverne Kraemer, Norma Kraemer, Greg Nepstad, Cindy Solaas, Lyle Wickman, Scott Dunham, Suzanne Dunham, Gary Lattin, Ryan Pletan, Josh Rick, Dennis Anderson, Mike Anderson, Scott Anderson, Ron Blotz, Loren Dobyns, Matt Fortier, Gary Heaton, Robert Mattox, Bryce Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Rhea Trevino, Loren Vrem, Van Wire, Chet Borsch, Cass Gaughen, Brian Bergman, Frank Stamp, Jerry Plooster, Mike Vega, Chuck Bossert, Sunday Bossert, Leonard Burtzlaff, Tom Callaway, Leo Derosier, Steve Day, Joshua Woledge, Todd Fierro, J.D. Geigle, Cliff Jensen, Mitch Johnson, Jack Kari, Jacob Kari, Jason Kari, Wendy Kari, Ray Kinghorn, Neilon Millar, Russel Millar, Terry Moe, Warren Moe, Brent Olsen, Curt Olsen, Ryan Olsen, Denny Rehorst, David Spilde, Devin Stephens, Glenn Stephens, Jim Tetrault and Tim Tetrault,

BOULDER HEIGHTS ROAD DISTRICT: The results for the Boulder Heights Road District Election were as follows: Total Ballots Cast-42, Ballots cast for incorporation-4, Ballots cast against incorporation-38. Moved-Seconded (Weisenberg-Seward) to accept the results of the Boulder Heights Road District Election resulting in the failure of the incorporation of the Road District. Motion Carried.

BUTTE-LAWRENCE COUNTY FAIR: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Butte Lawrence County Fair Agreement for 2006. Motion Carried.

BOARD OPENINGS: Planning & Zoning Board, Lawrence County Housing Authority and Airport Board all have one position open. A notice will be placed in the paper to inform the public that if any one is interested they should contact the Lawrence County Commissioners.

HIGHWAY – CULVERT BIDS: Moved-Seconded (Seward-Ewing) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from Huron Culvert & Tank Co. for 2006. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

FUEL QUOTES: The following fuel quotes were submitted as of February 14, 2006: (prices per gallon) Cenex Oil Co. DWD No.1&2 Diesel - \$1.976*; MG Oil Spft-No.1&2 Diesel-\$no bid; Southside Oil - DWD No.1& 2 Diesel - \$;2.01 ; Rollin Oil -Spf No.1&2 Diesel - \$2.008. (*represents lowest quote)

RIGHT OF WAY PERMIT: Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Application for Occupancy on the Right of Way of County Highway on the Intersection of US HWY 14A and Legends Lane for Black Hills Power. Motion Carried.

ELECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Seward) to approve the automatic supplement of \$40,775 in the Elections Budget (capital assets) for the purchase of Election Equipment from grant funds and to declare the two AIS 150 ballot readers surplus and allow them to be traded in. Motion Carried.

RESOLUTION #2006-07 SUPPLEMENTAL BUDGET: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following Resolution #06-07. Motion Carried. RESOLUTION #06-07 TO ADOPT A SUPPLEMENTAL BUDGET
WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND: Sheriff - Computer - \$90,000.** 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 14th day of February 14, 2006 at the hour of 8:20 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 14th day of January, 2006. **FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: BRENDA MCGRUDER, LAWRENCE COUNTY DEPUTY AUDITOR**

GOVERNMENT DAY: Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2006. 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 (Weisenberg-Opitz) to participate in Government Day for 2006 and donate \$50.00 for the luncheon. Motion Carried.

TITLE III REQUESTS: Moved-Seconded (Opitz-Seward) to advertise a notice for the 45-day Public Comment Period for the expenditure of the Title III Special Project funds and to include the travel for Bill Coburn to Nashville Tennessee twice a year. Motion Carried.

Lawrence County Notice Of 45-Day Public Comment Period For Expenditure Of Title Iii Special Project Funds: Notice is hereby given that the Lawrence County Commissioners seek written public comment on the following expenditures of Title III federal funds received from National Forest revenue pursuant to HR 2389 "Secure Rural Schools and Community Self-Determination Act of 2000".

Category 1: SEARCH, RESCUE, AND EMERGENCY SERVICES:

The **Lawrence County Search & Rescue Unit in Deadwood** has submitted a proposal to purchase the following equipment: ICS Command Trailer Equipment, Gas Generator for 9R-1 Rescue Truck, "Project Lifesaver" Receiver, Three Snowmobiles, Six GPS Units, ATV Rescue Sled, Vehicle Extrication System, Battery Analyzer/Conditioner, Confined Space Kit, Two Four Wheelers and One Two-Person 4WD ATV. The search and rescue unit conducted 78% - 100% of their operations in the Black Hills National Forest over the past two years. **Amount Requested: \$88,847.**

Category 4: FOREST RELATED EDUCATIONAL OPPORTUNITIES:

South Dakota Project Learning Tree has submitted a proposal to fund educational materials and opportunities for students and educators in Lawrence County to provide awareness in forest ecology, fire ecology, forest management and production in the Black Hills ecosystem and surrounding areas. **Amount Requested: \$9,000.**

Category 5: FIRE PREVENTION AND COUNTY PLANNING:

The **Deadwood Fire Department** has submitted a proposal to purchase a new 2000 Gallon Water Tender on a 4X4 Chassis with Equipment. The Deadwood Fire Department conducted 100% of their calls for a water tender in the Black Hills National Forest. **Amount Requested: \$135,000.**

The **Spearfish Fire Department** has submitted a proposal to purchase a new 2500 Gallon Water Tender and to purchase a rescue snowmobile and accessories. The Spearfish Fire Department conducted 93% of their calls for a water tender in the Black Hills National Forest and 100% of their calls for a rescue snowmobile in the Black Hills National Forest. **Amount Requested: \$121,520.**

The **Brownsville Fire Department** has submitted a proposal to purchase a new One Ton 4X4 Extended Cab Chassis with equipment. The Brownsville Fire Department conducted 100% of their calls for the unit this one replaces in the Black Hills National Forest. **Amount Requested: \$34,990.**

The **Nemo Fire Department** has submitted a proposal to purchase CAFS unit equipment of One 300 gallon polytank, One steel flatbed, Custom fabricated aluminum boxes, and Labor costs for transfer of CAFS equipment. The Nemo Fire Department conducted 100% of their calls for this unit in the Black Hills National Forest. **Amount Requested: \$14,900.**

The **Lawrence County Commissioners** propose to use funds to send Bill Coburn, a member of the Lawrence County Planning and Zoning Board and Lawrence County Timber Committee, to the National Fire Protection Association's Technical Committee on Forest and Rural Fire Protection meetings in 2006. **Amount Requested: \$1,660.**

EVERGREEN ESTATES ROAD DISTRICT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the following Order Declaring Evergreen Estates Road District Incorporated. Motion Carried. **ORDER DECLARING EVERGREEN ESTATES 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**, Gary L. Salmen and Lonnie L. Salmen are the only landowners of the subdivided 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: Parcel 1: M.S. No. 1732, consisting of Paris No. 1, Saint Mary No. 1, Saint Mary No. 2, Pount, Pount No. 1, Pount No. 3, Pount No. 4, Palmetto, and Paris Lode Mining Claims, all located in Sections 19 and 30, T5N, R3E, B.H.M., Lawrence County, South Dakota, and Lot 2 of South, Dalo, Cattie, and Cavoure Lodes, M.S. No. 1726, located in the W ½ W ½ of Section 30, T5N, R3E, and the E ½ E ½ of Seciton 25, T5N, R2E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 2003-3938. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the Evergreen Estates Road District is hereby incorporated pursuant to SDCL 31-12A-11. **DATED** this 14th day of February, 2006. Connie Douglas, Chairperson, Lawrence County Commission. **ATTEST:** BRENDA MCGRUDER, Deputy Auditor

BUILDING PURCHASE: Bruce Outka updated the board on the building purchase and discussed some other avenues.

KLUTHE ISOLATED TRACT: Moved-Seconded (Weisenberg-Seward) to bring off the table the Kluthe Isolated Tract Issue. Motion Carried. Outka updated the Board on issues in regards to the Kluthe isolated tract. Moved-Seconded (Ewing-Weisenberg) to table any action on the issue until the February 28, 2006 meeting at 9:15 a.m. and the Board also requested that the Kluthe's provide a legal opinion that the tract is indeed an isolated tract. Motion Carried.

SDSU PROCLAMATION: Moved-Seconded (Weisenberg-Seward) to accept and authorize the Chairman to sign the Proclamation for 125th Anniversary of South Dakota State University. Motion Carried. Proclamation for 125th Anniversary of South Dakota State University
WHEREAS, South Dakota State University was established in 1881 as South Dakota's land grant institution; and,
WHEREAS, for 125 years, the educational programs of South Dakota State University have helped the people of South Dakota improve the quality of their lives and their communities, and;
WHEREAS, efforts of South Dakota State University have reached citizens in Lawrence County through Extension and 4-H programs; research on agricultural production, value-added processing, energy from agriculture, human health, family and community, and environment and natural resources; and academic programs which provide brighter futures for countless generations of young people; and, WHEREAS, research and educational programs conducted by South Dakota State University are focused on the needs and opportunities which are unique to South Dakota, and are available to all citizens in every county of the state, and; THEREFORE, the Lawrence County Commission does hereby congratulate South Dakota State University on 125 years of outstanding service to the people of Lawrence County and the State of South

Dakota, and proclaim February 23, 2006 as SDSU Day in Lawrence County. **DATED** this 14th day of February, 2006. Connie Douglas, Chairperson, Lawrence County Commission.

ZONING MAP PUBLIC HEARING: Moved-Seconded (Seward-Douglas) to set a March 14, 2006 at 9:30 a.m. for a Public Hearing to discuss the changes to the Lawrence County Zoning Map. Motion Carried.

FINAL PLAT – TWO BIT SPRINGS: Moved-Seconded (Weisenberg-Seward) to approve the Final Plat for Owner/Representative: Mattson, Inc/ Arleth & Associates Legal Description: Plat of Lots 1 and 6 thru 10 of Two Bit Springs No. 2, Section 1, T4N, R3E and Section 6, T4N, R4E. (Legal shortened) Location: Two Bit. Purpose: New lots. Motion Carried.

ANNUAL REVIEW CUP #265: An annual review was held on Conditional Use Permit #265 for Teresa Ciani/Specialty Resort-High Prairie Lodge - Located on Crook City Road. Moved-Seconded (Weisenberg-Opitz) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #289: An Annual Review was held on Conditional Use Permit #289 - David Winter/Group Camp - Located on Hwy 385 (old Girl Scout Camp). Moved-Seconded (Seward-Weisenberg) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #290: An Annual Review was held on Conditional Use Permit #290 - Bernie Reausaw/Storage Units - Located on Cutting Mine Road. Moved-Seconded (Weisenberg-Opitz) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #296: An Annual Review was held on Conditional Use Permit #296 - Lyle and Daisy Baumeister/Storage Units - Located on Upper Valley Road. Moved-Seconded (Ewing-Seward) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #298: An Annual Review was held on Conditional Use Permit #298 - Steve Nothdurft/Campground - Located on Hwy 385/Custer Peak Road. Moved-Seconded (Weisenberg-Seward) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #302: An Annual Review was held on Conditional Use Permit #302 - Verizon Wireless/Tower - Located in East Slopes Estates North of Whitewood. Moved-Seconded (Weisenberg-Opitz) to review on an “as needed basis”. Motion Carried.

ANNUAL REVIEW CUP #304: An Annual Review was held on Conditional Use Permit #304 - City of Deadwood, Lead, Central City/Landfill - Located on Yellow Creek Road. Moved-Seconded (Seward-Weisenberg) to review next year. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,072.01; Treas-\$8,444.84; Comp-\$4,955.60; States Atty-\$12,975.82; Pub Def-\$6,268.57, Gen Govt Bldg-\$5,889.08; Equal-\$10,190.92; Rod-\$5,966.42; Vso-\$998.04; Disp-\$10,645.93; Sher-\$27,945.67; Jail-\$17,331.52; Emerg Mngt-\$2,710.64; E911-\$1,402.40; Highway-\$33,383.49; Air-\$281.42; Ext-\$1,179.20; Weed-\$2,003.64; Pz-\$2,581.59; **Bills:** Kosel,J-\$3.25; American Family Life-\$2,756.24; BH Federal Credit Union-\$9,136.67; BH Power & Light-\$26.09; Billion Auto Center Of Salem-\$79,287.00; Blue Cross-\$53,155.11; Bp-\$359.70; Cellular One-\$818.57; Deadwood Recreation Center-\$158.00; Dept Of The Treasury-\$38,075.84; Fort Dearborn Life Ins-\$949.19; LC Treasurer-\$100.00; NH Family Ymca-\$164.00; Office Of Child Support-\$386.31; Prairiewave Communications-\$902.51; Rcrh Patient Collections-\$100.00; SD Assoc Of Weed & Pest Boards-\$240.00; Sdrs Supplemental-Retirement-\$972.00; Verizon Wireless-\$75.89; Walmart Store-\$221.63; **Payroll:** Comm-\$3,450.95; Aud-\$6,213.87; Treas-\$8,456.77; Comp-\$4,955.61; States Atty-\$12,928.21; Pub Def-\$13,284.88; Gen Govt Bldg-\$9,975.69; Rod-\$5,966.42; Vso-\$998.04; disp-\$9,934.62; Sher-\$30,331.00; Jail-\$15,870.68; Emerg Mngt-\$2,690.48; E911-\$1,402.40; Highway-\$31,942.05; Air-\$225.12; Ext-\$1,260.20; Weed-\$2,289.03; Pz-\$2,581.59; **Bills:** Heck,D-\$129.28; Mowell,R-\$8,802.00; Rosenau,R-\$47.00; A&B Business Equip-\$421.79; A&B Welding Supply-\$33.73; A&I Distributors-\$582.35; A&J Supply-\$660.62; A&M Transport-\$87.50; A-Z Shredding-\$9.75; Abc Business Supply-\$2,830.76; Accurant Accounts Receivable-\$8.75; Adamson Industries-\$159.95; Altaire Enterprises-\$20.00; American Tech Serv-\$1,377.00; Amick Sound-\$172.20; BH Chemical Company-\$1,380.73; BH Federal Credit Union-\$9,221.00; BH Land Analysis-\$630.00; BH Medical Ctr Pharmacy-\$841.36; BH Pest Control-\$95.00; BH Pioneer-\$680.70; BH Power & Light-\$2,231.90; BH Resource Conservation-\$100.00; BH Window Cleaning-\$23.32; Barnes Distribution-\$133.64; Behavior Mngt Systems-\$856.00; Best Business Prod-\$52.08; Black Hills Pure-\$11.50; Bob Barker Company-\$315.27; Breit Law Offices-\$163.00; Bureau Of Land Management-\$2.20; Butler Machinery Co-\$1,972.99; Butte Electric Coop-\$594.61; Cdw Government-\$11,668.62; Central Parts-\$1,391.22; Chemsearch-\$534.04; Chris Supply Co-\$29.41; Christensen Law Office-\$214.00; City/County Alcohol & Drug-\$345.00; Ccp Industries-\$118.49; Clinical Lab Of BH-\$1,333.37; Coburn Insurance Agency-\$150.00; Conoco-\$299.42; Cora's Creations-\$35.00; Corral West-\$89.85; Culligan Soft Water Serv-\$159.00; Cvd Construction-\$297.96; D Ware-\$685.00; Dakota Steel & Supply-\$112.09; Deadwood Carnegie Library-\$79,302.00; Deadwood, City Of-\$528.80; Decatur Electronics-\$470.00; Deckers Food-\$46.96; Dept Of The Treasury-\$40,606.21; Dietrich,D-\$127.48; Domestic Crisis Outreach-\$632.00; Dwi Journal-\$275.00; Ecolab-\$100.00; Eddie's Truck Sales/Serv-\$67.64; Ellingson,J-\$809.83; Et Sports-\$50.85; Extension Service-\$243.30; First Western Bank-\$98.60; Fish,V-\$3,588.00; Fisher Sand & Gravel-\$468.78; Fsh Communications-\$55.00; Gardiner,D-\$201.60; Gene's Lock Shop-\$18.45; Godfrey's Brake Serv-\$513.14; Grace Balloch Mem Library-\$199,047.00; Great Western Tire-

\$10.50; Grimm's Pump Service-\$316.00; Hauck Electric & Controls-\$500.00; Havemeier,L-\$146.20; Heisler Hardware-\$235.16; Help-U-Rent-\$400.00; Huron Culvert & Tank Co-\$3,656.40; Ikon Office Solutions-\$120.70; Int'l Security Products-\$84.69; Jacobs Precision Welding-\$59.50; Jon Tish-\$462.64; Kadrmas, Lee And Jackson-\$25,109.34; Karpinen,S-\$405.00; Ken's Camper Sales-\$80.88; Kieffer,T-\$2,910.80; Kinney,M-\$459.36; Knecht True Value-\$356.94; Kooistra,N-\$15.00; Kosel,J-\$3,447.62; LC Journal-\$448.74; LC Sheriff-\$150.20; LC Treasurer-\$100.00; L&S Restoration-\$1,076.00; Lead, City Of-\$93,979.55; Lead-Deadwood Regional Hospital-\$5,057.58; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Sanitary-\$296.10; Lee,J-\$15.00; Lewis & Clark Bhs-\$260.00; Lexisnexis On-Line-\$328.00; Lustre-Cal-\$329.00; Lynn's Dakotamart-\$8.59; Macks Auto Body-\$287.27; Marshall & Swift-\$77.95; Mcarthur,J-\$90.00; McClure,S-\$180.00; Mcleod's Office Supply-\$38.01; Meade County Sheriff-\$31.30; Mid-Continent Testing-\$791.00; Midwest Alarm-\$84.00; Minitman-\$123.50; Mobile Electronic Service-\$1,974.00; Montana-Dakota Util-\$10,121.40; Mulder,D-\$165.75; NH Community Development-\$1,000.00; Nacvso-\$30.00; Nelson,C-\$225.00; Nelson,T-\$675.00; Neve's Uniforms-\$307.21; Novus-\$80.00; Office Of Child Support-\$386.31; Office Technology/Supply-\$35.72; Outdoor Motor Sports-\$10.99; Pennington County Sheriff-\$39.86; Pennington County Sts Attny-\$1,200.00; Percy Law-\$784.92; Pheasantland Industries-\$7.64; Pizza Hut-\$89.99; Porta Storage/Caj Enterprise-\$175.00; Postmaster, Deadwood-\$394.00; Postmaster, Spearfish-\$23.40; Power House-\$884.20; Prairiewave Communications-\$882.19; Queen City Motors-\$14.95; Queen City Rocket Lube-\$126.63; Qwest-\$852.09; R C Finance Office-\$1,645.00; R C Regional Hospital-\$3,017.18; Radio Shack/Kazco-\$43.34; Rapid Delivery-\$22.44; Rcrh Patient Collections-\$100.00; Regional Behavioral Health-\$344.27; Rehfuss,C-\$15.00; Reindl,S-\$3,291.74; Rombough,D-\$28.80; Rushmore Communications-\$87.00; SD Retirement System-\$42,754.03; SD State Treasurer-\$5,759.09; SD Human Services Center-\$226.22; SD Public Assur Alliance-\$2,582.00; SD Sheriff's Association-\$60.00; Sand Creek Printing-\$87.70; Sdrs Supplemental Retirement-\$972.00; Servall Towel & Linen-\$371.59; Shoener Machine & Tool Supply-\$74.00; Sign Express-\$23.44; Slate Creek Counseling-\$418.00; Smith,J-\$44.80; Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$907.70; Spearfish Husky-\$121.50; Spearfish Motors-\$79.44; Spearfish Senior Citizens-\$2,000.00; Stadler Ind Service-\$659.63; State Radio Communication-\$2,400.00; Subway-\$24.60; Superior Lamp And Supply-\$486.78; T & W Appliance/Knothole-\$472.06; Theresa Maxon Mlt-\$60.00; Tigerdirect-\$101.96; Triple K Tire & Repair-\$368.80; Twin City Hardware & Lumber-\$776.24; Twin City Senior Citizens-\$2,000.00; Verizon Wireless-\$121.52; Victims Of Violence-\$632.00; Walmart Store-\$612.93; Waste Connections-\$452.82; Wells Plumbing & Farm Supp-\$340.85; West Group-\$121.00; Western Communication-\$818.50; Western Hills Humane Society-\$3,000.00; Whitewood Library-\$52,970.00; Whitewood Senior Citizens-\$1,000.00; Williams Standard Serv-\$10.65; Wsi Corp-\$1,560.00; Xerox Corporation-\$6,448.60; Yankton Co Sheriff-\$16.50; Yankton County-\$304.15; Ziggy's Building Center-\$621.28;

Witness & Jurors: Biel,L-\$52.56; Burrer,L-\$50.64; Caton,E-\$55.12; Hanson,R-\$61.52; Holst,M-\$59.60; Jennings,D-\$59.60; Jones,B-\$59.60; Junek,S-\$61.52; Larive,D-\$51.92; Merrill,M-\$60.88; Oliver,T-\$59.60; Rothenberger,P-\$56.40; Rounce,J-\$59.60; Schwab,J-\$59.60; Slattery,W-\$59.60; Smith,B-\$62.80; Walker,L-\$51.92; Wood,R-\$60.24; Alexander,B-\$12.56; Armstrong,C-\$24.08; Baenen,J-\$11.92; Berglund,S-\$11.28; Berry,P-\$13.20; Brien,L-\$11.28; Buckwalter,P-\$19.60; Ceritelli,J-\$119.20; Collins,R-\$19.60; Diers,A-\$103.84; Dowdy,S-\$19.60; Eggleston,R-\$10.64; Garness,S-\$121.76; Gehner,D-\$19.60; Heinbaugh,M-\$19.60; Holmes,A-\$115.36; Jensen,K-\$16.40; Kimball,C-\$19.60; Kolb,R-\$17.68; Lammers-Bogard,H-\$17.68;

Landis,L-\$22.80; Lesselyoung,J-\$116.64; Ludens,M-\$123.04; Mader,L-\$26.00; Mix,L-\$108.96; Norris,C-\$103.84; Olson-Bergman,T-\$13.20; Porter,K-\$103.84; Redinger,T-\$21.52; Robertson,N-\$21.52; Salat,M-\$29.20; Schwandt,R-\$17.68; Sparker,M-\$125.60; Trumbull,L-\$11.92; Two Bulls,M-\$22.80; Westberg,A-\$115.36; William,R-\$102.56; Woods,G-\$20.88; Barnett,A-\$52.00; Barnett,N-\$20.00; Brinson,E-\$29.60; Burrows,J-\$62.88; Burrows,M-\$20.00; Burrows,T-\$20.00; Charles,D-\$36.00; Clauser,S-\$29.60; Ford,S-\$21.92; Fosheim,M-\$68.00; Gardner,R-\$20.64; Javurek,O-\$29.60; Johnson,T-\$29.60; Kemp,J-\$29.60; Kerber,C-\$119.84; Lopez,R-\$48.80; Martz,J-\$21.92; Michael,D-\$29.60; Monahan,M-\$29.60; Pesicka,G-\$48.80; Rang,B-\$29.60; Rodriguez,D-\$59.20; Santana,M-\$21.92; Sirio,J-\$21.92; Tracy,J-\$29.60;

Moved-Seconded (Opitz-Seward) to approve a manual check to be written to Exit 8 Trailer Sales. Motion Carried.

ADJOURN: 1140 a.m. there being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 28, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 28, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg and Bob Ewing present. George Opitz was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of February 14, 2006. Motion Carried.

PERSONNEL:

HIGHWAY: Moved-Seconded (Weisenberg-Douglas) to accept the letter of retirement from Chuck Williams, Highway Superintendent with great regret, effective 10-7-2006.

Moved-Seconded (Ewing-Douglas) to extensively advertise the Highway Superintendent position for two months. Motion Carried.

EXTENSION: Moved-Seconded (Weisenberg-Ewing) to approve Carol Rahja as a fill in / part time Accounting Clerk G1 at a base rate of \$10.47 effective 2-21-2006. Motion Carried.

TRAVEL REQUESTS

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Darlene Piekkola, Dennis Schumacher, Carmen Symonds, Scott Sandvig and Brett Runge to attend the Annual Assessor's Conference in Brookings, SD on May 30th thru June 2, 2006. Motion Carried. Aye-Weisenberg, Ewing & Douglas. Nay-Seward.

SHERIFF: Moved-Seconded (Weisenberg-Seward) to approve the travel request for Paul Hansen to attend the Child Abduction Response Team in Seattle WA on March 19-24, 2006. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of February 15, 2006: (prices per gallon) Cenex Oil Co. SPF No.1&2 Diesel - \$2.02 & Unleaded \$1.97; Southside Oil – SPF No.1& 2 Diesel - \$2.00* & Unleaded -\$2.00; Rollin Oil -SPF No.1&2 Diesel - \$2.01 & Unleaded \$1.91* (*represents lowest quote)

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Weisenberg) to approve the automatic supplement of \$285,770.48 in the Emergency Management Grants Budget for Homeland Security grant funds. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Weisenberg) to set March 14, 2006 at 8:15 a.m. for a supplemental budget hearing for \$345,000 for Road & Bridge Capital Assets. Motion Carried.

ABATEMENT:

CITY OF DEADWOOD: Moved-Seconded (Weisenberg-Seward) to approve the abatement on parcel #30025-09200-000-10 & 30025-09200-000-40 because the property was purchased by the City of Deadwood. Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Seward-Weisenberg) to approve the abatement on parcel #32250-00000-000-40 because the property was purchased by the City of Spearfish. Motion Carried.

SD DEPARTMENT OF GAME FISH & PARKS: Moved-Seconded (Weisenberg-Ewing) to approve the abatement on parcel #26340-00780-000-20& 26620-01555-000-05 because the property is owned by the SD Dept. of Game Fish & Parks. Motion Carried. Aye-Weisenberg, Ewing & Douglas. Nay-Seward.

HIGHWAY BUSINESS

BRIDGE REINSPECTION: Moved-Seconded (Weisenberg-Ewing) To approve and authorize the Chairperson to sign the Bridge Reinspection Program Resolution. Motion Carried. BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. THEREFORE, Lawrence County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The County requests SDDOT to hire NJS Engineering Consulting Engineers for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. There are a total of 36 bridges in Lawrence County that require inspection. Dated this 28th day of February 2006, at Deadwood, South Dakota. (city) Board of County Commissioners of Lawrence County: Connie Douglas, Chairperson of the Board. Attest: Connie Atkinson, County Auditor

UTILITY PERMIT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Application for Occupancy on the right of way of County Highways on Kerwin Lane in Section 34, T7N, R2E in Lawrence County. Motion Carried.

RS2477 DESIGNATION: Brad Gordon and Bill Coburn were present to discuss FSR222 Iron Creek Road Spur. The Board directed Outka to communicate with Pam Brown, Forest Service, to open the Road. Brad Gordon, Bill Coburn and Bruce Outka will check with Randy Deibert to verify that the road qualifies as a RS2477 Road. If the road qualifies they will draft a letter to have the road opened and bring back to the Commission for consideration.

CUSTER PEAK REDUCTION PROJECT: Bill Coburn updated the Board on the Custer Peak Reduction Project.

CHANGE OF ZONING #251 / RILEY / SMOKEY MOUNTAIN RANCH SUBDIVISION:
A public hearing was held on a request for Change of Zoning #251 - Owner/Representative: Roger Riley. Legal Description: Riley Wolff Tracts 1 & 3, Section 28, Section 33, T6N, R4E. Location: Crook City Road. Purpose: Subdivision. Tracy McDaniels voiced concerns on fire hydrants, wells, increased traffic on the roads and sidewalks. The public hearing was closed and discussion followed. Moved-Seconded (Weisenberg-Seward) to follow recommendation and approve Change of Zoning #251. Motion Carried.

KLUTHE ISOLATED TRACT: The Board opted to leave the Kluthe isolated tract issue on the table until further information is received.

WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the following Order Declaring West Acres Community Association Road District Incorporated. Motion Carried.

ORDER DECLARING WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT

INCORPORATED/ **WHEREAS**, an election was held among the registered voters in the West Acres Community Association Road District to determine whether or not a County Road District should be incorporated. **WHEREAS**, this vote was held on February 14, 2006. **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 9 (Nine), together with the number of 9 (Nine) voting for and the number of 0 (Zero) voting against incorporation; **WHEREAS**, The Territory organized as a district is as follows: Consisting of Lot 10 Block 1 Except the North 50'; Lots 1-4 Block 4; Lots 4-7 Block 3; and 50' R.O.W. between said Lots; of the West Subdivision all located in the SE ¼ SW ¼ and SW ¼ SE ¼ of Section 28, T7N, R2E, B.H.M., Lawrence County, South Dakota. **WHEREAS**, the Board of County Commissioners are satisfied with the legality of such election. **WHEREAS**, it appearing that a majority of the voters at the election have voted in favor of incorporation of such territory. **NOW THEREFORE BE IT ORDAINED** by the Lawrence County Board of Commissioners that the West Acres Community Association Road District is hereby incorporated pursuant to SDCL 31-12A. **DATED** this 28th day of February 28, 2006. **CONNIE DOUGLAS, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor**

AIRPORT ISSUES: Bruce Outka presented the Committee Report on the Airport Issues. No violations were found and the full report is on file in the Auditor's office. Douglas asked Seward to take the Committee's procedure recommendations to the Airport Board for consideration. _____

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,146.23; Treas-\$8,432.91; Comp-\$4,955.60; States Atty-\$12,602.84; Pub Def-\$5,966.04; Gen Govt Bldg-\$5,966.19; Equal-\$10,860.02; Rod-\$5,966.43; Vso-\$998.04; Disp-\$8,707.52; Sher-\$26,899.15; Jail-\$15,454.77; Emerg Mgnt-\$2,690.48; E911-\$1,405.40; Highway-\$34,416.78; Air-\$548.73; Ext-\$1,179.20; Weed-\$2,119.91; Pz-\$2,581.59; **Bills:** Deneui,K-\$18.32; Flanagan,B-\$270.00; Fystro,T-\$9.00; Heck,D-\$200.00; Kaiser,D-\$5.51; Ross,N-\$2.33; Smith,M-\$4.16; Utecht,J-\$13.84; A&B Business Equip-\$10,378.12; A&M Transport-\$175.00; Abc Business Supply-\$2,023.44; Adamson Industries-\$469.95; Amcon Distributing-\$293.90; American Family Life-\$2,702.54; American Legion Post 31-\$50.00; At&T-\$22.67; BH Federal Credit Union-\$9,371.00; BH Pioneer-\$96.00; BH Power & Light-\$6,616.94; BH Security & Systems-\$270.00; Berger Services-\$311.46; Best Business Prod-\$52.08; Blue Cross-\$53,155.11; Bp-\$1,038.96; Breit Law Offices-\$163.00; Butler Machinery Co-\$171,010.00; Butte County Sheriff-\$38.56; Butte-Lawrence Co Fair-\$10,000.00; Carquest Of Spearfish-\$15.36; Cellular One-\$884.26; City/County Alcohol & Drug-\$1,377.00; Clinical Lab Of B H-\$1,261.52; Coburn First Western-\$3,833.00; Cooperative Extension Service-\$124.64; Correctional Billing-\$18.54; Dakota Discount-\$80.95; Deadwood Recreation Center-\$166.00; Decatur Electronics-\$65.00; Dept Of Hlth Lab Services-\$420.00; Dept Of The Treasury-\$36,917.67; Domestic Crisis Outreach-\$187.50; Enterprise Rent-A-Car-\$1,441.79; Ertz,D-\$195.00; Evercom Systems-\$630.00; Exit 8 Trailer Sales-\$2,550.00; Farmers Union Oil-\$14,825.70; Fastenal-\$492.19; Fisher Sand & Gravel-\$99.80; Fort Dearborn Life Ins Co-\$962.15; Great Plains Chemical-\$180.00; Huffman,P-\$250.00; Ikon Office Solutions-\$120.70; JT Converters-\$38.50; Karpinen,S-\$21.92; Ken's Camper Sales-\$32.58; Kieffer,T-\$64.60; Kimball-Midwest Co-\$359.10; King's Inn Platte-\$51.95; Kinney,M-\$152.23; Koala Electric-\$3,940.50; Kronmiller,J-\$250.00; LC Extension-\$22.67; LC Sheriff-\$7.27; LC Treasurer-\$100.00; Lawson Products-\$260.54; Lead-Deadwood Regional Hospital-\$156.54; Leslies Amoco-\$36.22; Looyenga,Dr-\$500.00; Lynn's Dakotamart-\$8.21; M&M Sanitation-\$250.00; Mcarthur,J-\$30.24; Meade County Sheriff-\$15.70; Memorydealers.Com-\$98.00; Mid America Specialties-\$602.43; Mobile Electronicservice-\$1,435.00; Montana-Dakota Util-\$732.74; NH Family Ymca-\$164.00; Office Of Child Support-\$386.31; Office Technology/Supply-\$131.96; Outdoor Motor Sports-\$27.98; Pennington Co Auditor-\$469.00; Pennington Co Jail-\$1,369.77; Pennington County Sheriff-\$8.26; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$407.10; Prairiewave Communications-\$927.76; Queen City Tire-\$69.46; Qwest-\$88.04; Rabe Elevator-\$1,253.44; Radio Shack/Kazco-\$39.98; Radiology Associates-\$87.89; Ray O'herron Co-\$810.80; Regional Behavioral Health-\$185.99; Reindl,S-\$5,526.08; Rollin Oil-\$1,500.02; SD Retirement System-\$42,083.57; SD Dept Of Revenue-\$440.00; SD Dept Of Transportation-\$3,762.00; SD Federal Property Agency-\$107.50; SD Public Assur Alliance-\$94,261.18; Sanitation Products-\$84.13; Sdrs Supplemental Retirement-\$972.00; Secretary Of State-\$50.00;

Servall Towel & Linen-\$501.88; Slate Creek Counseling-\$913.80; Snyder,J-\$71.82; Southside Oil Co-\$7,997.73; Spearfish Auto Supply-\$1,698.55; Spearfish Gunsmithing-\$80.00; Spearfish Husky-\$18.00; Speedylube-\$239.37; Sturgis Yamaha-\$969.04; Teen Court-\$7,041.55; Tigerdirect-\$853.17; Twin City Hardware & Lumber-\$1,118.00; U S Postal Service-\$5,000.00; Verizon Wireless-\$498.54; Victims Of Violence-\$187.50; Walmart Store-\$410.08; Warne Chemical-\$433.94; Wells Fargo Business Card-\$19.38; Western Communication-\$45.00; Wolff's Plumbing & Heating-\$1,756.00; Zep Manufacturing Co-\$170.81; **Witness & Jurors:** Biel,L-\$52.56; Caton,E-\$55.12; Hanson,R-\$61.52; Jennings,D-\$59.60; Larive,D-\$51.92; Schwab,J-\$59.60; Slattery,W-\$59.60; Aldrich,G-\$51.92; Aplan,S-\$62.80; Bertsch,J-\$21.52; Birnbaum,T-\$11.92; Burnett,P-\$22.80; Corean,J-\$62.80; Cracco,I-\$11.92; Dirksen,N-\$11.92; Elliott,C-\$54.48; Emme,K-\$13.20; Fanning,R-\$19.60; Gray,M-\$19.60; Haislett,R-\$62.80; Hannah,S-\$10.64; Hedge,B-\$22.80; Hickenbotham,B-\$26.00; Hunsley,B-\$19.60; Jegeris,M-\$51.92; Katon,P-\$10.64; Klingman,P-\$59.60; Koski,T-\$59.60; Leighty,J-\$19.60; Locke,T-\$22.80; Metz,N-\$59.60; Nelson,M-\$59.60; Peterson,M-\$59.60; Senden,L-\$66.00; Smith,S-\$11.92; Sorensen,E-\$19.60; Sukstorf,J-\$18.32; Westberg,G-\$17.68; Bukovac,W-\$20.64; Burke,A-\$96.80; Christians,J-\$29.60; Essink,H-\$20.64; Haefs,K-\$21.28; Huntington,J-\$21.92; Imker,A-\$36.00; Johnson,J-\$29.60; Kellogg,M-\$29.60; Licano,J-\$20.64; Palmer,S-\$21.92; Rath,D-\$39.20; Steier,S-\$52.00; Thomasen,K-\$21.92; Wainman,W-\$59.20; Waters,P-\$29.60; Widener,C-\$41.28; Wilson,R-\$20.64; Adams,D-\$22.80; Adkinson,G-\$21.52; Aldinger,B-\$20.88; Anderson,M-\$11.92; Andrews,R-\$51.92; Berger,D-\$19.60; Black,S-\$62.80; Branum,R-\$19.60; Burnham,C-\$19.60; Burnham,P-\$52.56; Chrisman,J-\$21.52; Clowser,P-\$11.92; Collins,C-\$19.60; Collins,J-\$19.60; Dahl,L-\$17.68; Diez,D-\$19.60; Donahue,M-\$19.60; Dower,E-\$22.80; Drury,M-\$58.32; Ewing,T-\$55.76; Fischer,J-\$19.60; Frankman,M-\$20.88; Gill,B-\$22.80; Hannah,S-\$62.80; Hansen,C-\$59.60; Hardin,P-\$19.60; Harris,P-\$11.92; Hindbjorgen,A-\$21.52; Hogan,D-\$21.52; Johnson,A-\$21.52; Johnstone,D-\$10.64; Jones,J-\$13.84; Kershner,J-\$12.56; Kloeckl,J-\$22.80; Knutson,T-\$62.80; Kolb,L-\$19.60; Lanphear,J-\$11.28; Laughlin,N-\$18.32; Leveque,T-\$11.92; Lloyd,K-\$11.28; Luxton,K-\$19.60; Manderfeld,S-\$55.12; Maynard,G-\$10.64; McNulty,T-\$10.64; Mehlberg,J-\$13.20; Meverden,A-\$17.68; Miller,R-\$19.60; Mitchell,J-\$17.04; Mitchell,T-\$20.24; Neva,S-\$16.40; Phillips,K-\$11.92; Reede,J-\$59.60; Regan,D-\$11.92; Richards,G-\$17.68; Sechser,M-\$22.80; Simpson,S-\$12.56; Sipe,T-\$22.80; Spurlock,A-\$22.80; Stalder,H-\$22.80; Stinson,D-\$12.56; Swaby,S-\$22.80; Thompson,K-\$66.00; Toffel-Hajek,P-\$17.68; Toscana,F-\$10.64; Trucano,T-\$19.60; Volk,M-\$19.60; Watson,L-\$11.28; Weinzierl,R-\$59.60; Williams,C-\$18.32; Winney,L-\$22.80

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

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 28, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 28, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of March 14, 2006. Motion Carried.

PERSONNEL:

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Seward-Weisenberg) To hire Robyn Varland as a half time Custodian I at the base rate of \$9.77 an hour, effective 4-10-2006. Motion Carried.

WEED: Moved-Seconded (Weisenberg-Opitz) to approve Walter Zuercher - \$11.81, Megan Burke -\$10.57 hr, Traci Stone -\$10.69 hr, Stephanie Bair -\$9.45; Brittany Klipfel -\$9.45; Alana Dykhouse -\$9.45; Tanner Tetrault - \$9.45; and William Gray -\$9.45 as summer help for Invasive Species Management. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve Walter Zuercher as a permanent $\frac{3}{4}$ time Weed Sprayer G3 at the base rate of \$11.81 an hour, effective 4-1-2006. Motion Carried.

PLANNING & ZONING BOARD: There were two interested individuals for the open Planning and Zoning Board position. The Planning and Zoning Board will interview the individuals and make a recommendation to the County Commission.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Darlene Piekkola, Dennis Schumacher, Carmen Symonds, Scott Sandvig and Brett Runge to attend Spring Workshop in Pierre, SD on May 10-12, 2006. Motion Carried.

NH ALCOHOL & DRUG SERVICES: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Core Service Agency Agreement with NH Alcohol and Drug Services. Motion Carried.

RESOLUTION #06-10 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget request for the Sheriff Department – Capital Assets. No public input was

present and the hearing was closed. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the following Resolution #2006-10 TO ADOPT A SUPPLEMENTAL BUDGET. Motion Carried. WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Sheriff – Capital Assets - \$70,145 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 March, 2006 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 March, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

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

HIGHWAY R.O.W. PERMIT:

QWEST: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the Application for Occupancy on the Right of Way of County Highways for Qwest Communications on Highway 14A in Section 17 & 18 T4N, R3E (Wilderness Estates), Lawrence County. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Application for Occupancy on the Right of Way of County Highways for Black Hills Power on approximately 800' East of Highway 85 on Powder House Trail for a distance of 985' on the East-West section line which divides sections 7 & 18, 8 and 17 respectively, T4N, R3E, Lawrence County. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Application for Occupancy on the Right of Way of County Highways for Black Hills Power for .5 miles south of the corner of sections 4, 5, 8, 9 of T6N, R2E, begin S8, T6N, R2E and end S4, T6N, R2E, within Highway 27 of Lawrence County. Motion Carried.

COMMUNITY GRANT PROJECT: Angie King was present and thanked the Board for their past support and provided an update on the project. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign a letter of support for the School Community Grant Project. Motion Carried.

JAIL MEDICAL: Moved-Seconded (Opitz-Weisenberg) to approve and authorize the Chairperson to send a letter to the Judge requesting help in collecting jail medical bills that are becoming a burden on Lawrence County tax payers. Motion Carried.

VACATION OF SECTION LINES: A public hearing was held on requests for vacation of section lines. Landowners BH Development and BH Development / Bureau of Land Management. No public input was present and the hearing was closed. John Fredericksen was present representing the BH Development.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the following Resolution #2006-11 Vacating a Portion of Section Line with the following conditions as stated from Marian Atkins, BLM: 1) BH Development, LLC agrees to dedicate as "Public Right of Way" the access to and a thoroughfare through "Common Lot 1" to the BLM land lying Northeasterly of the Wilderness Estates Subdivision. 2) The Public Right of Way shall run through "Common Lot 1" commencing at the intersection of "Ruby's Way" (street), Lot 12 and Lot 25 and shall run ENE between Lots 25 and 12, Lots 26 and 11 and Lots "O.B. Fraction" and 10 ending at the BLM Land. Motion Carried. LAWRENCE COUNTY RESOLUTION #06-11 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: LEGAL DESCRIPTION FOR THE VACATION: A portion of the east section line of Section 8 lying within the boundaries of Tract A of Wilderness Estates consisting of the Nile, Cairo, Cairo No. 2, Cairo No. 5 and O.B. Fraction Lode of M.S. 1834; the Massachusetts, Oneida, Brown, Brown Fraction Lode Mining Claims of M.S. 1195; the Andes, Treber Fraction, Bonapart, and Bismark Lode Mining Claims of M.S. 1159, all located in the SE 1/4 of Section 7, W 1/2 of Section 8, NW 1/4 of Section 17, T4N, R3E, B.H.M., Lawrence County, South Dakota, as shown on Exhibit 'A' attached to this Petition. LANDOWNERS: BH Development, LLC. Dated this 28th day of March, 2006. CONNIE DOUGLAS, CHAIRPERSON, Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Resolution #2006-12 Vacating a Portion of Section Line Line with the following conditions as stated from Marian Atkins, BLM: 1) BH Development, LLC agrees to dedicate as "Public Right of Way" the access to and a thoroughfare through "Common Lot 1" to the BLM land lying Northeasterly of the Wilderness Estates Subdivision. 2) The Public Right of Way shall run through "Common Lot 1" commencing at the intersection of "Ruby's Way" (street), Lot 12

and Lot 25 and shall run ENE between Lots 25 and 12, Lots 26 and 11 and Lots "O.B. Fraction" and 10 ending at the BLM Land. Motion Carried. LAWRENCE COUNTY RESOLUTION #06-12 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: LEGAL DESCRIPTION FOR THE VACATION: A portion of the south section line of Section 8 lying within the boundaries of Tract A of Wilderness Estates consisting of the Nile, Cairo, Cairo No. 2, Cairo No. 5 and O.B. Fraction Lode of M.S. 1834; the Massachusetts, Oneida, Brown, Brown Fraction Lode Mining Claims of M.S. 1195; the Andes, Treber Fraction, Bonapart, and Bismark Lode Mining Claims of M.S. 1159, all located in the SE 1/4 of Section 7, W 1/2 of Section 8, NW 1/4 of Section 17, T4N, R3E, B.H.M., Lawrence County, South Dakota, as shown on Exhibit 'A' attached to this Petition. LANDOWNERS: BH Development, LLC & BLM – Bureau of Land Management. Dated this 28th day of March, 2006. CONNIE DOUGLAS, CHAIRPERSON, Lawrence County Commissioner. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

NATIONAL DAY OF PRAYER: Pat McBride, Ministerial Association, was present to request the use of the Plaza for the National Day of Prayer in May for approximately two hours. The Board asked Outka to research the request and report back to the Board.

WEST ACRES ROAD DISTRICT VOLUNTARY ANNEXATION: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Order Approving West Acres Road District Voluntary Annexation. Motion Carried. ORDER APPROVING WEST ACRES VOLUNTARY ANNEXATION: WHEREAS, a meeting was held among the trustees of the West Acres Road District to determine whether or not a voluntary Annexation of Lot 5, Block 2, West Subdivision of Lot C, Subdivision of the SE 1/4SW1/4 of Section 28, T7N, R2E, B.H.M., Lawrence County, South Dakota be annexed. WHEREAS, this vote was held on November 1, 2005 and the vote of the trustees was 2-0 with 1 abstaining for the voluntary annexation, WHEREAS, The Territory annexed into the district is as follows: Lot 5, Block 2, West Subdivision of Lot C, Subdivision of the SE 1/4SW1/4 of Section 28, T7N, R2E, B.H.M., Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the West Acres Road District Trustees. WHEREAS, it appearing that a majority of the votes at the meeting of the West Acres Road District Trustees have voted in favor of the voluntary annexation, NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the West Acres Road District voluntary annexation area hereby be annexed in to the West Acres boundaries pursuant to SDCL 31-12A. DATED this 28th day of March, 2006. CONNIE DOUGLAS, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT VOLUNTARY

ANNEXATION: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the following Order Approving West Acres Community Association Road District Voluntary Annexation. Motion Carried. ORDER APPROVING WEST ACRES COMMUNITY ASSOCIATION ROAD DISTRICT VOLUNTARY ANNEXATION: WHEREAS, a meeting was held among the trustees of the West Acres Community Association Road District to determine whether or not to voluntary annex the following property: Lot 9, except the North Fifty (50) Feet of the East Sixty Three (63) Feet, a portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota. WHEREAS, a Resolution of West Acres Community Association Road District, approving the voluntary annexation, was passed on March 7, 2006. WHEREAS, the Resolution of West Acres Community Association Road District requested that the Lawrence County Commissioners enter an Order declaring that the following described property be annexed. WHEREAS, The Territory annexed into the district is as follows: Lot 9, except the North Fifty (50) Feet of the East Sixty Three (63) Feet, a portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 7 North, Range 2 East, of the Black Hills Meridian, Lawrence County, South Dakota. WHEREAS, the Board of County Commissioners are satisfied with the legality of such meeting of the West Acres Community Association Road District. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the West Acres Community Association Road District voluntary annexation area, as described above is hereby annexed into the West Acres Community Association Road District boundaries pursuant to SDCL 31-12A. DATED this 28th day of March 2006. CONNIE DOUGLAS, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

JOINT POWERS AGREEMENT: Moved-Seconded (Ewing-Opitz) to approve and authorize the Chairperson to sign the Joint Powers Agreement with Unified Judicial System to provide the County with access to the civil money judgment system to provide the County with the debtor/creditor information. Motion Carried.

INVASIVE SPECIES MANAGEMENT:

EXECUTIVE SESSION: 9:45 a.m. Moved-Seconded (Ewing-Weisenberg) to go into executive session with Paul Miller and Dave Heck for personnel issues. Motion Carried. 9:50 a.m. opened for regular business no action taken.

Paul Miller and Dave Heck were present to discuss the need to be pro-active in enforcing weed spraying in the County. The Board discussed the cost of enforcements. Miller requested a permanent ³/₄ time employee to assist Dave Heck in the Invasive Species Management Office. The new employee will maintain equipment; supervise the summer spray crews and any additional duties needed. Miller stated they would like the position to become full-time in 2007.

EXECUTIVE SESSION: 10:10 a.m. Moved-Seconded (Ewing-Weisenberg) to go into executive session with Paul Miller and Dave Heck for contractual issues. Motion Carried. 10:35 a.m. opened for regular business no action taken.

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-\$3,450.95; Aud-\$6,146.23; Treas-\$8,436.11; Comp-\$4,955.61; States Atty-\$12,767.06; Pub Def-\$5,966.04; Gen Govt Bldg-\$5,940.02;Rqual-\$10,999.69; Rod-\$5,966.42; Vso-\$1,003.32; Disp-\$11,114.75; Sher-\$27,581.45; Jail-\$16,679.89; Emerg Mgnt-\$2,690.48; E911-\$1,408.40; Highway-\$31,331.56; Air-\$337.68; Ext-\$1,179.20; Weed-\$2,300.40; Pz-\$2,581.59; **Bills:** Blanks,K-\$6.33; Flanagan,B-\$672.66; Ryan,S-\$94.00; A&B Business Equip-\$813.59; A&M Transport-\$87.50; Aaa Travel-\$371.70; Abc Business Supply Corp-\$296.00; Aldinger Funeral Home-\$1,170.00; Alltel-\$196.60; Appriver-\$816.00; At&T-\$23.78; BH Chemical Company-\$176.96; BH Federal Credit Union-\$9,371.00; BH Medical Ctr Pharmacy-\$1,803.82; BH Pioneer-\$99.01; BH Power & Light-\$7,104.21; BH Windshield Repair-\$50.00; Best Business Prod-\$52.08; Black Hills Vision-\$10,000.00; Blue Cross-\$52,578.95; Bp-\$875.03; Breit Law Offices-\$163.00; Butler Machinery Co-\$3,000.00; Butte County Highway-\$2,310.76; Central Parts-\$86.25; Chemical Sanitizing Sys-\$243.76; Chemsearch-\$141.30; Christensen Law Office-\$1,300.50; City/County Alcohol & Drug-\$345.00; Clinical Lab Of BH-\$1,247.62; Conoco-\$123.80; Corral West-\$33.87; Correctional Billing-\$3.94; Dakota Graphics-\$220.00; Deadwood Home Center-\$50.54; Deadwood Recreation Center-\$158.00; Deckers Food-\$69.90; Denver Sheriff Department- \$39.00; Dept Of Hlth Lab Services-\$350.00; Dept Of The Treasury-\$37,431.69; Division Of Motor Veh-\$91.00; Domestic Crisis Outreach-\$627.50; Election Sys & Software-\$227.65; Ellingson,J-\$1,434.00; Evercom Systems-\$630.00; Fastenal-\$81.23; Fisher Sand & Gravel-\$1,657.97; Fort Dearborn Life Ins-\$952.85; Frederickson,J-\$319.20; Fsh Communications-\$55.00; Gall's-\$580.44; Gold Dust-\$138.00; Great Western Tire-\$551.47; Havemeier,L-\$20.40; Hughes County Sheriffs-\$10.50; Ikon Office Solutions-\$120.70; Isburg,D-\$110.00; Jacobs Precision Welding-\$103.50; Jon Tish-\$303.19; Karl's-\$319.00; Karpinen,S-\$270.00; Kieffer,T-\$34.00; Kimball-Midwest Co-\$145.14; Kinney,M-\$1,448.77; Koala Electric-\$394.57; Kosel,J-\$744.05; LC Sheriff-\$117.42; LC Treasurer-\$100.00; Language Line Services-\$125.40; Lawson Products-\$454.30; Lead-Deadwood Regional-\$63.50; Lead-Deadwood Regional Hospital-\$1,167.96; Lyle Signs-\$2,469.25; Mcarthur,J-\$90.00; Meade County Sheriff-\$18.70; Medicine Shoppe, The-\$19.95; Montana-Dakota Util-\$861.65; Morgan County Sheriff-\$36.00; Motorola-\$24,106.72; NH Family Ymca-\$180.00; National Assoc Extradition Off-\$300.00; Office Of Child Support-\$386.31; Pennington Co Auditor-\$75.00; Pennington Co Jail-\$1,452.43; Pennington County Sheriff-\$8.64; Pennington County Sts Attny-\$400.00; Phillips Petroleum Co-\$61.00; Pitney Bowes-\$1,531.69; Postmaster, Deadwood-\$72.00; Postmaster, Spearfish-\$250.00; Prairiewave Communications-\$928.08; Public Safety Center-\$235.67; Queen City Motors-\$26.98; Queen City Rocket Lube-\$106.94; Qwest-\$43.82; RC Finance Office-\$1,015.00; Radio Shack/Kazco-\$156.93; Radiology Associates-\$49.78; Regan Battery Maint Services-\$24.70; Reindl,S-\$6,256.28; Ritz Camera-\$49.98; Rollin Oil-

\$1,436.09; SD Retirement System-\$41,928.01; SD Dept Of Labor Unemployment-\$3,108.00; SD Dept Of Transportation-\$3,591.00; SD Economic Developmet-\$100.00; SD Federal Property Agency-\$112.50; Sdrs Supplemental Retirement-\$972.00; Servall Towel & Linen-\$501.88; Slate Creek Counseling-\$262.33; Spearfish Auto Supply-\$62.45; Speedylube-\$61.62; Suds & Duds-\$56.00; Summit Signs & Supply-\$136.00; Teen Court-\$1,521.96; Tigerdirect-\$279.29; Tollefson,J-\$16.47; Twin City Hardware & Lumber-\$865.10; United Parcel Service-\$12.27; Verizon Wireless-\$2,812.80; Victims Of Violence-\$627.50; Voelker & Adams-\$2,657.00; Walmart Store-\$1,537.21; Walter F Stephens-\$765.30; Weld County Sheriff's Office-\$31.75; Wells Fargo Business Card-\$21.01; Western Communication-\$88.50; Western SD Juvenile Serv-\$3,330.00; **Witness & Jurors:** Biel,L-\$52.56; Burrer,L-\$50.64; Caton,E-\$55.12; Hanson,R-\$61.52; Jennings,D-\$59.60; Junek,S-\$61.52; Larive,D-\$51.92; Schwab,J-\$59.60; Slattery,W-\$59.60; Smith,B-\$62.80; Thomasen,K-\$21.92; Beyer,C-\$71.20; Biel,B-\$45.12; Blalock,C-\$39.20; Buckovac,W-\$20.64; Crotty,J-\$29.60; Goodnough,R-\$32.80; Hamby,B-\$20.00; Hamby,D-\$30.88; Hamby,W-\$20.00; Jensen,J-\$21.28; Martz,M-\$20.96; Merwin,R-\$20.64; Schulenburg,T-\$29.60; Stinton,G-\$39.20; Talsma,S-\$39.20; Toavs,T-\$26.40; Woodle,A-\$29.60

ADJOURN: 10:36 a.m. there being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 11, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 11, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Opitz) to approve the minutes of March 28, 2006. Motion Carried.

PERSONNEL:

WEED: Moved-Seconded (Opitz-Seward) to approve Callie Ackerman as a temporary seasonal weed sprayer G2 at the base rate of \$10.57 an hour, effective 3-31-2006. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Williams-Ewing) to appoint Marty O’Dea to the Planning and Zoning Board for a term to expire 1-2008. Motion Carried.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Darlene Piekola to attend the NCRAAO Conference in Grand Forks, ND on June 17-22, 2006. Motion Carried.

AUDITOR’S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2006 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)-\$84,639.35; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,434.73; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$5,484,362.25; GNAMS-\$14,606.86; Total \$9,288,928.19.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2006 is \$1,415,220.71 or 9.98%.

FUEL QUOTES: The following fuel quotes were submitted as of April 6, 2006: Deadwood unleaded 7400 Gal (prices per gallon) Cenex Oil Co. \$2.322; Southside Oil - \$;2.29; Rollin Oil - \$2.257*. (*represents lowest quote)

AMENDMENT E / JUDICIAL ACCOUNTABILITY INITIATED LAW: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Lawrence County Resolution #2006-13. Motion Carried. LAWRENCE COUNTY COMMISSIONERS RESOLUTION # 2006-13 WHEREAS, a constitutional amendment (Judicial Accountability Initiated Law) will be submitted to South Dakota voters in November 2006, designated Amendment E; and WHEREAS, Amendment E was drafted by a resident of California and the petitions were circulated primarily by paid out-of-state persons; and WHEREAS, the Amendment E petition failed to get more than a few thousand signatures in California, and thus was never submitted to California voters; and WHEREAS, South Dakota voters were told that Amendment E simply provided for a remedy for intentional judicial misconduct; and WHEREAS, if approved by the voters, Amendment E would actually allow lawsuits against all South Dakota citizen boards, including county commissioners, school board members, city council members, planning and zoning board members, township board members, public utilities commissioners, professional licensing board members, jurors, judges, prosecutors, and all other citizen boards; and WHEREAS, Amendment E would authorize and encourage jury nullification in South Dakota, which was previously rejected overwhelmingly by South Dakota voters in 2002; and WHEREAS, Amendment E would prohibit summary judgment, a legal remedy currently available and used to quickly and inexpensively rid our courts of frivolous lawsuits; and WHEREAS, Amendment E would permit convicted felons, whose convictions have been affirmed by our Supreme Court, to sue the prosecutors who prosecuted the felons, the jurors who voted to convict the felons, and the judges who sentenced the felons, thus burdening our courts and citizens with countless expensive and needless lawsuits; and WHEREAS, the author of Amendment E has publicly stated that with the passage of Amendment E, Judicial Accountability Initiated Law members from across the country will "purposely drive to South Dakota...just for the privilege of getting a traffic ticket so you can demand a jury trial. I anticipate traffic courts to be among the first courts to all but totally close...", thus depriving South Dakota citizens of their constitutional right of access to our courts and making it clear that Amendment E is not intended to help cure any alleged problems with South Dakota courts; and WHEREAS, if approved, Amendment E would establish a new entity to investigate complaints with an initial budget of two million six hundred fifty thousand dollars, plus the cost of a facility, with authority to hire as many employees as it deemed appropriate without legislative appropriation, consultation, review, or approval; and WHEREAS, the South Dakota Constitution already provides for the Judicial Qualifications Commission, which hears complaints and investigates allegations of judicial misconduct, and operates very economically, with an average annual expenditure of eleven thousand five hundred fifty-nine dollars over the past ten years; and WHEREAS, if approved, Amendment E would likely violate the federal Constitution, thereby subjecting South Dakota taxpayers to millions of dollars in damages and attorney fees; and WHEREAS, Amendment E would be devastating to the South Dakota economy, harming economic development and driving existing businesses from South Dakota: NOW, THEREFORE, BE IT RESOLVED, by the Lawrence County Board of Commissioners, that the Commission strongly urges all South Dakota voters to protect our citizen boards, to protect our system of justice, to protect economic development, to protect all our citizens from frivolous lawsuits that would be authorized by the Judicial Accountability Initiated Law, and to vote against Amendment E. Dated this 11th day of April, 2006. APPROVED BY THE COMMISSION: Connie Douglas, Chair. ATTEST: Connie Atkinson, County Auditor

TITLE III FUNDS: The board discussed the Title III Fund requests. Moved-Seconded (Weisenberg-Ewing) to approve the following disbursements for Title III Funds with a remaining balance of \$2,191 to be left in the fund. Motion Carried.

Category 1: SEARCH, RESCUE, AND EMERGENCY SERVICES:

The **Lawrence County Search & Rescue Unit in Deadwood:** Purchase the following equipment: ICS Command Trailer Equipment, Gas Generator for 9R-1 Rescue Truck, Three Snowmobiles, Six GPS Units, ATV Rescue Sled, Battery Analyzer/Conditioner, Confined Space Kit, Two Four Wheelers and One Two-Person 4WD ATV. The search and rescue unit conducted 78% - 100% of their operations in the Black Hills National Forest over the past two years. **Amount Awarded: \$56,755.**

Category 4: FOREST RELATED EDUCATIONAL OPPORTUNITIES:

South Dakota Project Learning Tree has submitted a proposal to fund educational materials and opportunities for students and educators in Lawrence County to provide awareness in forest ecology, fire ecology, forest management and production in the Black Hills ecosystem and surrounding areas. **Amount Awarded: \$9,000.**

Category 5: FIRE PREVENTION AND COUNTY PLANNING:

The **Deadwood Fire Department:** Purchase a new 2000 Gallon Water Tender on a 4X4 Chassis with Equipment. The Deadwood Fire Department conducted 100% of their calls for a water tender in the Black Hills National Forest. **Amount Awarded: \$131,000.**

The **Spearfish Fire Department:** Purchase a new 2500 Gallon Water Tender and to purchase a rescue snowmobile and accessories. The Spearfish Fire Department conducted 93% of their calls for a water tender in the Black Hills National Forest and 100% of their calls for a rescue snowmobile in the Black Hills National Forest. **Amount Awarded: \$117,520.**

The **Brownsville Fire Department:** Purchase a new One Ton 4X4 Extended Cab Chassis with equipment. The Brownsville Fire Department conducted 100% of their calls for the unit this one replaces in the Black Hills National Forest. **Amount Awarded: \$30,990.**

The **Nemo Fire Department:** Purchase CAFS unit equipment of One 300 gallon polytank, One steel flatbed and Custom fabricated aluminum boxes. The Nemo Fire Department conducted 100% of their calls for this unit in the Black Hills National Forest. **Amount Awarded: \$10,900.**

The **Lawrence County Commissioners** propose to use funds to send Bill Coburn, a member of the Lawrence County Planning and Zoning Board and Lawrence County Timber Committee, to the National Fire Protection Association's Technical Committee on Forest and Rural Fire Protection meetings in 2006. **Amount Awarded: \$1,660.**

LAWRENCE COUNTY FIRE TRUCKS: Moved-Seconded (Ewing-Seward) All Lawrence County Fire Trucks must have the Lawrence County Fire stickers put on the trucks, as agreed upon, within 30 days. Motion Carried.

ABATEMENTS:

DELWYN R. KOK: Moved-Seconded (Opitz-Ewing) to approve the abatement on parcel #22500-00604-162-55 (20133 Victor Loop) because the mobile home was destroyed by a fire on 3-5-2006. Motion Carried.

LEO STEWART: Moved-Seconded (Opitz-Weisenberg) to approve the abatement on parcel #26180-00400-090-00 because the cabin was destroyed by a fire on 3-19-2006. Motion Carried.

ERIC NIES: Moved-Seconded (Seward-Ewing) to approve the abatement on parcel #32970-00160-008-00 to apply owner occupied status. Motion Carried.

RIGHT OF WAY PERMIT:

BLACK HILLS POWER: Moved-Seconded (Seward-Ewing) to approve the Application for Permit to Occupy County Highway Right-of-Way for Black Hills Power & Light located west of 124th Ave on Old Whitewood Road to provide transmission line 69,000 volt overhead power line. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Douglas) to approve the Application for Permit to Occupy County Highway Right-of-Way for Black Hills Power & Light located .06 mile west of corner of Old Belle Highway on Chicken Creek Road to provide residential electric service. Motion Carried.

NATIONAL DAY OF PRAYER: Pat McBride, Ministerial Association, was present to withdraw his request the use of the Plaza for the National Day of Prayer in May. McBride thanked the Board for their time and stated they have secured a location for the event.

APPLICATION OF MALT BEVERAGE & WINE LICENSE / NEMO GUEST RANCH:

A public hearing was held on an application for Retail On-Off Sale Malt Beverage, Package Off-Sale Malt Beverage and Wine License for Troy & Wiladine Saye / Nemo Guest Ranch. No public input was present and the public hearing was closed.

Moved-Seconded (Ewing-Seward) to approve the following licenses for Troy & Wiladine Saye / Nemo Guest Ranch for Retail (On-Off Sale) Malt Beverage, Package (Off-Sale) Malt Beverage and Retail (On-Sale) Wine. Motion Carried.

ANNUAL REVIEW CUP #303 / DAVID COLE: An annual review was held on Conditional Use Permit #303 for David Cole for cabins located on Highway 385. Moved-Seconded (Seward-Ewing) The Conditional Use Permit was found to be in compliance and will be reviewed on an as needed basis. Motion Carried.

EXECUTIVE SESSION: 9:50 a.m. Moved-Seconded (Opitz-Ewing) to go into executive session with Joe Harmon, Chief Deputy Sheriff for personnel issues. Motion Carried. 9:57 a.m. opened for regular business no action taken.

Moved-Seconded (Ewing-Weisenberg) to approve the advertising of a full time Correctional Officer. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve the advertising of a full time dispatcher. Motion Carried.

COUNTY LIENS: Bruce Outka discussed options with the Board on liens for Jail Medical and other County Assistance Liens. Brian Wurtele, Northern Hills Collections, was present to discuss the services he provides. Wurtele stated he would provide collection services to the County for a set fee of 30%. Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign a Memorandum of Understanding, for professional services, with Northern Hills Collections to collect applicable county liens. Motion Carried.

KLUTHE ISOLATED TRACT: Moved-Seconded (Ewing-Weisenberg) to table the Kluthe Isolated Tract 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-\$3,450.95; Aud-\$6,197.06; Treas-\$8,495.73; Comp-\$4,955.60; States Atty-\$12,659.82; Pub Def-\$5,966.04; Gen Govt Bldg-\$6,193.78; Equal-\$10,872.81; Rod-\$5,969.62; Vso-\$1,003.32; Disp-\$8,951.00; Sher-\$27,893.00; Jail\$15,823.52; Emerg Mgnt-\$2,687.48; E911-\$1,408.40; Highway-\$31,838.60; Air-\$253.26; Ext-\$1,245.20; Weed-\$2,321.54; Pz-\$2,581.59; **Bills:** Bertch,A-\$79.29; Heck,D-\$243.20; Mowell,R-\$9,780.00; Ryan,S-\$12.00; A&B Business Equip-\$132.67; A&B Welding Supply-\$125.75; A&I Distributors-\$833.25; A&J Supply-\$87.22; A-Z Shredding-\$18.00; Abc Business Supply-\$409.18; Accurint Accounts Receivable-\$22.53; Active Data Systems-\$67.22; Adam's Mark St.Louis-\$404.00; Alltel-\$1,095.57; Altaire Enterprises-\$20.00; Amcon Distributing-\$264.60; American Family Life-\$2,795.24; Assembled Products Corporation-\$375.92; BH Chemical Company-\$1,220.13; BH Federal Credit Union-\$9,371.00; BH Land Analysis-\$900.00; BH Medical Ctr Pharmacy-\$3,521.82; BH Pest Control-\$95.00; BH Power & Light-\$492.04; BH Window Cleaning-\$15.00; Best Western Ramkota Inn-\$154.00; Bickle's Truck & Diesel-\$76.44; Black Hills Pure-\$11.50; Brady Pluimer-\$1,258.42; Breit Law Offices-\$163.00; Butte Electric Coop-\$480.28; Campbell Supply-\$146.88; Central Parts-\$1,406.94; Chain Saw Center-\$25.09; Chris Supply Co-\$50.97; Coburn First Western-\$75.00; Conoco-\$260.68; Culligan Soft Water Serv-\$121.75; Datamaxx Tech-\$1,854.00; Deadwood Home Center-\$29.04; Deadwood, City Of-\$511.79; Deckers Food-\$29.81; Department Of Health-\$35.00; Dept.Of The Treasury-\$36,976.46; Election Sys & Software-\$724.32; Ellingson,J-\$1,296.27; Et Sports-\$427.05; Evercom Systems-\$630.00; Executone Of The BH-\$4,272.00; First Western Bank-\$83.77; Gall's-\$365.49; Gold Dust-\$86.25; Great Western Tire-\$86.95; Grimm's Pump Service-\$224.44; Havemeier,L-\$201.80; Heisler Hardware-\$82.46; Hobart Sales & Service-\$399.42; Huron Culvert & Tank Co-\$1,077.00; Ibm Corp-\$594.00; Intab-\$147.46; JH Hilt Engineering-\$2,262.36; Jacobs Precision Welding-\$16.85; Jenner Equipment Co-\$189.99; Kieffer,T-\$57.80; Kinney,M-\$3,881.59; Knecht True Value-\$39.97; Kosel,J-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-

\$966.50; LC Sheriff-\$246.29; LC Treasurer-\$100.00; Lead, City Of-\$51.85; Lead-Deadwood Regional-\$130.57; Lead-Deadwood Regional Hospital-\$461.94; Lead-Deadwood Sanitary-\$286.38; Lexisnexis On-Line-\$328.00; Lyle Signs-\$559.85; McClure,S-\$225.00; Mcleod's Office Supply-\$206.54; Minnehaha County Sheriff-\$5.40; Montana-Dakota Util-\$6,597.38; National Assoc Of Counties-\$308.00; Nelson,C-\$180.00; Nelson,T-\$990.00; Neve's Uniforms-\$220.28; Novus-\$45.00; Office Of Child Support-\$386.31; Outdoor Motor Sports-\$1.98; Pedersen Excavation-\$253.50; Pennington Co Auditor-\$152.00; Percy Law-\$419.27; Porta Storage/Caj Enterprise-\$175.00; Prairiewave Communications-\$901.49; Queen City Rocket Lube-\$72.97; Qwest-\$142.00; RC Finance Office-\$1,435.00; RC Journal-\$277.80; Rabe Elevator-\$984.07; Radio Shack/Kazco-\$442.72; Radiology Associates-\$27.05; Ramkota Hotel-\$120.00; Rapid Delivery-\$17.26; Regan Battery Maint-\$227.90; Rombough,D-\$22.40; Rushmore Communications-\$832.85; SD Assn Of Co Comm-\$300.00; SD State Treasurer-\$13,290.75; SD Aao-\$180.00; SD Association Of County-\$65.00; SD Continuing Legal Education-\$150.00; SD Dept Of Transportation-\$9,428.96; SD Human Services Center-\$108.90; Salzsieder,M-\$3,735.00; Sand Creek Printing-\$443.00; Sdaco-\$345.00; Sdrs Supplemental Retirement-\$972.00; Servall Towel & Linen-\$250.94; Sioux Valley Hospital-\$5,720.97; Smartphone Experts-\$214.45; Smith,J-\$38.56; Spearfish Auto Supply-\$1,062.15; Spearfish Canyon Fire Dept-\$1,557.00; Spearfish Motors-\$286.51; Speedylube-\$69.91; Stretch's Glass & Mirror-\$341.24; Subway-\$58.57; Superior Lamp And Supply-\$550.86; T & W Appliance/Knothole-\$82.30; Team Lab Chemical Corp-\$7,480.00; Tigerdirect-\$2,203.38; Treonauts Shop-\$263.35; Triple K Tire & Repair-\$40.90; Twin City Hardware & Lumber-\$72.85; US Marshalls Service-\$1,178.00; United Parcel Service-\$23.02; Valley Auto-\$150.00; Versatile Carpets & Inter-\$9,713.40; Viking Office Prod-\$443.06; Warne Chemical-\$152.55; Waste Connections-\$294.53; West River International-\$55.77; Western Communication-\$127.00; Xerox Corporation-\$68.53; Yankton Co Sheriff-\$16.50; Ziggy's Building Center-\$205.64; **Witness & Jurors:** Arehart,U-\$22.80; Bates,G-\$18.32; Covell,S-\$19.60; Davis,B-\$12.56; Eastland,E-\$21.52; Enderby,J-\$11.92; Evers,L-\$19.60; Geuke,J-\$22.80; Gomez,A-\$22.80; Gusso,T-\$19.60; Hamilton,K-\$19.60; Harlan,B-\$11.92; Hart,A-\$11.92; Himrich,G-\$22.80; Hollerman,N-\$19.60; Jones,E-\$19.60; Kaitfors,C-\$21.52; Kimball,N-\$19.60; Kinson,K-\$12.56; Lindgren,D-\$18.32; Lulf,N-\$11.92; Mcburnett,J-\$21.52; Meade,L-\$16.40; Olson,D-\$19.60; Oolman,S-\$11.92; Schmalz,L-\$22.80; Steger,L-\$19.60; Stevens,S-\$13.20; Trumblee,W-\$13.20; Whittington,B-\$11.92; Wright,J-\$19.60; Zacher,K-\$21.52; Haivala,J-\$58.32; Holst,M-\$59.60; Jones,B-\$59.60; Merrill,M-\$60.88; Oliver,T-\$59.60; Rothenberger,P-\$56.40; Rounce,J-\$59.60; Trucano,A-\$59.60; Walker,L-\$51.92; Wood,R-\$60.24; Green,R-\$32.40; Grenstiner,D-\$14.48; Hamling,L-\$19.60; Heinbaugh-Houghton,C-\$26.00; Hoff,A-\$22.80; Kenzy-Ulmer,K-\$22.80

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

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

2006 COUNTY BOARD OF EQUALIZATION

The Lawrence County Board of Equalization was called to order at 10:15 a.m. on Tuesday, April 11, 2006, with the following members present: Connie Douglas, Bob Ewing, James Seward, and George Opitz and Terry Weisenberg. Weisenberg left at 11:55 a.m. The 2006 Board of Equalization oath was signed.

TAX EXEMPT:

The following Exempt parcels were approved as followed 100% unless otherwise noted.

(1) Moved-Seconded (Douglas-Ewing) to approve 32750-00100-120-00 **Black Hills State University Foundation** as tax exempt. Motion Carried. Absent Weisenberg.

(2) Moved-Seconded (Douglas-Seward) to approve 32570-05000-040-00 **United Church of Christ** as tax exempt. Motion Carried. Absent Weisenberg.

(3) Moved-Seconded (Ewing-Douglas) to approve 32660-01000-060-10 **Our Saviors Lutheran Church** as tax exempt. Motion Carried. Absent Weisenberg.

(4) Moved-Seconded (Seward-Douglas) to approve 32185-00000-130-30 **Dakota District of the Wesleyan Church** as tax exempt. Motion Carried. Absent Weisenberg.

(5) Moved-Seconded (Opitz-Douglas) to approve 32185-01500-150-30 **Dakota District of the Wesleyan Church** as tax exempt. Motion Carried. Absent Weisenberg.

(6) Moved-Seconded (Douglas-Seward) to approve 26880-02021-000-12 **Terry Valley Trojan Water** as tax exempt. Motion Carried: Aye-3 Nay-1: (Opitz) Absent Weisenberg.

(7) Moved-Seconded (Seward-Douglas) to approve 26540-01229-000-27 **Terry Valley Trojan Water** as tax exempt. Motion Carried: Aye-3 Nay-1 (Opitz) Absent Weisenberg.

(8) Moved-Seconded (Seward-Opitz) to review 31090-02800-010-00 & 31440-00500-011-00 **Twin City Church of Christ** tax exempt status on April 25, 2006 Board of Equalization meeting at 1:00 pm Motion Carried. Absent Weisenberg.

COUNTY APPEALS:

#0001 STANTON, MONTY 20970-00075-033-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 33 KEN'S CT Moved-Seconded (Seward-Douglas) To add the following omitted property: Classification NA-CM1 and value of 11,440. Motion Carried: Absent: (Weisenberg)

#0002 FOLEY, TAMMIE 20970-00075-041-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 41 KEN'S CT Moved-Seconded (Douglas-Seward) To add the following omitted property: Classification NA CM1S and value of \$10,470. Motion Carried: Absent: (Weisenberg)

#0003 LAFORTUNE, RANDY 32740-00100-020-10 MTN. SHADOWS EST. MH SITS ON LOT 20A BLK 1 MTN SHADOWS Moved-Seconded (Seward-Douglas) To add the following

omitted property: Classification NA DM1 and value of \$60,790. Motion Carried: Absent: (Weisenberg)

#0004 KRULL, KRISTIN 32740-00500-016-00 MTN. SHADOWS EST. MH SITS ON LOT 16 BLK 5 MTN SHADOWS Moved-Seconded (Seward-Opitz) To add the following omitted property: Classification NA DM1 and value of \$24,320. Motion Carried: Absent: (Weisenberg)

#0005 KILEY, JOE 32740-00600-017-00 MTN. SHADOWS EST. MH SITS ON LOT 17 BLK 6 MTN SHADOWS Moved-Seconded (Opitz-Seward) To add the following omitted property: Classification NA DM1 and value of \$16,920. Motion Carried: Absent: (Weisenberg)

#0006 WALKER, BILL 32740-00600-055-00 MTN. SHADOWS EST. MH SITS ON LOT 55 BLK 6 MTN SHADOWS Moved-Seconded (Seward-Ewing) To add the following omitted property: Classification NA DM1 and value of \$17,170 was put on at county boards. Motion Carried: Absent: (Weisenberg)

#0007 KVISLEN, TODD 32740-00700-028-00 MTN. SHADOWS EST. MH SITS ON LOT 28 BLK 7 MTN SHADOWS Moved-Seconded (Douglas-Seward) To add the following omitted property: Classification NA DM1S and value of \$31,100. Motion Carried: Absent: (Weisenberg)

#0008 MIER, NEIL 32740-00800-012-00 MTN. SHADOWS EST. MH SITS ON LOT 12 BLK 8 MTN SHADOWS Moved-Seconded (Opitz-Ewing) To add the following omitted property: Classification NA DM1S and value of \$ 16,760. Motion Carried: Absent: (Weisenberg)

#0009 PLUMBTREE, JAMES J & GWENDOLYN R 14000-00404-110-10 T-004 R-04 LOT 1 HES 296 LOC SE1/4 Moved-Seconded (Douglas-Seward) No change in land value. Motion Carried: Absent: (Weisenberg) Remarks: New structure added \$23,920

#0010 SEBADE, CHAD & BROOK 26530-00000-150-00 DEER MTN RESORT #4 LOT 15 Moved-Seconded (Douglas-Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Weisenberg) Remarks: Sales and comparables support the assessment

#0011 SHONLEY, I & D REVOCABLE TRUST 18600-00504-150-68 LOT 66 REVISED BLK 1 BOULDER PARK ADDN Moved-Seconded (Seward-Douglas) Change Classification from NA-C to AG-A Change land value from \$38,450 to \$190 Motion Carried: This parcel of land is contiguous to their other parcels.

#0011 SHONLEY, I & D REVOCABLE TRUST 18600-00504-150-68 LOT 66 REVISED BLK 1 BOULDER PARK ADDN Moved-Seconded (Seward-Opitz) Need to amend motion, parcel is not contiguous. Remarks: Motion denied. Land owner will be notified and appointment will be rescheduled for April 25th 2006 at 2:30 pm

#0012 SEDIVY, DONNA M 18600-00504-150-11 BOULDER PARK 14 & 15-5-4 LOT 11 BLK 1 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Absent: (Weisenberg) Remarks: Sales and comparables support the assessment.

#0013 FINKENBINER, ELINOR R 18600-00504-150-46 BOULDER PARK 14 & 15-5-4 LOT 46 BLK 1 Moved-Seconded (Douglas-Ewing) No change in land value. No change in structure value. Motion Carried: Absent: (Weisenberg) Remarks: Sales and comparables support the assessment.

#0014 LEKNESS, DAVID E & DARCY L PALMER, DAVID ALAN & RACHELLE A 08000-00303-170-00 T-003 R-03 HES 569 LESS TRS 1-2-3-4-5 & 6 Moved-Seconded (Douglas-Opitz) No change in land value. Motion Carried: Absent: (Weisenberg) Remarks: Sales and comparables support the assessment.

#0015 EASTMAN, PATRICK W & JOANN 22000-00604-333-30 T-006 R-04 NW1/4 SW1/4 & W1/2 SW1/4 SW1/4 LESS LOT 1 Moved-Seconded (Douglas-Seward) Change land value from \$69,320 to \$58,920 No change in structure value. Motion Carried: Absent: (Weisenberg) Remarks: Adjusted property due to unusable portion of land.

#0016 SCHMIDT-GRIMMIGER, DELF C EWINGLL, MARIA C 26920-00001-004-22 LOST CAMP VALLEY AC. TR A LOT 22 BLK 4 Moved-Seconded (Seward-Douglas) Change land value from \$40,000 to \$0 Motion Carried: Absent: (Weisenberg) Remarks: Combined lot 22 with lot 21Blk 4.

#0017 SCHMIDT-GRIMMIGER, DELF C EWINGLL, MARIA C 26920-00001-004-21 LOST CAMP VALLEY AC. TR A LOT 21 BLK 4 Moved-Seconded (Ewing-Seward) Change land value from \$40,000 to \$42,220 Change structure value from \$327,180 to \$325,080 Motion Carried. Absent: (Weisenberg) Remarks: Combined lot 22 with lot 21 Blk 4 and adjustment was made for the air conditioning.

#0018 IVERSON, DAVE 26680-01707-010-00 MINERAL 1564 THRU 1742 M.S. 1707 IVERSON TRACT Moved-Seconded (Opitz-Seward) No change in land value. Motion Carried. Absent: (Weisenberg) Remarks: Ag land that has sold is NA-Z (non-traditional AG)- assessed at sale price times the level of assessment of Non-AG.

#0019 ADAM, PATRICIA A 26985-00010-000-39 SPEARFISH CANYON LOTS LOT 139 Moved-Seconded (Seward-Ewing) No change in land value. No change in structure value. Motion Carried. Absent: (Opitz-Weisenberg) Remarks: Sales and comparables support the assessment.

#0020 BERTSEH PROPERTIES LLC 29710-00000-000-35 THOMPSON ADDN #2 TRACT C-2 Moved-Seconded (Seward-Weisenberg) No change in land value. Change structure value from \$281,860 to \$153,460 Motion Carried. Remarks: Reviewed property and made adjustment for income approach and updated the functional obsolescence to reflect damage.

#0021 BRANDT, RONALD L & KAREN M 26680-01678-000-05 MINERAL 1564 THRU 1742 M.S. 1678 DUBLIN LODGE Moved-Seconded (Weisenberg-Seward) Change land value from \$33,810 to \$14,340 Motion Carried. Remarks: This parcel of land is contiguous to their other parcels. Contiguous status was given to this parcel.

#0022 BRANDT, RONALD L & KAREN M 26680-01674-000-40 MINERAL 1564 THRU 1742 M.S. 1674 NEW EARA FRACTIONAL Moved-Seconded (Seward-Douglas) Change land value from \$17,110 to \$4,880 Motion Carried: Remarks: This parcel of land is contiguous to their other parcels. Contiguous status was given to the land.

#0023 BRANDT, RONALD L & KAREN M 26680-01674-000-30 MINERAL 1564 THRU 1742 M.S. 1674 NEW EARA FRACTION #2 Moved-Seconded (Weisenberg-Seward) Change land value from \$17,490 to \$5,090 Motion Carried: Remarks: This parcel of land is contiguous to their other parcels. Contiguous status was given to this parcel of land.

#0024 BRANDT, RONALD L & KAREN M 26680-01674-000-20 MINERAL 1564 THRU 1742 M.S. 1674 NEW EARA #2 Moved-Seconded (Seward-Ewing) Change land value from \$30,190 to \$15,890 Motion Carried: Remarks: This parcel of land is contiguous to their other parcels. Contiguous status was given to this parcel of land.

#0025 BRANDT, RONALD L & KAREN M 26680-01674-000-10 MINERAL 1564 THRU 1742 M.S. 1674 NEW EARA #1 Moved-Seconded (Seward-Douglas) Change land value from \$37,560 to \$28,110 Motion Carried: Remarks: This parcel of land is contiguous to their other parcels. Contiguous status was given to this parcel of land.

#0026 BUCHHOLZ, NEIL E & TRACEY E 04600-00204-120-40 HAVEN MEADOWS LOT 4 Moved-Seconded (Weisenberg-Seward) No change in land value. Change structure value from \$154,180 to \$145,870 Motion Carried: Remarks: Lowered value due to the basement only half finished.

#0027 FRANKMAN, RONALD C & PAMELA K 26910-02093-000-25 MINERAL 2088 THRU 2154 M.S. 2093 LOTS 3,4 & 5 S/D OF JACK FRACTION & COXE Y LODGE Moved-Seconded (Weisenberg- Seward) Change land value from \$3,790 to \$430 Change abstract class from NA to AG Motion Carried: Remarks: Property owner supplied stewardship plan.

#0028 FRANKMAN, RONALD C & PAMELA K 26910-02093-000-20 MINERAL 2088 THRU 2154 M.S. 2093 BLACK NELL LODGE Moved-Seconded (Seward-Ewing) Change land value from \$19,050 to \$2,050 Change abstract class from NA to AG Motion Carried: Remarks: Property owner supplied stewardship plan.

#0029 FRANKMAN, RONALD C & PAMELA K 26910-02093-000-10 MINERAL 2088 THRU 2154 M.S. 2093 CUCKOO & PT COXEY & JACK FR. Moved-Seconded (Seward-Weisenberg) Change land value from \$42,970 to \$4,520 Change abstract class from NA to AG Motion Carried: Remarks: Property owner supplied stewardship plan.

#0030 GARNES, STEVEN B & VALERIE L 20350-00602-060-09 DEER MEADOWS S/D #1 LOT 6 Moved-Seconded (Weisenberg-Douglas) No change in land value. No change in house value, delete one structure building, and no change to garage value. Motion Carried: Remarks: To correct an error made to the addition of a new detached garage.

#0031 GOODSON, ANTHONY & DESIREE WASSON, DESIREE 20000-00602-364-50 T-006 R-02 W1/2 SE1/4 PARCEL 2(18.39) & 2(3.81) OF TRACT C Moved-Seconded (Seward-Opitz) Change land value from \$104,800 to \$88,200 No change in structure values. Motion Carried: Remarks: Adjustment made due to the inaccessibility when false bottom is running.

#0032 GRAHAM, NORMAN C & MARY L 18600-00504-150-41 BOULDER PARK 14 & 15-5-4 LOT 41 BLK 1 Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$274,400 to \$254,830 Motion Carried: Remarks: After review of the property, adjustments were justified.

#0033 HOMESTAKE MINING CO OF CALIF 26620-01557-000-00 MINERAL 1399 THRU 1563 M.S. 1557 PORTIONS OF FLYING JIB(.003), MARKET(3.3 45), & FRANKLIN(.568) Moved-Seconded (Weisenberg-Ewing) Change land value from \$11,590 to \$0 Motion Carried: Remarks: Value changed to zero- no-longer exists.

#0034 HOMESTAKE MINING CO 26680-01603-000-10 MINERAL 1564 THRU 1742 M.S. 1603 PT BOER, GERTIE#1, & POLE #5 Moved-Seconded (Weisenberg-Seward) Change land value from \$1,150 to \$0 Motion Carried: Remarks: Value changed to zero, no longer exists.

#0035 HOMESTAKE MINING CO. 26680-01594-000-00 MINERAL 1564 THRU 1742 M.S. 1594 BRODY #2, WORLD'S FAIR #1,#2,#3 Moved-Seconded (Weisenberg-Opitz) Change land value from \$1,390 to \$0 Motion Carried: Remarks: Value changed to zero, no longer exists.

#0036 JEFFERY, TROY J & CARRIE A 24510-00702-324-38 K/A SPRFISH MEADOWS DEV. SE1/4 SE1/4 LOT 8 OF LOT B OF 10 OF D1 OF D Moved-Seconded (Seward-Ewing) No change in land value. Change structure value from \$106,620 to \$102,620 Motion Carried: Remarks: After review adjustments were justified.

#0037 JOHNSON, G EUGENE & KAROL J 24100-00702-280-34 BROOKVIEW ACRES LOT 18 REVISED Moved-Seconded (Weisenberg-Opitz) Change land value from \$1,980 to \$220 Change abstract class from NA to AG Motion Carried: Remarks: Lot is contiguous to owners AG land.

#0038 KNUTSON, TODD D & CARLA A 22650-00604-090-00 FRAWLEY RANCH EAST LOT 9 Moved-Seconded (Seward-Douglas) Change land value from \$126,140 to \$74,200 No change in structure value. Motion Carried: Remarks: Correct neighborhood removed adjustment

#0039 KOOIMAN, JAKE & RUTH 26920-00001-004-11 LOST CAMP VALLEY AC. TR A LOT 11 BLK 4 Moved-Seconded (Weisenberg-Douglas) No change in land value. Change structure value from \$171,780 to \$0 Motion Carried: Remarks: Structure assessed on wrong lot.

#0040 KOOIMAN, JAKE & RUTH 26920-00001-004-10 LOST CAMP VALLEY AC. TR A LOT 10 BLK 4 Moved-Seconded (Seward-Opitz) No change in land value, add structure of \$171,780. Motion Carried: Remarks: Structure was assessed on wrong property.

#0041 LAUFENBERG, KATHERINE E & W J 22000-00604-023-10 T-006 R-04 SE1/4 SW1/4 TR A & SW1/4 SW1/4 TR A Moved-Seconded (Opitz-Weisenberg) Change land value from \$54,540 to \$40,910 Change structure value from \$42,660 to \$49,420 No change in remaining structure value. Motion Carried: Remarks: Land adjustment due to superfund site. Adjustments made to structure to reflect inspection.

#0042 LYNCH, JAMES E & JUDITH C 18600-00504-150-36 BOULDER PARK 14 & 15-5-4 LOTS 36A BLK 1 Moved-Seconded (Seward-Douglas) Change land value from \$65,080 to \$58,570 Change structure value from \$268,540 to \$270,740 Motion Carried: Remarks: Land value adjusted due to large lot size and change to structure value due to recent inspection.

#0043 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26587-00000-050-00 CREEK RUN S/D M.S. 1333 LOT 5 Moved-Seconded (Douglas-Seward) Change land value from \$81,000 to \$38,070 Motion Carried: Remarks: Adjustment made due to topography of land.

#0044 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26587-00000-060-00 CREEK RUN S/D M.S. 1333 LOT 6 Moved-Seconded (Weisenberg-Seward) Change land value from \$98,500 to \$39,400 Motion Carried: Remarks: Adjustment made due to topography of land.

#0045 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26587-00000-070-00 CREEK RUN S/D M.S. 1333 LOT 7 Moved-Seconded (Seward-Ewing) Change land value from \$77,200 to \$38,600 Motion Carried: Remarks: Adjustment made due to topography of land.

#0046 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26587-00000-080-00 CREEK RUN S/D M.S. 1333 LOT 8 Moved-Seconded (Seward-Weisenberg) Change land value from \$81,400 to \$38,260 Motion Carried: Remarks: Adjustment made due to topography of land.

#0047 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26587-00000-090-00 CREEK RUN S/D M.S. 1333 LOT 9 Moved-Seconded (Weisenberg-Seward) Change land value from \$129,500 to \$90,650 Motion Carried: Remarks: Adjustment made due to topography of land.

#0048 MCFARLIN, CHARLES M 26500-01210-001-02 MINERAL 1208 THRU 1216 M.S. 1210 WABASH #2 Moved-Seconded (Douglas-Seward) No change in land value. No change in structure value. Change 2nd land value from \$29,960 to \$0 Motion Carried: Remarks: Land was double assessed.

#0049 MEHLHAFF, DALE RAY, TERRY LEE & JEFFREY TODD 26680-01624-000-36 MINERAL 1564 THRU 1742 M.S. 1624 LOT C3 SUB OF SYNDICATE ETAL Moved-Seconded (Douglas-Seward) Change land value from \$32,000 to \$19,200 No change in structure value. Motion Carried: Remarks: Adjust land to reflect value of surrounding parcels.

#0050 MEHLHAFF, DALE RAY, TERRY LEE & JEFFREY TODD 26680-01624-000-34 MINERAL 1564 THRU 1742 M.S. 1624 LOT C2R SUB OF SYNDICATE ETAL Moved-Seconded (Douglas-Seward) Change land value from \$32,000 to \$19,200 Motion Carried: Remarks: Adjust land to reflect value of surrounding parcels.

#0051 MEHLHAFF, DALE RAY & JEFFREY TODD 26680-01624-000-32 MINERAL 1564 THRU 1742 M.S. 1624 LOT C1R SUB OF SYNDICATE ETAL Moved-Seconded (Seward-Douglas) Change land value from \$32,000 to \$19,200 No change in structure value. Motion Carried: Remarks: Adjust land to reflect value of surrounding parcels.

#0052 NEWQUIST, RONALD D & KATHERINE M 14000-00404-110-20 T-004 R-04 LOT 2 HES 296 LOC SE1/4 Moved-Seconded (Seward-Douglas) No change in land value. Change structure value from \$23,920 to \$0 Motion Carried: Remarks: Garage was assessed on wrong parcel.

#0053 O'DANIEL ENTERPRISES LLC 26060-00000-020-00 PAVILION S/D OUTSIDE CITY LOT G PORTION OUTSIDE CITY LIMITS Moved-Seconded (Seward-Ewing) Change land value from \$19,230 to \$4,810 Motion Carried: Remarks: Removed site value from parcel.

#0054 POPELKA, INGEBORG E 20000-00602-055-30 T-006 R-02 W1/2 NW1/4 LOT 3C Moved-Seconded (Seward-Ewing) Change land value from \$74,080 to \$57,260 No change in structure value. Motion Carried: Remarks: Assessed in correct neighborhood.

#0055 RIGSBY, OLON RUSSELL & RECINDA G 18400-00504-146-00 BOULDER HEIGHTS S/D LOTS 1 & 2 BLK F Moved-Seconded (Seward-Ewing) No change in land value. Change structure value from \$82,510 to \$61,930 Motion Carried: Remarks: Adjustment due to percentage of completion.

#0056 SHAFER, MICHAEL & MICHELLE 20950-00602-001-10 EAGLE RIDGE ESTATES LOT 1A OF LOT 1 E1/2 NE1/4 Moved-Seconded (Seward-Ewing) Change land value from \$45,000 to \$2,600 Motion Carried: Remarks: Lot is contiguous so qualifies for owner occupied status.

#0057 SHULTZ, WILLIAM L 20100-00602-043-86 SUB 4-6-2 LOT K & N 40' OF LOT N OF LOTS 3 & 4 (DEED READS INCORRECTLY ON THIS) & S 100' OF LOT N OF LOTS 4 & 5 W1/2 SE1/4 Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$170,430 to \$124,850 Motion Carried: Remarks: Adjustment made due to quality of construction, deferred maintenance and functional deficiencies.

#0058 SORENSON, MARK L & LOIS M 26280-00534-000-15 MINERAL 108 THRU 758 M.S. 534 LOT S (SORENSEN GARAGE & SHED SIT ON THIS LOT) Moved-Seconded (Seward-Douglas) No change in land value. Change structure value from \$11,040 to \$10,450 Motion Carried: Remarks: Pole building was reviewed and adjusted.

#0059 YANTES, DEWAYNE & HELEN M 18600-00504-150-26 BOULDER PARK 14 & 15-5-4 LOT 26 BLK 1 Moved-Seconded (Seward-Opitz) No change in land value. Change structure value from \$170,880 to \$169,520 Motion Carried: Remarks: Adjustments made after review of property.

#0060 APLAND, STEVEN P & FRANCES L 18000-00504-123-00 T-005 R-04 SE1/4 SW1/4 EX H1 (.84 AC) Moved-Seconded (Weisenberg-Ewing) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment

#0061 APLAND, STEVEN P & FRANCES L 18000-00504-123-20 T-005 R-04 W1/2 SW1/4 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment

#0062 CARSTENSEN, RICHARD L & VIRGINIA L 18600-00504-150-32 BOULDER PARK 14 & 15-5-4 LOT 32 BLK 1 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment

#0064 HANKINS, ROEWINGRT D, THOMAS J & DOUGLAS W HANKINS TRUSTEES 26800-01905-000-00 MINERAL 1887 THRU 1917 M.S. 1905 BRUNHILD ETAL Moved-Seconded (Weisenberg- Seward) Change land value from \$67,180 to \$47,690 Motion Carried: Remarks: Super fund

#0065 HEGDAHL, JAMES C 22500-00604-162-83 EAST SLOPE ESTATES 16-6-4 MH SITS ON LOT 17B Moved-Seconded (Weisenberg-Douglas) No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment

#0066 KLUG, ROEWINGRT H & COLLEEN K 18750-00504-390-00 MEADOW CREST LOT 39 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment

#0067 LAFLEUR, ROEWINGRT 26999-00010-000-05 BLDGS. ON LEASED GROUND 11-2-2 USFS LAND LOT E BLACK FOX GROUP Moved-Seconded (Weisenberg-Ewing) No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment

#0068 LOKEN, ALAN J & MARLA J 24000-00702-201-65 T-007 R-02 SUB S1/2 NE1/4 LOT 5 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Remarks: No additional receipts were submitted to adjust for renewable energy.

#0069 SCOVELL, SCOTT & KARLA 20120-00602-042-62 APPLE VALLEY S/D LOT 1A OF LOTS 4 & 5 SE1/4 SE1/4 Moved-Seconded (Weisenberg-Douglas) No change in land value. No change in structure value. Motion Carried: Aye-4 Nay-1 Nay: (Seward) Remarks: Application for Owner-Occupied was not received by dead line

#0070 TMS PARTNERS LLC 20050-00602-037-46 SUB 3-6-2 MH SITS ON PARCEL A W1/4

NW1/4 3-6-2 Moved-Seconded (Opitz-Ewing) Change structure value from \$43,600 to \$37,930 Motion Carried: Remarks: Valuation adjusted to reflect current sales comparisons

#0071 TRANDAHL, ARDEN J & SYLVIA M 20100-00602-043-20 SUB 4-6-2 LOT J OF LOTS 5 & 6 SE1/4 NW1/4 Moved-Seconded (Seward-Opitz) No change in land value. Change structure value from \$57,000 to \$42,790 Motion Carried: Remarks: Adjusted to reflect current condition and deferred maintenance

#0072 WICKAM, DAWN L 18600-00504-150-47 BOULDER PARK 14 & 15-5-4 LOT 47 BLK 1 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment

#0105 HARTY, ALBERT L & RYETT K 07185 LOT 4 TR A 18-7-2 Moved-Seconded (Douglas-Opitz) Change structure value from \$7,380 to \$900. Motion Carried: Aye-4 Nay-1 Nay: (Seward) Remarks: Adjusted to reflect current condition and deferred maintenance

4:50 p.m. April 11, 2006 the Board of Equalization recessed until 1:00 p.m. on April 25, 2006. 1:00 p.m. April 25, 2006 the County Board of Equalization reconvened with Connie Douglas, Bob Ewing, James Seward, Terry Weisenberg, and George Opitz present.

#0129 TWIN CITIES CHURCH OF CHRIST 31090-02800-010-00 ORIGINAL TOWN LEAD

300' VACATED ALLEY & PT LOT 1 BLK 28 Moved-Seconded (Douglas-Opitz) No change. Motion Carried: Aye - 3 Nay: Weisenberg-Seward

#0130 TWIN CITIES CHURCH OF CHRIST 31440-00500-011-00 HOMESTAKE S/D LEAD

LOT 11 TRACT 5 Moved-Seconded (Douglas-Opitz) No Change. Motion Carried: Aye - 4 Nay: Weisenberg

#0131 VEITZ, LARRY W & RHONDA R 20955-00603-054-00 EAGLE RIDGE II LOT 54 Moved-Seconded (Weisenberg-Douglas) No change in land value. No change in structure value. Motion Carried: Aye - 4 Nay: Seward Remarks: Sales and comparables support the assessment.

#0132 LPN HOLDINGS LLC 28970-00090-008-00 ST ONGE MH COURTS MH SITS ON LOT 8 LEVEQUES CT Moved-Seconded (Weisenberg-Ewing) No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0133 LPN HOLDINGS LLC 28800-01900-040-00 TOWN LOTS S. HALF-ST.ONGE LOT 4 BLK 19 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0134 LPN HOLDINGS LLC 28800-00200-030-00 TOWN LOTS S. HALF-ST.ONGE LOTS 1-2 & 3 BLK 2 Moved-Seconded (Weisenberg-Seward) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0135 LPN HOLDINGS LLC 28800-01500-050-00 TOWN LOTS S. HALF-ST.ONGE LOTS 1 THRU 8 BLK 15 (LEVEQUES CRT) Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0136 LPN HOLDINGS LLC 28800-01900-020-00 TOWN LOTS S. HALF-ST.ONGE LOTS 1-2-3 BLK 19 Moved-Seconded (Weisenberg-Opitz) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0137 LPN HOLDINGS LLC 28800-00200-180-00 TOWN LOTS S. HALF-ST.ONGE LOTS 16,17 & 18 BLK 2 Moved-Seconded (Weisenberg-Seward) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0138 OTIS, TAMI J 24920-00702-330-20 OTIS S/D LOT C Moved-Seconded (Ewing-Douglas) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0139 KAIN, COL JOHN M & CHARLENE M 26700-01742-000-33 PURITAN S/D #13 ETAL LOT 12 Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0140 SCHMELTZER, JOHN W & ANN BROWN 22700-00604-003-07 WHITEWOOD FOREST S/D 20-6 LOT 7 BLK 3 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment.

#0141 SHONLEY, I & D REVOCABLE TRUST 18000-00504-142-10 T-005 R-04 TR L(EX ROW&LOT 205,208,211 BLDR CYNS/D)IN NW1/4NW 1/4 & PT NE1/4NE1/4(EX ROW & LOTS 209,210,214,217, 301,302 BLDR CYN S/D) Moved-Seconded (Seward-Douglas) Change land value from \$4,980 to \$4,030 Change structure value from \$242,130 to \$0 Change structure value from \$48,850 to \$0 Motion Carried. Remarks: Home site no longer qualifies for AG status, not contiguous with other AG land. Changed acres from 32.36 to 25.67

Moved-Seconded (Seward-Ewing) to add a new parcel 18000-00504-142-11 the acres will be 6.69 Classifications will be NA-C1-S 281,100 NA-C-S 31,230 total will be 312,330 Motion Carried.

#0142 HUFFMAN, JERRY & SALLY 18500-00504-141-16 STORY LANE S/D SE 1/4 14-LOT 9 BLK 1 Moved-Seconded (Weisenberg-Seward) No change in land value. Change

structure value from \$22,680 to \$12,880 Change structure value from \$5,700 to \$6,650 Motion Carried. Remarks: Adjusted to reflect current condition and deferred maintenance

#0143 MAYNARD, MICHAEL L & CHARLENE K 18600-00504-150-64 BOULDER PARK 14 & 15-5-4 LOT 64 BLK 1 Moved-Seconded (Douglas-Weisenberg) No change in land value.

No change in structure value. Motion Carried. Remarks: Sales and comparables support the assessment

#0144 LOKEN, ALAN J & MARLA J 24000-00702-201-65 T-007 R-02 SUB S1/2 NE1/4 LOT 5 Moved-Seconded (Seward-Opitz) No change in land value. No change in structure value. Motion Carried. Remarks: Adjust renewable resource exemption to reflect a total of 19,670

ADJOURN: Being no further appeals to be heard the 2006 Board of Equalization adjourned at 2:40 p.m. the 25th day of April 2006.

ATTEST:

DATE

CONNIE DOUGLAS, Chairperson

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY CONSOLIDATED BOARD OF EQUALIZATION 2006

The Lawrence County Consolidated Board of Equalization was called to order at 8:30 a.m. on Thursday, April 13, 2006, with the following members present: Connie Douglas, Bob Ewing, Jim Seward, Rose Burns (City of Lead), and Greg King (Lead/Deadwood School). Burns left at 10:15 a.m. and Francis Toscana (City of Deadwood) arrived at 1:00 pm.

All motions were passed by unanimous vote unless stated otherwise.

The 2006 Consolidated Board of Equalization Oath was signed.

LEAD CITY APPEALS

#0073 PETERSON, JOHN MICHAEL & JACOBSEN, RICHARD L 31090-03500-080-10 ORIGINAL TOWN LEAD NE PT LOT 8 BLK 35 Moved-Seconded (Seward-Ewing) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0074 APA, MARTYANN 31090-02800-110-00 ORIGINAL TOWN LEAD LOT 11 BLK 28 Moved-Seconded (Ewing-Burns) No change in land value. Change structure value from \$35,640 to \$29,340 Motion Carried: Made adjustment for no concrete flooring.

#0075 ROSENBERGER, STEVEN J & DENISE M 31360-00100-080-00 FULLERS S/D LEAD E 50' OF LOT 7 AND ALL OF LOT 8 BLK 1 Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0076 KELLAR, DONNA 31510-04000-080-00 DENVER S/D LEAD LOT 7 BLK Y (LAND ASSESSED UNDER 31510-04000-070-10) Moved-Seconded (Douglas-Burns) No change in structure value. Motion Carried: Sales and comparables support the assessment

#0077 KELLAR, DONNA 31510-04000-070-10 DENVER S/D LEAD LOT 7 BLK Y Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0078 KELLAR, DONNA 31510-04000-060-00 DENVER S/D LEAD W PT 5 & ALL OF 6 BLK Y Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0079 KELLAR, KENNETH & DONNA 31090-03100-060-10 ORIGINAL TOWN LEAD W 33' OF LOT 6 BLK 31 Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0080 KELLAR, DONNA M 31510-00300-040-30 DENVER S/D LEAD LOT 2 S/D LOT 4 BLK 3 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0081 KELLAR, DONNA M 31090-03000-290-20 ORIGINAL TOWN LEAD S PT TRACT A LOT 29 BLK 30 Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0082 KELLAR, DONNA M 31510-00200-020-20 DENVER S/D LEAD LOTS 3 & 4 SUB OF LOT 2 BLK 2 Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0083 MURRAY, JENNY LYNNE 31090-01800-060-10 ORIGINAL TOWN LEAD SW PT LOT 7 AND PT 6 BLK 18 Moved-Seconded (Douglas-Burns) No change in land value. Change structure value from \$42,360 to \$33,480 Motion Carried: Making an adjustment due to condition and unfinished remodeling.

#0084 ASHBY, CHARLES S & TERI L 31090-04000-050-10 ORIGINAL TOWN LEAD LOT 307 Moved-Seconded (Seward-Ewing) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0085 BURKE, VIOLA R & HOWARD J 31870-00100-090-00 WASHINGTON S/D LEAD LOT 9 BLK 1 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0086 BURKE, VIOLA R & HOWARD J 31870-00100-080-00 WASHINGTON S/D LEAD LOT 8 BLK 1 Moved-Seconded (Seward-Burns) No change in land value. No change in structure value. Motion Carried: Sales and comparables support the assessment

#0087 HAMANN, ALEX L & JONI L 31450-00500-070-60 KENWOOD S/D LEAD LOT L SUB OF 1,2,5 & 7 BLK 5 Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$58,830 to \$50,590 Motion Carried: After review of property, value for basement was removed as it is only a crawl space.

#0088 HOMESTAKE MINING CO OF CALIF 31300-00800-040-00 EAST LEAD S/D LEAD PT LOTS 2,3 BLK 8 MS 798 Moved-Seconded (Seward-Burns) Change land value from \$800 to \$0 Motion Carried: Aye-4 Nay-0 (ABSTAIN-King) Property no longer exists.

#0089 HOMESTAKE MINING CO OF CALIF 31930-01400-000-00 MINERAL – LEAD M.S. 1400 ORPHAN % CITY Moved-Seconded (Seward-Douglas) Change land value from \$800 to \$0 Motion Carried: Aye-4 Nay-0 (Abstain-King) Property no longer exist.

#0090 HOMESTAKE MINING CO OF CALIF 31930-01220-000-10 MINERAL – LEAD M.S. 1220 PT NANSEN LYING N OF KIRK RD EX POR PAVILION S/D(.25) Moved-

Seconded (Seward-Douglas) Change land value from \$800 to \$0 Motion Carried: Aye-4 Nay-0 (Abstain-King) Property no longer exist.

#0091 HOMESTAKE MINING CO OF CALIF 31930-01220-000-00 MINERAL – LEAD M.S. 1220 PT HUMBOLDT LYING N OF KIRK RD EX POR. PAVILION S/D(2.05) Moved-Seconded (Burns-Seward) Change land value from \$800 to \$0 Motion Carried: Aye-4 Nay-0 (Abstain-King) Property no longer exist.

#0092 HOMESTAKE MINING CO OF CALIF 31150-00100-090-10 BAXTER COURT S/D LEAD LOT 10 AKA LOT 4 BLK L (ALLASON MAP) Moved-Seconded (Seward-Douglas) Change land value from \$800 to \$0 Motion Carried: Aye-4 Nay-0 Nay: (Abstain-King) Property no longer exist.

#0093 NICHOLS, LYNN R 31210-01000-010-00 BILLINGS S/D LEAD LOT 1 BLK 10 Moved-Seconded (Burns-Douglas) No change in land value. Change structure value from \$58,060 to \$52,410 Motion Carried: After review of property, adjustment was made due to unfinished basement and removal of fire place.

#0094 O'DANIEL ENTERPRISES LLC 31735-00000-080-00 PAVILION S/D LOT H(ROSS COMPR. PLT HERE) Moved-Seconded (Seward-Burns) Change land value from \$88,730 to \$44,370 Change structure value from \$164,370 to \$67,550 Motion Carried: Adjusted property due to unusable portion of land and structure being unusable until air compressors are removed.

#0095 ROBINSON, LYNNETTE L 31510-01900-100-00 DENVER S/D LEAD LOT 210 & LOT 220 Moved-Seconded (Ewing-King) No change in land value. Change structure value from \$69,730 to \$63,280 Motion Carried: After review of property, value for basement was removed as it is only a crawl space.

#0096 WILLIAMS, RAND 31730-00200-260-00 PARK PLACE S/D LEAD LOT 26 EX LOT H1 (774 SQ FT) APTS & RES COMBINED Moved-Seconded (Seward-Burns) No change in land value. Change structure value from \$88,830 to \$73,910 Motion Carried: After review of property, lowered value due to the unfinished basement and some unfinished remodeling.

#0097 WILLIAMS, RAND T & GAYLA J 31510-01700-070-00 DENVER S/D LEAD LOT 332 Moved-Seconded (Seward-Burns) No change in land value. Change structure value from \$19,510 to \$3,180 Motion Carried: After review of property, dwelling is salvage only.

10:15 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 Connie Douglas, Bob Ewing, Jim Seward, Greg King and Francis Toscana (City of Deadwood) present.

The 2006 Consolidated Board of Equalization Oath was signed.

All motions were passed by unanimous vote unless stated otherwise.

DEADWOOD CITY APPEALS

#0098 WILLIAMS, JOHN P JR ETUX 30025-08800-030-00 ORIGINAL TOWN DEADWOOD LOT 3 BLK O Moved-Seconded (Seward-King) No change in land value. No change in structure value. Motion Carried: Sales and comparables support assessment.

#0099 KELLAR, DONNA M 30500-01600-010-00 HIGHLAND PARK S/D DEADWOOD LOT 1 BLK C Moved-Seconded (Douglas-Ewing) No change in land value. No change in structure value. Motion Carried: Sales and comparables support assessment.

#0100 KELLAR, DONNA 30025-04800-120-00 ORIGINAL TOWN DEADWOOD LOTS 11 & 12 BLK 48 Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Motion Carried: Sales and comparables support assessment.

#0101 FULL HOUSE INC 30025-01300-190-10 ORIGINAL TOWN DEADWOOD LOT 19 (EX NLY 70') BLK 13 Moved-Seconded (Seward-Douglas) Change land value from \$117,000 to \$96,000 Motion Carried: Making adjustment for hillside that is not usable for parking lot.

#0102 FULL HOUSE INC 30025-01300-170-00 ORIGINAL TOWN DEADWOOD LOT 17 BLK 13 Moved-Seconded (Toscana-Seward) Change land value from \$108,000 to \$83,520 Motion Carried: Making adjustment for hillside that is not usable for parking lot.

#0103 FULL HOUSE INC 30025-01300-110-00 ORIGINAL TOWN DEADWOOD LOTS 7, 9 & 11 BLK 13 Moved-Seconded (King-Toscana) Change land value from \$195,360 to \$141,400 Motion Carried: Making adjustment for hillside that is not usable for parking lot.

#0104 BERGEN, PATRICK M & SHIRLEY J 30025-08500-090-00 ORIGINAL TOWN DEADWOOD TRACT 210 & S 50' OF LOT 7, ALL LOT 8 & E 17' OF LOT 9 BLK L Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Motion Carried: Sales and comparables support assessment.

1:30 p.m. the Consolidated Board recessed until 9:15 a.m. on Monday, April 17, 2006.

The Lawrence County Board of Equalization was called to order at 9:15 a.m. on Monday, April 17, 2006, with the following members present: Jim Seward, Bob Ewing, Terry Weisenberg, Thomas Quinn (City of Spearfish), Jeffrey Sleep (Spearfish School) arriving at 10:40 a.m.

All motions were passed by unanimous vote unless stated otherwise.

The Consolidated Board of Equalization Oath was signed.

SPEARFISH CITY APPEALS

#0106 HAAG, ROBERT A OR LENORA M: 32740-00600-010-00 MTN. SHADOWS EST.MH SITS ON LOT 10 BLK 6 MTN SHADOWS Moved-Seconded (Weisenberg-Quinn) Change structure value from \$25,060 to \$23,720. Motion Carried. Remarks: Sales and comparables support the assessment.

#0107 TRENT, WILLIAM H & SLEEPAN M: 32300-01700-000-00 HIGHLAND ADDN. SPEARFISH LOT 17 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$170,740 to \$160,670 Motion Carried. Aye -3 Nay (Seward) Absent: (Sleep) Remarks: Property appraised on market price. Seward made motion to set total value to \$180,000. Motion died lack of second. Motion was made to follow with recommendation based on inspection.

#0108 YOUNG, DALE & NANCY: 32090-04400-050-02 ORIGINAL TOWN SPEARFISH LOT 5B BLK 44 Moved-Seconded (Quinn-Ewing) No change in land value. No change in structure value. Motion Carried. Absent: (Sleep) Remarks: Sales and comparables support assessment.

#0109 YOUNG, DALE & NANCY: 32090-04400-060-01 ORIGINAL TOWN SPEARFISH LOT 6A BLK 44 Moved-Seconded (Quinn-Weisenberg) No change in land value. No change in structure value. Motion Carried. Absent: (Sleep) Remarks: Sales and comparables support assessment.

#0110 OTIS, TAMI J: 32195-00602-020-08 COUNTRY OAKS S/D LOT 8 BLK 2 Moved-Seconded (Quinn-Weisenberg) No change in land value. Motion Carried. Remarks: Sales and comparables support assessment.

#0111 OTIS, TAMI J: 32195-00602-020-18 COUNTRY OAKS S/D LOT 18 BLK 2 Moved-Seconded (Weisenberg-Quinn) Change land value from \$55,170 to \$38,620 Motion Carried. Remarks: Adjusted due to limited buildable area.

#0112 OTIS, TAMI J: 32195-00602-020-19 COUNTRY OAKS S/D LOT 19 BLK 2 Moved-Seconded (Weisenberg-Ewing) Change land value from \$55,920 to \$41,940 Motion Carried. Remarks: Adjusted due to limited buildable area.

#0113 HAMBEK, DONNIE & NAOMI: 32730-00600-001-15 VOORHEES ADDN LOT 15 BLK 1 LOC. IN GOV'T LOT 3 Moved-Seconded (Quinn-Seward) No change in land value. Change structure value from \$239,600 to \$213,880 Motion Carried. Remarks: Adjustment made do to structure over built for area.

#0114 FINLEY, JOAN D: 32030-02300-060-10 ORIGINAL TOWN SPEARFISH LOT 6A & 6B BLK 23 Moved-Seconded (Ewing-Quinn) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0115 FINLEY, VICTOR, ERIN, MEGHAN, MICHAEL TRUST: 32570-02100-030-00 RAMSDELL ADDN. SPEARFISH LOT 3 BLK 21 Moved-Seconded (Seward-Ewing) No change in land value. Change structure value from \$35,560 to \$29,000 Motion Carried. Remarks: Adjustment due to house uninhabitable at this time.

#0116 LANDSBERGER, RONALD C & NORMA F: 32090-04000-020-00 ORIGINAL TOWN SPEARFISH LOT 1 & 2 BLK 40 Moved-Seconded (Weisenberg-Seward) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0117 REIF, WILLIAM G & MARJORIE E: 32210-19060-180-00 GREEN ACRES ADDN. SPEARFISH LOT 18 BLK 6 OF GOV. LOT 2 SW1\4 NW1\4 19-6-3 Moved-Seconded (Sleep-Quinn) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0118 CASSIDY, LEO, KAYLEEN M & ROYCE: 32320-00090-102-01 HILLSVIEW ADDN. SPEARFISH LOT A OF N 1/2 OF LOTS 1 & 2 NW1/4 NE1/4 Moved-Seconded (Seward-Weisenberg) No change in land value. Change abstract class from NA-D to NA-D-S No

change in structure value. Change abstract class from NA-D1 to NA-D1-S Motion Carried.
Remarks: Owner occupy will reflect next year.

#0119 HALL, JACK & KRISTINE: 32420-00300-000-40 MATTHEW ADDN. SPEARFISH LOT B-1 OF LOT 3 Moved-Seconded (Ewing-Seward) No change in land value. Change structure value from \$111,670 to \$101,620 Motion Carried. Remarks: Valuation lowered to reflect cost to fix problem on rear foundation wall.

#0120 HMC HOTELS LLC: 32460-00000-000-38 MILLER ADDN. SPEARFISH TIF #2 TRACT F IN THE NW4SE4 13-6-2 Moved-Seconded (Seward-Quinn) Change land value from \$1,468,580 to \$1,355,500 Motion Carried. Remarks: Adjustment made to reflect a restrictive easement.

#0121 LANGER, JAMES P ETUX: 32960-00602-152-45 SUB 15-6-2 SPEARFISH LOT 45 15-6-2 (FLOOD PLAIN) Moved-Seconded (Seward-Sleep) No change in land value. Change structure value from \$10,570 to \$2,820 Motion Carried. Remarks: Valuation is being reduced due to condition and current use.

#0122 LOVITT, MERLENE: 32740-00800-006-00 MTN. SHADOWS EST. MH SITS ON LOT 6 BLK 8 MTN SHADOWS Moved-Seconded (Weisenberg-Sleep) Change structure value from \$27,480 to \$23,560 Motion Carried. Remarks: Adjustment based on comparable sales.

#0123 MERTENS, ROSEMARIE: 32740-00700-034-00 MTN. SHADOWS EST. MH SITS ON LOT 34 BLK 7 MTN SHADOWS Moved-Seconded (Ewing-Sleep) Change structure value from \$26,800 to \$18,120 Motion Carried. Remarks: Valuation lowered due to interior damage and condition.

#0124 PERRY FAMILY TRUST C/O DESIGN MANAGEMENT LLC: 32280-00000-010-00 HERITAGE DR PATIO HOMES LOT 1 Moved-Seconded (Ewing-Quinn) Change land value from \$7,430 to \$4,460 Motion Carried. Remarks: Value adjustment due to common area.

#0125 TIMBER HOLLOW, FOX VALLEY, & CAMPBELL/BERWYN LTD PARTNERSHIPS: 32340-00602-034-80 JORGENSEN ADDN. SPEARFISH LOT 9A BLK 1 (WALMART) Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried.

#0126 FARRAR, FREDERICK CHRISTOPHER: 32340-00602-041-55 JORGENSEN ADDN. SPEARFISH LOT 12A BLK 7 Moved-Seconded (Weisenberg-Quinn) No change in

land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0127 FOWLER & COMPANY LPI: 32120-00400-000-20 BEETS ADDN. 3 & 10-6-2 SP LOT B OF LOT 4 (310 RUSHMORE RD. APTS) Moved-Seconded (Seward-Sleep) No change in land value. No change in structure value. Motion Carried. Remarks: Sales and comparables support assessment.

#0128 LARSEN, BRENT M: 32970-00025-005-00 SPEARFISH MH COURTS MH SITS ON LOT 5 CHRIS'S CT Moved-Seconded (Weisenberg-Sleep) Change structure value from \$26,700 to \$22,710 Motion Carried. Remarks: Adjustment based on comparable sales.

ADJOURN: Being no further appeals to be heard, the 2006 Consolidated Board of Equalization adjourned at 11:45 a.m. on the 17th day of April 2006.

DATE

Connie Douglas, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 25, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 25, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present. Seward left at 9:50 a.m. and returned at 10:30 a.m.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of April 11, 2006 and the 2006 Consolidated Board of Equalization Minutes. Motion Carried.

PERSONNEL

SHERIFF: Moved-Seconded (Seward-Ewing) to approve Jim Lehto as a Full Time Correctional Officer II G2 at the base rate of \$14.02 an hour, effective 4-17-2006. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to advertise for a part-time jailer. Motion Carried.

Moved-Seconded (Seward-Ewing) to approve Peggy Steffen as a full time Dispatcher II G1 at the base rate of \$13.74 an hour, effective 4-25-2006. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Shelly Dragoo as a full time Dispatcher I G3 at the base rate of \$12.44 an hour, effective 4-25-2006. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Wanda Miller as a part time Dispatcher II G2 at the base rate of \$14.02 an hour, effective 4-17-2006. Motion Carried.

Moved-Seconded (Seward-Ewing) to authorize the advertising for a Lieutenant and an additional deputy. Motion Carried. Aye-4 Nay-Weisenberg.

PUBLIC DEFENDER: Anita McNeal, Public Defender will be on a leave of absence.

Moved-Seconded (Ewing-Weisenberg) to approve Eric Whitcher as acting Public Defender due to staffing concerns, effective 4-24-2006. Motion Carried.

Moved-Seconded (Ewing-Seward) to hire Mathew Pike as a temporary Deputy Public Defender at the base rate of \$37,200 annualized, effective 4-24-2006. Motion Carried.

DISASTER DECLARATION: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the following disaster declaration. Motion Carried. RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER 2006-15 WHEREAS, Lawrence County, South Dakota, has suffered severe damage, brought on by a severe winter storm that occurred on the dates of April 18, 2006 through April 20, 2005; and WHEREAS, Lawrence County has

committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster and local resources are not adequate to cope with the situation.

WHEREAS, Lawrence County recognizes that municipal, and rural electric cooperatives have taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/ disaster. NOW, THEREFORE, BE IT RESOLVED that the Lawrence Board of County Commissioners for, and on behalf of the citizens of Lawrence County, request the Governor of the State of South Dakota to petition the President of the United States to declare Lawrence County, South Dakota an emergency/disaster area. DATE: 4-25-2006: Connie Douglas, Chairperson of the Board of County Commissioners. ATTEST: Connie Atkinson, County Auditor

NURSE REPORT: Denise Rosenberger, Community Health Nurse presented the quarterly report.

RESOLUTION #06-14 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget request. No public input was present and the hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Resolution #2006-14 TO ADOPT A SUPPLEMENTAL BUDGET. Motion Carried.

WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: ROAD & BRIDGE FUND-Highway & Bridge Reserve - \$500,000; COURTHOUSE & JAIL FUND-Courthouse & Jail - \$150,000; TITLE III FUND-Title III - \$237,380. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 25th day of April, 2006 at the hour of 8:30 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 25th day of April, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

ABATEMENTS:

DOYEN, MIKE: Moved-Seconded (Seward-Douglas) to approve the abatement on a 2004 Dutch Mobile Home for Mike Doyen, that was moved out of the County. Motion Carried.

DEER PROBLEM: Douglas appointed Weisenberg and Ewing to a subcommittee to research the deer problem with the City of Spearfish.

BID OPENING – SNOWMOBILES: Moved-Seconded (Ewing-Weisenberg) to accept the only bid received for three rescue snowmobiles from Four Seasons Sports Center for \$21,411. Motion Carried.

BID OPENING – V-BODY SPREADERS: The following bids were received for three new V-body spreaders: BH Truck & Trailer - \$29,115.60 and Sanitation Products - \$27,969. Moved-Seconded (Ewing-Opitz) to follow the recommendation of Chuck Williams and accept the low bid from Sanitation Products - \$27,969. Motion Carried.

RIGHT OF WAY PERMIT: Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairperson to sign the Right of Way Permit for Black Hills Power on Placer No. 108 located in the NE1/4 of Section 28, T5N, R3E, BHM. Motion Carried. Aye-4 Absent-Seward

HIGHWAY DESIGN STANDARDS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Federal Highway Administration Central Federal Land Highway Division Highway Design Standards for Project SDPFH27-1(1) Iron Creek - Spearfish Road. Motion Carried. Aye-4 Absent-Seward

CUP #319 – BUCHOLZ: A public hearing was held on conditional use permit # 319-for trailer manufacturing. Owner/Representative: Edna Mae Ward/Bill Bucholz. Legal Description: A subdivision of the remainder of Lot 5, Section 27, T7N, R2E. Location: Corner of Johnson Lane and Hwy 85/North of Spearfish. Purpose: Trailer Manufacturing. No public was present and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve Conditional Use Permit #319 as presented with conditions as on file in the Planning and Zoning office. Motion Carried. Aye-4 Absent-Seward

ALCOHOLIC BEVERAGE LICENSE TRANSFERS / ST. ONGE STORE: A public hearing was held on an application for Alcoholic Beverage transfer. No public was present. Moved-Seconded (Opitz-Weisenberg) to approve the following licenses to be transferred: **PACKAGE LIQUOR - OFF SALE LICENSE & RETAIL (ON-OFF SALE) MALT BEVERAGE: PREVIOUS OWNERS)** Tim & Janet Asheim (ST.ONGE STORE), Lots 1 & 2, Block 8, Section 23, T7N, R3E, St.Onge, SD. **NEW OWNERS)** Lonny A or Susan K Smith (ST.ONGE STORE) Lots 1 & 2, Block 8, Section 23, T7N, R3E, St.Onge, SD. Motion Carried. Aye-4 Absent-Seward

HOMESTAKE MINING CO / QUIT CLAIM DEED: The Board discussed Homestake's request that Lawrence County convey their interest in Lots H-2 and H-3 back to Homestake. The property was originally deeded to Lawrence County in 1991 for highway purposes with the restriction that it shall be effective only so long as the described parcels of land shall be used for highway purposes and, in the event the use is abandoned, the property would revert back to Homestake. Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairperson

to sign the Quit Claim Deed to Homestake for Lot H2 and Lot H3 of the cornstock No. 2 patented lode claim MS 1051. Motion Carried. Aye-4 Absent-Seward

JAIL TOUR: The County Commissioners toured the Lawrence County Jail.

CUP # 317 – JORGENSEN (BOONDOCKS): The petitioners withdrew their request.

AIRPORT PROJECT: Bob Golay and Neil Clarke, Airport Board and Rodney Senn (Kadrmas Lee Jackson) were present to update the Board on the Airport Project. Golay stated the estimated cost of the Airport Project of \$7.8 million has increased due to the 3 to 4 year time lapse. Land acquisition, material and fuel costs are all factors. There is a possibility of additional Federal and State funds for the shortfall; however the County and Cities may need to cover some of the additional costs. The Airport Board is waiting for the appraisals to be completed for land acquisition and this will be forwarded to the County Commission for action. Funding will be 95% Federal, 3% State, and 2% County. 274 acres are involved in the acquisition.

PRELIMINARY PLAT – SMOKEY MOUNTAIN RANCH: **Owner/Representative: Roger Riley and Fritz Wolff/ Schreier Engineering. Legal Description: Lots 1-14 of Smokey Mt Ranch Sub, located in Section 28 & 33, T6N, R4E. (legal shortened). Location: Crook City Road. Purpose: New subdivision. Moved-Seconded (Weisenberg-Seward) to accept the preliminary plat as presented. Motion Carried.**

ECONOMIC DEVELOPMENT LOAN:

11:26 a.m. Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss economic development loan application for B.H. Central Reservations. Motion Carried. 11:40 a.m. opened for regular business.

Moved-Seconded (Weisenberg-Seward) to approve the loan application for B.H. Central Reservations for a 10 year note consolidating the current note from Lawrence County and West River Economic Development, estimated note of \$147,770, 2% interest, annual payments, first payment July 2007, and a minimum of 10 employees. These funds will come from the interest portion of the Severance Tax Fund. Motion Carried.

KLUTHE ISOLATED TRACT: Moved-Seconded (Ewing-Weisenberg) to table the Kluthe Isolated Tract Issue. Motion Carried.

11:50 a.m. The Board recessed until 3:00 p.m. 3:00 p.m. the meeting was called back to order with all present.

3:04 p.m. Moved-Seconded (Seward-Douglas) to go into executive session for personnel. Motion Carried. 3:20 p.m. the board opened for regular business.

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,309.50; Treas-\$8,436.11; Comp-\$4,955.60; States Atty-\$12,920.38; Pub Def-\$5,966.04; Gen Govt Bldg-\$5,695.47; Equal-\$10,856.95; Rod-\$5,969.62; Vso-\$1,003.32; Disp-\$10,302.45; Sher-\$28,314.12; Jail-\$16,991.53; Emerg Mgnt-\$2,814.65; E911-\$1,387.40; Highway-\$31,011.22; Air-\$225.12; Ext-\$1,179.20; Weed-\$2,408.93; Pz-\$2,581.59; **Bills:** Kaiser,D-\$3.96; Piekkola,D-\$107.21; Sargent,D-\$22.80; A&B Business Equip-\$2,160.01; A&I Distributors-\$1,238.85; A&M Transport-\$175.00; Abc Business Supply-\$1,461.44; All Star Travelers Inn-\$350.00; Alltel-\$160.06; Amcon Distributing-\$333.10; Asap Software Express-\$1,542.00; Aspen Equipment-\$302.99; At&T-\$28.47; BH Chemical Company-\$61.99; BH Digital Mapping Assoc-\$100.00; BH Federal Credit Union-\$9,521.00; BH Pioneer-\$1,190.19; BH Power & Light-\$6,371.77; BH Windshield Repair-\$50.00; Best Western Ramkota Inn-\$60.00; Billion Auto Center Of Salem-\$26,429.00; Blue Cross-\$52,578.95; Bp-\$802.16; Brady Pluimer-\$3,708.88; Braun Intertec Corp-\$4,247.50; Breit Law Offices-\$163.00; Bullberry Systems-\$1,650.00; Center Revolving-\$60.00; Central Parts-\$13.70; Clarke,N-\$30.00; Correctional Billing-\$17.17; Culligan Soft Water Serv-\$36.75; Dakota Graphics-\$230.00; Deadwood Recreation Center-\$174.00; Dept Of The Treasury-\$37,376.62; Dietrich,D-\$127.98; Domestic Crisis Outreach-\$377.50; Eddie's Truck Sales/Serv-\$3.99; Ellingson,J-\$839.24; Ensignal-\$69.98; Evercom Systems-\$1,260.00; Executone Of The BH-\$343.90; Extension Service-\$108.81; Fastenal-\$229.83; Fisher Sand & Gravel-\$108.76; Fsh Communications-\$55.00; Godfrey's Brake Serv-\$497.45; Golay,B-\$74.00; Havemeier,L-\$98.80; Heisler Hardware-\$53.41; Inland Truck Parts-\$274.48; Jilek,R-\$30.00; Jon Tish-\$407.02; Karpinen,S-\$495.00; Kimball-Midwest Co-\$468.76; Kinney,M-\$2,108.07; Knecht True Value-\$108.15; Koala Electric-\$133.02; Kooistra,N-\$15.00; LC Assessor-\$33.63; LC Auditor-\$14.67; LC Sheriff-\$42.78; LC Treasurer-\$100.00; Laboratory Corp Of America-\$156.00; Lead-Deadwood Regional Hospital-\$608.90; Lee,J-\$15.00; M&M Sanitation-\$47.50; Mcarthur,J-\$45.00; Meade County Sheriff-\$24.30; Montana-Dakota Util-\$224.59; Moss, William Psy-\$300.00; Motorola-\$9,621.96; NH Family Ymca-\$180.00; NH Training Center-\$2,850.00; National Assoc Of Counties-\$315.00; Neve's Uniforms-\$218.30; New World Systems-\$38,075.23; Office Of Child Support-\$386.31; Outdoor Motor Sports-\$50.00; Overhead Door Company Of Rapid-\$37.24; Pennington Co Jail-\$1,317.09; Percy Law-\$644.70; Phillips Petroleum Co-\$83.81; Pizza Hut-\$94.78; Psychological Assoc Of BH-\$350.00; Qwest-\$702.99; RC Journal-\$58.80; RC Regional Hospital-\$3,478.65; Radio Shack/Kazco-\$14.99; Rehfuss,C-\$15.00; Reindl,S-\$7,786.44; Rollin Oil-\$16,252.66; Rossknecht Appraisal Services-\$5,000.00; SD Retirement System-\$41,599.13; SD Aao-\$450.00; SD Continuing Leagal Ed-\$60.00; SD Dept Of Transportation-\$349,277.39; SD Human Services Center-\$86.20; SD Project Learning Tree-\$9,000.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$375.31; Silverado-\$773.36; Smartphone Experts-\$214.45; Spearfish Auto Supply-\$496.73; Spearfish Husky-\$82.00; Speedylube-\$28.99; Tigerdirect-\$548.93; Tweedy,J-\$1,760.00; Twin City Hardware & Lumber-\$279.87; Valley Auto-\$35.00; Verizon Wireless-\$1,536.97; Victims Of Violence-\$377.50; Walmart Store-\$1,024.66; Washington County Sher Office-\$30.00; Waste Connections-\$158.29; Wells Fargo Business Card-\$38.68; Wells Plumbing & Farm Supp-\$110.72; Western Sd Juvenile Serv-

\$4,810.00; Yankton Co Sheriff-\$16.50; Yankton County-\$96.05; **Witness & Juror:** Bartol,R-\$125.60; Bush,R-\$20.24; Carlbom,J-\$125.60; Carsten,D-\$19.60; Charlson,A-\$16.40; Christensen,K-\$17.68; Collins,I-\$19.60; Everhard,B-\$103.84; Geuke,G-\$10.64; Lamb,J-\$26.00; Ruhnnow,P-\$119.20; Say,G-\$21.52; Schmit,D-\$19.60; Schwarz,D-\$115.36; Shuck,C-\$119.20; Steinlicht,L-\$105.12; Stewart,D-\$18.32; Walker,J-\$119.20; Wanderschied,J-\$116.64; Willuweit,W-\$22.80; Hanson,R-\$61.52; Jennings,D-\$59.60; Larive,D-\$51.92; Schwab,J-\$59.60; Slattery,W-\$59.60; Smith,B-\$62.80; Cleveland,J-\$18.32; Crotty,G-\$103.84; Crouse,K-\$11.92; Johnson,J-\$19.60; Kub,P-\$18.96; Lopez,M-\$10.64; Matthew,J-\$13.20; Richter,C-\$24.08; Straub,H-\$11.92; Wennberg,C-\$119.20; Wolff,L-\$119.20; Adams,M-\$29.60; Aspen,D-\$21.92; Astrada,A-\$39.20; Babb,J-\$29.60; Biel,B-\$21.92; Bohren,A-\$29.60; Brisland,M-\$29.60; Derby,P-\$22.56; Eid,A-\$20.00; Eide,K-\$20.64; Fuller,F-\$20.00; Gerber,D-\$20.64; Graves,A-\$29.60; Heinbaugh,V-\$20.64; Jaramillo,M-\$90.40; Kendall,A-\$20.00; Lopez,A-\$48.80; Moser,C-\$29.60; Noland,M-\$29.60; Rierson,K-\$20.64; Todd,M-\$20.64; Tibbitts,J-\$29.60; White,J-\$39.20; Yardley,D-\$20.64; Haeder,J-\$17.68; Lueders,J-\$19.60; Rost,L-\$15.12

ADJOURN: 3:25 p.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 9, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 9, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Ewing-Seward) to approve the minutes of April 25, 2006 and the 2006 County Board of Equalization Minutes. Motion Carried.

PERSONNEL / SHERIFF:

Moved-Seconded (Ewing-Weisenberg) to approve the hiring of Collin Thompson as a full time Deputy II G3 at the base rate of \$18.41 an hour, effective 5-1-2006. Motion Carried.

Moved-Seconded (Ewing-Opitz) to approve Randall Rosenau as a Lieutenant G3 at the base rate of \$19.77 an hour and Marty Goetsch as a Detective G3 at the base rate of \$19.16 an hour, effective May 8, 2006. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Tavis Little and Mike Shafer as squad sergeant at the base rate of \$18.95 an hour, effective May 8, 2006. Motion Carried.

Moved-Seconded (Ewing-Opitz) to approve Mike Chavez as a full time Deputy I G3 at the base rate of \$16.93 an hour, effective May 15, 2006. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Opitz) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of April 30, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,176,342.76; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$.86; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$11,230,640.49; GNAMS-\$12,391.98; Total \$16,122,261.09.

GROUP WORK CAMP PROJECT: Michelle Eddy and Joy McCracken, Neighborhood Housing Services, were present to request funds for the Group Work Camp Project. The program

was outlined and community benefits were discussed. Moved-Seconded (Seward-Douglas) to donate \$5,000 to the Work Camp Project for 2006. Motion Carried.

TRUCK CHASIS BID OPENING: Moved-Seconded (Seward-Opitz) to set the bid opening for a New Single Axle Four Wheel Drive Truck Chasis for May 23, 2006 at 8:30 a.m. Motion Carried.

KLUTHE ISOLATED TRACT: Moved-Seconded (Ewing-Weisenberg) to bring off the table the Kluthe Isolated Tract Issue. Motion Carried. Bruce Outka updated the Board on the issue. Outka stated they received a letter from Eric Nies, representing the Kluthe's, asking to have the issue tabled. Moved-Seconded (Ewing-Seward) to table the Kluthe Isolated Tract Issue until May 23, 2006 when a final decision will be made. Motion Carried. Aye-4 Nay-Weisenberg.

ANNUAL REVIEW CUP #306 DAVIDSON/WOOD CABINET SHOP: An annual review was held on Conditional Use Permit # 306 – Cabinet/Woodworking Shop. Owner/ Representative: Steven Hauff/Dan Davidson. Legal Description: Lots 16 B-1, subdivision of Lot 16 of the subdivision of the W ½ of the SE ¼ of Section 4, T6N, R2E. Location: Spearfish/ Hillsview Drive.

Moved-Seconded (Opitz-Weisenberg) CUP #306 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.

FOREST SERVICE UPDATE: Pam Brown updated the Board on planned projects in the Forest for 2006-2010. The Citadel Planning Area, travel management and grazing issues were discussed. Craig Bobzien, USFS Forest Supervisor was introduced and it was announced to the Board that Pam Brown will be leaving the Black Hills.

ANNUAL REVIEW CUP #299-05 BELTEK/BELL: An annual review was held on Conditional Use Permit #299-05 Beltek Inc. Located on Lot 3 Oak Mountain Country Estates on Hwy 14A in Boulder Canyon. Moved-Seconded (Weisenberg-Opitz) CUP #299-05 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.

ANNUAL REVIEW CUP #287 PFEIFLE/SPECIALTY RESORT: An annual review was held for Vincent Pfeifle / Specialty Resort. Moved-Seconded (Seward-Weisenberg) CUP #287 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.

ANNUAL REVIEW OF CUP #284 / DAVID B. NIELSON / SPECIALTY RESORT: An annual review was held for the David B. Nielson / Specialty Resort. No complaints were received and will be reviewed next year.

ANNUAL REVIEW OF CUP #258 / DAKOTA RESORTS MGMT – DEER MOUNTAIN CAMPGROUND: An annual review was held for the Deer Mountain Campground. Moved-Seconded (Seward-Weisenberg) To close Conditional Use Permit #258 as the campground no longer exists. Motion Carried.

ANNUAL REVIEW OF CUP#124 – HOMESTAKE MINING COMPANY: An annual review was held for Homestake Mining Company CUP #124. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW OF CUP#144 – HOMESTAKE MINING COMPANY: An annual review was held for Homestake Mining Company CUP #144. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

WHARF RESOURCES / 10 ACRE EXPANSION: Carol Koerner, Wharf Resources, discussed the proposed 15 acre expansion within their Conditional Use Permit. Koerner detailed the plan of the expansion.

Moved-Seconded (Weisenberg-Opitz) to direct Brandon Flanagan, Planning and Zoning Director to send a confirmation letter to DENR confirming that the technical revision as presented is in compliance with Wharf Resources' Conditional Use Permit No. 224 and the applicable zoning ordinances. Motion Carried.

Duane Peck was introduced as the Mine General Manager for Goldcorp Inc.

VARIANCE #107 / WAGNER: A public hearing was held on a request for Variance #107 for Gary Wagner for construction of a garage within the 25' setback located on Pearson Drive. Wagner explained the reason for the request. Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and approve Variance #107. Motion Carried. Aye-4 Nay-Seward.

DEPARTMENT OF HEALTH: Wade Huntington, SD Department of Health presented an overview of the SD Point of Dispensing (POD) Plan. The Primary site will be BHSU and the Alternate site will be Spearfish High School.

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,249.22; Treas-\$8,589.71; Comp-\$4,955.60; States Atty-\$12,649.39; Pub Def-\$6,967.32; Gen Govt Bldg-\$5,953.30; Equal-\$10,856.94; Rod-\$5,969.62; Vso-\$1,003.32; Disp-\$10,461.67; Sher-\$30,633.80; Jail-\$19,934.14; Emerg Mgnt-\$2,759.96; E911-\$1,339.48; Highway-\$38,430.33; Air-\$555.77; Ext-\$1,296.52; Weed-\$2,921.59; Pz-2,581.59; **Bills:** Baumann,M-\$9.60; Engel,P-\$9.06; Ginsbach,M-\$4.66; Hudson,R-\$16.00; Larimore,M-\$11.08; Larson,P-\$30.56; McCormick,R-\$87.12; Mowell,R-\$7,932.00; Outka,B-\$32.00; Portwood,L-\$4.66; Thomson,P-\$14.90; A&B Business Equip-\$1,001.51; A&B Welding Supply-\$7.20; A&I Distributors-\$842.15; A&J Supply-\$119.46; A&M Transport-\$87.50; Abc Business Supply Corp-\$491.90; Alco Store-\$39.99; Alltel-\$823.97; Altaire Enterprises-\$20.00; American Family Life Inc-\$2,795.24; Aspen Equipment-\$581.05; Atd-American-\$1,290.66; BH Chemical Company-\$3,417.92; BH Federal Credit Union-\$9,546.00; BH Land Analysis-\$990.00; BH Medical Ctr Pharmacy-\$3,539.96; BH Pest Control-\$95.00; BH Pioneer-\$273.69; BH Power & Light-\$888.34; Best Business Prod-\$52.08; Brady Pluimer-\$191.28; Breit Law Offices-\$163.00; Brownsville Fire Dept-\$2,658.00; Butte County Sheriff-\$26.28; Butte Electric Coop-\$118.41; Campbell Supply-\$312.16; Central Parts-\$18.17; Chemical Sanitizing Sys-\$189.10; Christensen Law Office-\$557.75; Clark Printing-\$347.17; Clerk Us District Court-\$400.00; Clinical Lab Of BH-\$1,261.52; Comfort Inn Of Pierre-\$129.36; Conoco-\$173.06; Corral West-\$28.95; Culligan Soft Water Serv-\$101.75; Dale's Tire & Retread-\$518.36; Days Inn (Spearfish)-\$104.00; Deadwood Vol Fire Dept-\$5,429.00; Deadwood, City Of-\$630.61; Deckers Food-\$87.77; Dept Of The Treasury-\$42,181.59; Division Of Motor Veh-\$9.00; Educational Communications-\$36.00; Ellingson,J-\$802.66; Executone Of The BH-\$65.00; Fastenal-\$127.36; Federal Express Corp-\$7.86; First Western Bank-\$91.04; Fisher Sand & Gravel-\$146.80; Fort Dearborn Life Ins Co-\$945.38; Gene's Lock Shop-\$270.50; Gold Country Inn-\$100.00; Havemeier,L-\$9.20; Heavenly Repairs-\$50.00; Heisler Hardware-\$122.44; Hills Material Comp-\$365.64; Ibm Corp-\$341.28; Ikon Office Solutions-\$138.81; Integrity Ford-\$84.41; Intoximeters-\$212.50; Jacobs Precision Welding-\$20.00; Janke,W-\$270.00; Kabeiseman & Pollard Law-\$156.80; Karpinen,S-\$315.00; Kieffer,T-\$51.00; Kinney,M-\$623.50; Klopfenstein Dr-\$34.59; Knecht True Value-\$166.68; Kosel,J-\$4,166.67; LC Auditor-\$10.66; LC Sheriff-\$31.20; LC Treasurer-\$100.00; Lawson Products-\$98.91; Lead Fire Department-\$6,010.00; Lead, City Of-\$73.05; Lead-Deadwood Regional Hospital-\$300.00; Lead-Deadwood Sanitary-\$359.28; Lee,J-\$15.00; Lewis & Clark Bhs-\$130.00; Lynn's Dakotamart-\$22.69; Mcarthur,J-\$90.00; McClure,S-\$225.00; Meade County Sheriff-\$8.20; Montana Dakota Utilities-\$5,570.94; Morman Law Firm-\$51.75; Motorola-\$80,039.76; Nada Appraisal Guides-\$100.00; Ncraao-\$200.00; Neighbors,J-\$375.00; Nemo Volunteer Fire Dept-\$1,369.00; Neve's Uniforms-\$142.88; New World Systems-\$5,522.18; Novus-\$100.00; Office Of Child Support-\$386.31; Outdoor Motor Sports-\$11.77; Paperdirect-\$140.87; Pennington Co Auditor-\$38.00; Pennington County Sheriff-\$28.56; Pennington County Sts Attny-\$400.00; Pizza Lab-\$121.00; Porta Storage-\$175.00; Porter Law Office-\$1,599.48; Prairiewave Communications-\$1,686.38; Priority Dispatch-\$78.00; Queen City Medical Center-\$48.11; Qwest-\$185.40; RC Journal-\$277.80; RC Regional Hospital-\$6,496.79; Radio Shack/Kazco-\$869.97; Regional Behavioral Health-\$165.54; Reliable-\$27.38; Rochford Vol Fire Dept-\$673.00; Rombough,D-\$44.80; SD State Treasurer-\$562.85; Schmuck,C-\$6.08; Scovel Psychological & Counsel-\$215.73; Sd Neafcs-\$95.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$250.94; Shedd

Jewelers-\$64.75; Sierra Design Vinyl Lettering-\$150.00; Slate Creek Counseling-\$191.20; Smith,J-\$63.68; Southside Oil-\$7,173.32; Spearfish Auto Supply-\$121.84; Spearfish Canyon Fire Dept-\$2,847.00; Spearfish Fire Dept-\$16,302.00; Speedylube-\$69.68; St Onge Fire Dept-\$884.00; Stretch's Glass & Mirror-\$204.95; Sturgis Fire Department-\$1,138.00; Superior Lamp And Supply-\$527.91; Tagline Communications-\$29.90; Teen Court-\$2,291.24; Tigerdirect-\$466.98; Tony's Motel-\$53.95; Triple K Tire & Repair-\$13.84; Twin City Hardware & Lumber-\$387.70; US Postal Service-\$5,000.00; Voelker & Adams-\$4,598.40; Warne Chemical-\$981.10; Waste Connections-\$241.19; Welke,L-\$180.00; Wells Fargo Business Card-\$101.55; Western Communication-\$115.50; Whitewood Vol Fire Dept-\$2,690.00; Williams

Standard Serv-\$145.48; Xerox Corporation-\$51.60; Z&S Dust Control-\$26,632.02; **Witness & Jurors:** Brownell,A-\$13.20; Brownell,D-\$17.04; Carr,W-\$11.92; Cypher,J-\$17.68; Hohn,J-\$29.20; Meek,G-\$22.80; Padden,M-\$12.56; Poling,D-\$10.64; Schilling,T-\$19.60; Scott,D-\$26.00; Vangeystelen,J-\$11.92; Wolfe,K10.64

ADJOURN: 11:45 a.m. there being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 23, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 23, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of May 9, 2006. Motion Carried.

PERSONNEL/SHERIFF: Moved-Seconded (Seward-Douglas) to approve effective 5/8/06 Kevin Fish a part time Correctional Officer Grade 3 at \$7.96 an hour for the first 40 hrs training and then to \$12.44 an hour after completion of training. Aye-Seward, Opitz, Ewing, Douglas. Nay-Weisenberg. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve hiring of Natalie Bailey as a part time Dispatcher I Grade 3 effective 5/22/06 at \$12.44 an hour. Motion Carried.

PERSONNEL/PUBLIC DEFENDER: Moved-Seconded (Seward-Opitz) to approve to advertise and replace legal secretary in Public Defender Office. Motion Carried.

PERSONNEL/INVASIVE SPECIES: Moved-Seconded (Weisenberg-Seward) to approve the hiring of Shad Schneider as a Sprayer Grade 1 at \$9.45 an hour effective May 18, 2006. Motion carried.

PERSONNEL/EQUALIZATION OFFICE: Darlene explained she will be out of state a few weeks and would like to deputize two appraisers while she is gone. Moved-Seconded (Ewing-Douglas) to approve Scott Sandvig as Deputy Equalization Director Grade 2 at \$17.21 per hour for June 5-9, 2006. Motion carried. Moved-Seconded (Weisenberg-Ewing) to approve Brett Runge as Deputy Equalization Director Grade 2 at \$17.21 per hour for June 19-23, 2006. Aye – Seward, Weisenberg, Opitz, Ewing. Nay – Douglas. Motion carried.

MEETING DATE CHANGE: Moved-Seconded (Seward-Weisenberg) to approve one meeting in the month of August, being 8/15/2006. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Seward-Opitz) to set a supplemental budget hearing for Insurance budget for \$25,000.00 for June 13th, 2006 at 8:15 a.m. Motion Carried.

AGRICULTURE COMMITTEE: Because of recent interest, the Board decided to reactivate the Agriculture Committee formed under the Lawrence County Environmental Review Plan and authorized Marlene Barrett, Commissioners Asst., to put a notice in the newspapers for interested volunteers. _

NEW DISTRICT RANGER: Moved-Seconded (Weisenberg-Seward) to write a letter to Craig Bobzien, Black Hills National Forest Supervisor, regarding the selection of a new district ranger and inviting him to a meeting for discussion. Motion carried.

DEER PROBLEM: Commissioner Weisenberg updated the deer problem issue to the board. He had met with Art Smith of Game, Fish & Parks in Pierre and suggested a special buck and doe season held the first three weeks in October. He did not get a favorable response. Suggestions were made to put the matter on next meeting's agenda and invite Mike Apland, local Game Warden, to the meeting.

RESOLUTION #06-17 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget request for Emergency Management – Search & Rescue. No public input was present and the hearing was closed. Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the following Resolution #2006-17 TO ADOPT A SUPPLEMENTAL BUDGET. Motion Carried. WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: \$10,700 for Emergency Management Fund – Search & Rescue The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 23rd day of May, 2006 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 23rd day of May, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: MELODY NELSON, DEPUTY LAWRENCE COUNTY AUDITOR

EMERGENCY MANAGEMENT GRANTS: Paul Thomson, Emergency Management Director, asked for approval to apply for a pandemic flu plan grant. Moved-Seconded (Opitz-Weisenberg) to approve the grant application. Motion carried. Thomson discussed a proposal from the State to combine counties into 8 regions with Lawrence County the point of contact for this region. This would put our county in charge of grant applications and compliance for the other counties in this region. Discussion ensued and the Board directed Paul to get more information on the costs of administering these grants and if the 3% administration fee can be used to reimburse our employee costs associated with administering these homeland security grants. Moved-Seconded (Ewing-Opitz) to table until the June 8th meeting to give Paul time to look into the matter. Motion carried.

INVASIVE SPECIES AGREEMENT: Dave Heck, Invasive Species Supervisor, and Bruce Outka, Dep. States Attorney, discussed the proposed agreement with Homestake Mining

Company to spray and map weeds on Homestake property. Bruce explained they have been working with Homestake personnel to change some of the wording in the insurance schedule. The agreement is presently being changed by Homestake and we should receive a final copy soon. He requested Board approval to authorize the Chair to sign after Outka has received and reviewed the final copy. Moved-Seconded (Seward-Ewing) to approve and authorize the Chair to sign after Outka has approved the agreement. Motion carried.

HIGHWAY DEPT:

TRUCK CHASSIS BID OPENING: A bid opening was held to receive bids for one new single axle four wheel drive truck chassis for the highway department. One bid was received: West River International, bid price of \$72,636.75, delivery date July 31, 2006. A bid deposit check in the amount of 10% of the bid was received. Moved-Seconded (Opitz-Seward) to table bids until next regular meeting on June 13th to give the Highway Dept. time to review bid. Motion carried.

HIGHWAY PROJECT OLD BELLE ROAD SURFACE TREATMENT: Moved-Seconded (Seward-Ewing) to set a bid opening for June 13th, 2006 at 8:30 a.m. to receive proposals for the old Belle Road Asphalt Surface Treatment Project of 5.27 miles. Motion carried.

FOREST SERVICE ROAD MAINTENANCE AGREEMENT: Moved-Seconded (Weisenberg-Seward) to approve the cooperative road agreement #97-RO-11020311-006 with the US Forest Service from July 31, 2006 to October 31, 2006. Motion carried.

VACATION OF SECTION LINE RESOLUTION #06-16: A public hearing was held on a request for vacation of a section line. Tom Brennan was present to explain their reasons for the vacation. No public comment was received and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Resolution 2006-16. Motion Carried. **LAWRENCE COUNTY RESOLUTION #06-16 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 Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: **Legal Description For The Vacating Of A Portion Of Section Line:** *LEGAL DESCRIPTION FOR THE VACATION:* That portion of the section line ROW between sections 1 and 12, T6N, R2E, BHM, Lawrence County, SD, beginning at the E1/16 corner common to sections 1 and 12, thence West along said section line a distance of 3/8 mile terminating at the E-W 1/64 corner common to sections 1 and 12. *LANDOWNERS:* Jim and Kathy Pellegrino; Tom and Leah Brennan; and Reed Fossum and Lana Fischer. Dated this 23rd day of May, 2006. **CONNIE DOUGLAS, CHAIRPERSON,** Lawrence County Commissioner. **ATTEST: MELODY NELSON** Deputy Lawrence County Auditor.

PLANNING AND ZONING:

PUBLIC HEARING “THE ROO RANCH”: A public hearing was held on the application for Conditional Use Permit #320 – Kevin and Roxy Bell, The “Roo” Ranch, - For kangaroo educational viewing areas and gift shop located on Hwy 14A in Boulder Canyon. Kevin Bell explained that due to the large public interest in their kangaroos and wallabies, they would like to construct a kangaroo viewing area and gift shop. Brandon Flanagan, Planning and Zoning Administrator, said the Planning and Zoning Board approved this conditional use permit and the City of Deadwood was also in favor of this request. Chair Douglas opened the public hearing and received no public comment. Public Hearing was closed. After discussion, it was Moved-Seconded (Ewing-Opitz) to approve Conditional Use Permit #320 for Kevin and Roxy Bell. Motion carried.

FINAL PLAT APPLE SPRINGS: A final plat of 70 lots within the Apple Springs Development was presented for approval. Dave Simpson, Apple Springs developer, reviewed roads, lots and timelines for each with the Board. After discussion, it was Moved-Seconded (Weisenberg-Seward) to approve the final plat of 70 lots within the Apple Springs Development. Motion carried.

ZONING MAP RESOLUTION ADOPTION: Moved-Seconded (Ewing-Seward) to set a public hearing for June 13th at 9:30 a.m. to consider adoption of the new Lawrence County zoning map. Motion carried.

BOARD OPENING: Moved-Seconded (Weisenberg-Seward) to advertise for a Planning and Zoning Board member opening after the next Planning and Zoning meeting. Motion carried.

EXECUTIVE SESSION: 9:30 A.M. Moved-Seconded (Seward-Douglas) to go into executive session with Brandon Flanagan for personnel reasons. Motion carried.
9:40 A.M. Board reopened with no action taken.

TREASURER: Moved-Seconded (Ewing-Douglas) to cancel a Treasurer’s Trust for RO on Lot 9 Bender Park Sub/Div Lead, AKA 9 1st Street, Lead. Motion Carried.

ABATEMENTS:

ALBERT HARTY: Moved-Seconded (Weisenberg-Opitz) to approve an abatement on a mobile home owned by Mr. Harty to adjust valuation from \$7380 to \$900 after review by the Board of Equalization. Aye – Weisenberg, Ewing, Opitz, Douglas. Nay – Seward. Motion carried.

MYRA SCHROEDERMEIER REVOCABLE TRUST: Moved-Seconded (Weisenberg-Ewing) to approve an abatement on parcel #26985-00009-000-40 because cabin was demolished. Motion carried.

KLUTHE ISOLATED TRACT: Moved-Seconded (Ewing-Seward) to bring off the table the Kluthe Isolated Tract Issue. Motion Carried. Bruce Outka updated the Board on the issue. All landowners involved, with the exception of Floyd Caldwell, have come to a private easement agreement with the Kluthes. They requested public condemnation on Caldwell’s property. Mr. Caldwell would not participate in the private easement negotiations. Landowners requested the

road run along the fence line between Caldwell and Potter property. A survey will be done and forwarded to the appraiser for determination of any damage assessments. Moved-Seconded (Weisenberg-Seward) to adopt the following resolution: **RESOLUTION #2006-18 A RESOLUTION DECLARING ISOLATED TRACT AND LOCATING RIGHT-OF-WAY** **WHEREAS**, SDCL 31-22-1 provides for right of access from isolated tract to highway; and **WHEREAS**, Carol Kluthe, Shawna Joane Kluthe and Stacey Ann (“Kluthes”) are the owners of a tract of land in Lawrence County legally described as: NW1/4 SE1/4 T5 R4 S6 B.H.M. Lawrence County, South Dakota **WHEREAS**, said tract of land contains 40 acres and is not touched by a passable public highway; and **WHEREAS**, tract does not adjoin a section line; and **WHEREAS**, the Kluthes are unable to agree with an owner of surrounding lands for purchase of a right-of-way from such tract of land to a public highway; and **WHEREAS**, the Kluthes have applied to the board of county commissioners for relief, making their application in writing and describing the tract and the surrounding land over which a right-of-way is desired; and **WHEREAS**, the Lawrence County Commissioners visited said tract owned by the Kluthes and adjoining lands and having given appropriate notice to adjoining landowners thereof; and **NOW, THEREFORE BE IT RESOLVED**, that the tract legally described above is an isolated tract as defined in SDCL 31-22-5; and **IT IS FURTHER RESOLVED**, that pursuant to SDCL 31-22-3, the Lawrence County Commission, having considered the convenience of the parties, has laid out a public right-of-way for access to the isolated tract as is fully set forth on the plat attached hereto identified as exhibit 1; and **IT IS FURTHER RESOLVED**, that the width of the right-of-way shall be 12.5 feet as set forth on the attached exhibit 1; and **IT IS FURTHER RESOLVED**, the county commissioners shall assess and determine the damage, if any, which the Kluthes, as right-of-way owners, shall pay to adjoining landowners across which the right-of-way is laid; and **IT IS FURTHER RESOLVED**, that upon payment of the sum assessed to the owner of the land over which such right-of-way is laid or upon their refusal to accept the same upon the deposit of such sum with the Lawrence County clerk of courts, the right of the owner of such isolated tract to the free use of said right-of-way shall be complete; provided the owner of such isolated tract shall have paid all of the costs of the proceedings in laying out and assessing the damages of said right-of-way; and **IT IS FURTHER RESOLVED**, that Petitioners shall have said right-of-way surveyed and the same recorded in the Lawrence County Register of Deeds Office. Petitioners shall be responsible for all costs thereof; and **IT IS FURTHER RESOLVED**, that the Kluthes and their successors in interest, heirs or assigns, as owner(s) of the isolated tract of land shall keep and maintain such right-of-way at his or her own expense. Dated this 23rd day of May, 2006. By: Connie Douglas, Chairman. Attest: Melody Nelson, Deputy County Auditor.

PUBLIC HEARING/SD GAME, FISH & PARKS PROPERTY PURCHASE: A public hearing was held at 11:00 a.m. in the City of Deadwood meeting room to hear public comment on the SD Game, Fish & Parks’ proposal to purchase three parcels totaling 400+ acres of land from Homestake Mining Co. Game, Fish & Parks proposes to control 355 acres with the remaining 58 acres at the mouth of the Canyon going to the City of Spearfish. The property includes Roughlock Falls and Little Spearfish Intake, Savoy Intake on Spearfish and property at the mouth of the Canyon. John Kirk, Shelly Deisch, Ron Koth and Harley Noem, representatives from SD Game, Fish & Parks were present. Mr. Kirk explained their proposal and how they would like to use funds held pursuant to the “Final Conceptual Restoration and

Compensation Plan for Whitewood Creek and the Belle Fourche River and Cheyenne River Watersheds” to buy the property.

PUBLIC COMMENT: Jack Cole, representing the Spearfish Canyon Preservation Trust, asked that they adhere to prior agreements made regarding the Canyon. He expressed concerns about water quality and conservation.

Jim Nelson, representing Spearfish Canyon Homeowners Association, said they supported the property purchase.

Pat Trask, representing Meade Co. Resource Committee, suggested they hold firm to the principle that Homestake should stay on course with its responsibility to clean up Whitewood Creek and keep those funds for that intended purpose. He felt SD Game, Fish & Parks can use other funds to purchase the property. He felt there is still risk to livestock and wildlife along the creek ways.

When questioned on the uses for the mouth of the Canyon property, Mr. Kirk said surveys have been done on the Roughlock and intake properties but not on that property. He surmised that it might be used as a natural area.

Commissioners expressed their dismay that Lawrence County was not involved with any negotiations nor even made aware of this until GFP announced it to the public. Taking property off the tax rolls and increasing public lands in this county was a concern to all Board members. Board members questioned why the mouth of the Canyon property was made part of the deal and why it was being conveyed to the City of Spearfish.

Douglas closed the public hearing at 11:54 a.m.

Moved-Seconded (Weisenberg-Ewing) to table this matter until the next meeting to give the Commissioners time to gather information before making a recommendation. 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-\$3,450.95; Aud-\$6,247.12; Treas-\$8,436.12; Comp-\$4,955.60; States Atty-\$12,583.62; Pub Def-\$5,358.34; Gen Govt Bldg-\$5,966.99; Equal-\$10,985.80; Rod-\$5,969.62; Vso-\$1,003.32; Disp-\$12,597.85; Sher-\$29,540.68; Jail-\$20,760.38; Emerg Mgnt-\$2,690.48; E911-\$1,408.40; Highway-\$32,030.88; Air-\$458.27; Ext-\$1,182.40; Weed-\$3,148.39; Pz-\$2,581.59; **Bills:** Larson,P-\$18.56; Piekkola,D-\$97.00; Runge,B-\$97.00; Sandvig,S-\$97.00; Sargent,D-\$9.60; Schumacher,D-\$97.00; Symonds,C-\$97.00; Tridle,D-\$35.00; A&B Business Equip-\$1,189.12; A&M Transport-\$87.50; A-Z Shredding-\$10.50; Abc Business Supply-\$161.23; Aberdeen Llc-\$5,572.00; Allied Medical Products-\$1,589.00; Alltel-\$878.22; Amcon Distributing-\$281.79; Antrim,J-\$400.00; Armstrong Extinguish-\$112.25; At&T-\$43.19; Atv Safety Institute-\$1,000.00; BH Federal Credit Union-\$9,706.00; BH Pioneer-\$794.81; BH Power & Light-\$6,748.18; Black Hills Pure-\$11.50; Bp-\$710.34; Brady Pluimer-\$196.25; Breit Law Offices-\$163.00; Brookings Inn-\$660.00; Butte Electric Coop-\$371.02; Central Parts-\$638.78; City/County Alcohol &Drug-\$779.00; Clinical Lab Of BH-\$2,830.24; Corral West-\$191.70; Culligan Soft Water Serv-\$28.50; Deadwood Recreation Center-\$174.00; Deadwood Thymes Cafe & Bistro-\$99.00; Deadwood, City Of-\$1,486.28; Dept Of The Treasury-\$40,197.68; Dietrich,D-\$128.98; Domestic Crisis

Outreach-\$380.00; Ecolab-\$105.50; Election Sys & Software-\$36,000.00; Ensignal-\$39.99; Et Sports-\$72.95; Executone Of The BH-\$608.60; Extension Service-\$252.33; Fastenal-\$79.20; Fisher Sand & Gravel-\$529.88; Fsh Communications-\$55.00; Godfrey's Brake Serv-\$144.31; Great Plains Chemical-\$360.00; Great Western Tire-\$502.56; Grimm's Pump Service-\$364.27; Hames,C-\$125.00; Havemeier,L-\$462.00; Hewlett-Packard Company-\$344.00; Integrity Ford-\$22.44; Jacobs Precision Welding-\$187.90; Jefferson Partners-\$105.10; Kadrmas, Lee And Jackson-\$16,713.20; Kelly Inn-\$63.00; Kimbell's Auto Repair-\$455.37; Kimball-Midwest Co-\$304.21; Knecht True Value-\$425.81; Kooistra,N-\$15.00; LC Auditor-\$2.58; LC Journal-\$1,074.23; LC Sheriff-\$84.24; LC Treasurer-\$100.00; Lancaster County Court-\$3.50; Language Line Services-\$413.15; Lead-Deadwood Regional Hospital-\$128.76; Lead-Deadwood School District-\$780.23; Lexisnexis On-Line-\$328.00; M&M Sanitation-\$42.50; M&T Fire & Safety-\$15,000.00; Macks Auto Body-\$2,368.84; Mcarthur,J-\$45.00; Meade County Sheriff-\$22.00; Mid America Specialties-\$761.50; Midwest Alarm-\$84.00; Miller,P-\$3,576.00; Mobile Electronic Service-\$1,435.00; Montana-Dakota Util-\$115.76; Morman Law Firm-\$595.51; Moss,W-\$400.00; NH Alcohol & Drug Services-\$10,000.00; NH Family Ymca-\$180.00; Neighborhood Housing Sercives-\$5,000.00; Nelson,T-\$585.00; Neve's Uniforms-\$111.15; New View Optical-\$40.00; New World Systems-\$13,326.30; Novus-\$298.00; Office Of Child Support-\$386.31; Office Technology/Supply-\$26.94; Pennington Co Jail-\$654.37; Pennington County Sheriff-\$180.31; Pitney Bowes-\$158.60; Postmaster, Deadwood-\$132.00; Queen City Rocket Lube-\$112.50; Qwest-\$704.17; RC Finance Office-\$1,680.00; RC Regional Hospital-\$7,130.01; Radio Shack/Kazco-\$97.86; Rehfuss,C-\$15.00; Reindl,S-\$2,975.29; Rollin Oil-\$9,461.25; Rushmore Communications-\$1,920.00; SD Retirement System-\$45,057.19; SD Dept Of Transportation-\$4,813.10; Schmuck,C-\$29.60; Sdrs Supplemental Retirement-\$997.00; Sears \$329.99; Servall Towel & Linen-\$375.31; Spearfish Alt/Starter Rebuild-\$68.00; Spearfish Auto Supply-\$1,260.75; Spearfish Building Supply-\$47.55; Spearfish Motors-\$96.36; Speedylube-\$52.98; Subway-\$7.99; Teen Court-\$1,606.32; Tigerdirect-\$1,299.66; Triple K Tire & Repair-\$837.00; Twin City Hardware & Lumber-\$153.64; Usda Forest Service-\$145,000.00; Verizon Wireless-\$745.64; Victims Of Violence-\$380.00; Voelker & Adams-\$4,444.35; Walmart Store-\$274.25; Warne Chemical-\$254.58; Waste Connections-\$211.63; Wells Fargo Business Card-\$186.19; Wells Plumbing & Farm Supp-\$4.52; West Group-\$169.50; Western Sd Juvenile Serv-\$7,955.00; Williams Standard Serv-\$27.00; Yankton Co Sheriff-\$16.50; **Witness & Jurors:** Biel,L-\$52.56; Burrer,L-\$50.64; Caton,E-\$55.12; Haivala,J-\$58.32; Holst,M-\$59.60; Jenniges,D-\$59.60; Jones,B-\$59.60; Junek,S-\$61.52; Larive,D-\$51.92; Merrill,M-\$60.88; Oliver,T-\$59.60; Rothenberger,P-\$56.40; Rounce,J-\$59.60; Schwab,J-\$59.60; Slattery,W-\$59.60; Smith,B-\$62.80; Trucano,A-\$59.60; Walker,L-\$51.92; Wood,R-\$60.24; Bowman,M-\$29.60; Derek,D-\$29.60; Goetz,H-\$29.60; Jones,S-\$29.60; Porter,J-\$20.64; Query,D-\$29.60; Stephenson,C-\$30.88; Wallace,J-\$29.60; Vincent,W-\$29.60

ADJOURN: 11:55 a.m. there being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 8, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 9:00 a.m. on June 8, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Bob Ewing, James J. Seward and George Opitz present. Terry W. Weisenberg was absent.

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

2006 PRIMARY ELECTION: Moved-Seconded (Opitz-Seward) to canvass the 2006 Primary Election Results for Lawrence County. Motion Carried

EMERGENCY MANAGEMENT GRANT REGIONS: Paul Thompson was present to discuss the Homeland Security Grants and the State proposed regions. The Board expressed concerns on Lawrence County administering the Grant for this region. The concerns will be expressed in a letter and sent to the State Agency.

US FORST SERVICE BUILDING PURCHASE: Rusty Wilder, US Forest Service was present in regards to the County purchasing the US Forest Service Building on Sherman Street. The Board thanked Mr. Wilder for his efforts in finalizing the purchase.

Moved-Seconded (Seward-Opitz) to approve and authorize the Chairperson to sign the request for closure, on the permit to occupy, the Forest Service Building. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the Deed/purchased agreement for the US Forest Service Building on Sherman Street and to authorize the purchase of the building. Motion Carried.

ADJOURN: 9:40 a.m. there being no further business it was Moved-Seconded (Ewing-Seward) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 13, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 13, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of May 23, 2006 & June 8, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Seward) to approve Casey Davis as a part-time corrections officer I G3 at the base rate of \$12.44 an hour, upon the completion of 40 hours of training at \$7.96 an hour, effective 6-5-2006. Motion Carried. Aye-4, Nay-Weisenberg.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to approve Jamie Turnbo as a full time Legal Secretary II G1 at the base rate of \$12.11 an hour, effective 6-22-2006. Motion Carried.

AGRICULTURAL COMMITTEE: Moved-Seconded (Seward-Opitz) to appoint Leo Orme (1 year term), Dianne Miller (2 year term), Tommy Thompson (2 year term), Eric Jennings (3 year term), and Bob Ewing (3 year term) to the Agricultural Committee. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Seward-Douglas) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of May 31, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$112,031.35; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,482.92; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$10,315,507.53; GNAMS-\$10,159.93; Total \$14,025,667.46.

FUEL QUOTES: The following fuel quotes were submitted as of May 22, 2006: Deadwood unleaded 7000 Gal Diesel & 3550 Gal Unleaded and Spearfish 3,500 Gal Diesel and 1050 Gal Unleaded (prices per gallon) Cenex Oil Co. DWD Diesel - \$2.384, DWD Unleaded - \$2.49, Spf Diesel – \$2.434, Spf Unleaded - \$2.54; Southside DWD Diesel - \$2.34*, DWD Unleaded - \$2.495, Spf Diesel – \$2.37, Spf Unleaded - \$2.529; Rollin Oil DWD Diesel - \$2.3413, DWD Unleaded - \$2.4815*, Spf Diesel – \$2.355*, Spf Unleaded - \$2.495* (*represents lowest quote)

FAMILY HEALTH CENTER: Moved-Seconded (Seward-Weisenberg) to send a letter of financial support of \$15,000 in support of the Family Health Center's school-community prevention project to address drug and alcohol prevention in school age children in the Lead-Deadwood and Spearfish Schools; and to do a contingency transfer of \$15,000 into Commissioners Professional Services. Motion Carried.

RESOLUTION #06-19 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget. No public input was present and the hearing was closed. Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairman to sign the following Resolution 2006-19 for a supplemental budget. Motion Carried. RESOLUTION #06-19 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND. Insurance - \$25,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 13th day of June, 2006 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 13th day of June, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

EXTENSION AUTOMATIC SUPPLEMENT: Moved-Seconded (Opitz-Ewing) to approve an automatic supplement for Extension grants for \$1,041.05 for grant money received. Motion Carried.

OLD BELLE ROAD SURFACE TREATMENT PROPOSAL: Moved-Seconded (Weisenberg-Seward) to follow the recommendation of Chuck Williams and accept the only bid received from Hills Material for the Old Belle Road Asphalt Surface Treatment for \$114,973.35. Motion Carried.

A bid was received from Simon Contractors after the deadline and was not opened.

ASPHALT CONCRETE CRACK SEALING: Moved-Seconded (Weisenberg-Seward) to purchase from the SD Department of Transportation Bid for Asphalt Concrete Crack Sealing State Project No. 083-392 (PCN 00TW). Motion Carried.

TRUCK CHASSIS BID OPENING: Moved-Seconded (Opitz-Seward) to bring off the table the truck chassis bid tabled on May 24, 2006. Motion carried. Moved-Seconded (Seward-Ewing) to accept the only bid received from West River International, bid price of \$72,636.75, delivery date July 31, 2006. Motion Carried.

UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Application for Permit to Occupy County Highway Right of Way from the intersection of US Hwy 85, approximately 470 to the East on Johnson Lane. Motion Carried.

QWEST: Moved-Seconded (Opitz-Ewing) to approve and authorize the Chairperson to sign the Application for Occupancy on the Right of Way of County Highway on the Nemo Road in Section 27, T3N, R5E. Motion Carried.

QWEST: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairperson to sign the Application for Occupancy on the Right of Way of County Highway on Hanna Road in Section 27, T4N, R2E. Motion Carried.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2006-2007 Malt Beverage licenses.

Moved-Seconded (Weisenberg-Seward) to approve the following 2006-2007 Malt Beverage Licenses: Class - Package (Off-Sale) Malt Beverage: Gi Outpost Inc., (Deadwood Koa); Kelley Family Inc., (Hidden Valley Campground); Barefoot Council Of Co Owners (Barefoot Resort); Troy & Wiladine Saye (Nemo Guest Ranch). Class - Retail (On-Off Sale) Malt Beverage: Black Hills Hospitality, Inc (Fish 'N Fry Campground); Janell F. Andis, (Custer Crossing); Wild Bill's Campground & Resort; Spearfish Canyon Resorts (Latchstring Village); Dst Properties Inc. (The Valley Corner); Trailhead Lodge, Inc.; Cheyenne Crossing Store; Lonny & Susan Smith (St.Onge Store); Steven W. Sharp, (Koa Spearfish); Ronald & Lisa Jorgenson, (Boondocks); Seven Down, Llc; Steel Wheel Llc (Steel Wheel Convenience Store); Steel Wheel Llc (Renegades Bar & Grill); Joe Moak Iii / Lone Star Restaurant; Black Hills Presidents Park, Inc.; Janice G. Kaberna, (Hom Campground); Black Hills Chairlift Co.Inc.; John D. Bell (Bell Ltd); Darlene Fowler (Trout Haven); Troy & Wiladine Saye (Nemo Guest Ranch); Jeffrey D Drumm (Farmers Market); Mystic Hills Cabins & Campground. Motion Carried.

RETAIL ON-SALE WINE: A public hearing was held on a new Retail On-Sale Wine License for 2006-2007. Moved-Seconded (Seward-Opitz) to approve the Wine License for **Mystic Hills Cabins & Campground:** 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E. Lawrence County, SD. Motion Carried.

ANNUAL REVIEW CUP#307 / RAMSEY: An annual review was held on CUP #307 for a second residence for Owner/Representative: Beatrice and Charles Ramsey. CUP #307 was found to be in compliance and will be reviewed in one year.

ANNUAL REVIEW CUP#308B / WESTERN WIRELESS: An annual review was held on CUP #308B for a temporary tower Owner/Representative: Harold & Sharon Hudson/Performance Development Group/Western Wireless. CUP #308B was found to be in compliance and will be reviewed in six months.

ANNUAL REVIEW CUP#309 / BH CHRISTIAN ACADEMY: An annual review was held on CUP #309; Owner/Representative: Black Hills Christian Academy/ Jason Boke for a private Christian school. CUP #309 was found to be in compliance and will be reviewed in one year.

NEW ZONING MAP ADOPTION/RESOLUTION: A public hearing was held on the New Zoning Map. Tommy Thompson was present and questioned if the land owners affected had been notified. The Board stated notifications were sent and public hearings were held. The public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Lawrence County Resolution #2006-20. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2006 – 20: A RESOLUTION ADOPTING THE OFFICIAL ZONING MAP OF LAWRENCE COUNTY. WHEREAS, SDCL Ch 11- 2 provides for comprehensive planning and zoning of counties; and WHEREAS, SDCL 11- 2-1 (9) defines ‘Zoning map,’ [as] the map that delineates the extent of each district or zone established in the zoning ordinance’; and WHEREAS, the existing Official Zoning Map(s) have not been updated for some time and has become difficult to interpret; and WHEREAS, Public Hearings have been held and input received on the revisions to the Zoning District Boundaries within Lawrence County pursuant to Lawrence County Zoning Ordinance, Section 5.9; THEREFORE, BE IT RESOLVED by the Lawrence County Commission that pursuant to SDCL Ch 11-2 and Lawrence County Zoning Ordinance, Sections 2.1 and 2.2, this map shall be the Official Zoning Map of Lawrence County: Dated this the 13th day of June, 2006. LAWRENCE COUNTY. BY: Connie Douglas, Chairman, Lawrence County Commission. ATTEST: Connie Atkinson, Auditor

The Map will be dedicated to the Memory of Leo Derosier, Planning and Zoning Member.

VA ECONOMIC IMPACT: Bill Locken, Veterans Service Officer, was present to update the Board on the Veterans benefits in Lawrence County. The Board thanked Locken for his hard work and dedication to the veterans in Lawrence County.

PRELIMINARY PLAT TWO BIT RANCHES LOTS 1-31: Moved-Seconded (Weisenberg-Ewing) to approve the preliminary plat for Two Bit Ranch Estates, Lots 1-31, located in Section 30, T5N, R4E (legal shortened). Motion Carried.

SD GAME FISH & PARKS PROPERTY PURCHASE: Moved-Seconded (Weisenberg-Seward) to send a letter to the SD Department of Game Fish and Parks with the following recommendations: 1) The land in Roughlock Canyon, Savoy, Rifle Range Area, and Flood Plain area should be in public ownership. 2) There are a number of acres in the Northwest portion (close to City of Spearfish) that would be best used in private ownership. 3) When land goes into public domain maybe other lands can come back into private ownership. Motion Carried. (see below)

10:20 a.m. The Board recessed until 1:30 pm.

SD GAME FISH & PARKS PROPERTY PURCHASE: Outka stated Mr. Trask arrived late for the discussion on the Game Fish & Parks Property Purchase and discussed the issue with Seward and Ewing in the Commission Room during the recess. Outka stated he was discussing another issue with Commissioner Opitz, in an adjacent office, when he was asked to come back to the Commission room to answer a question on the formality of rescinding a motion. Outka stated Opitz followed him back to the Commission room. Douglas expressed strong disappointment, in the actions of the fellow commissioners, in the discussion held during the recess.

Moved-Seconded (Ewing-Seward) to delay sending the letter to the SD Game Fish & Parks because they feel it is in the best interest of the Lawrence County Tax Payers to hear what Mr. Trask has to say. Aye-Seward-Ewing & Opitz. Nay-Douglas & Weisenberg. Motion Carried.

Weisenberg stated he feels the letter should be sent anyway. Douglas stated Vice Chairperson Seward would be signing the letter in regards to this issue at the next meeting.

1:33 p.m. EXECUTIVE SESSION: Moved-Seconded (Opitz-Weisenberg) to go into executive session to conduct interviews for the Highway Superintendent Position. Motion Carried. 4:05 p.m. the Board reopened.

4:05 p.m. Moved-Seconded (Opitz-Weisenberg) to adjourn the meeting. Motion Carried.

BILLS: Moved-Seconded (Opitz-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-\$3,450.95; Aud-\$6,575.77; Treas-\$8,448.05; Comp-\$4,955.60; States Atty-\$12,597.04; Pub Def-\$5,358.34; Gen Govt Bldg-\$5,979.89; Equal-\$11,096.62; Rod-\$5,969.62;

Vso-\$1,003.32; Disp-\$10,888.23; Sher-\$27,363.46; Jail-\$21,221.28; Emerg Mgnt-\$2,707.85; E911-\$1,408.40; Hwy-\$31,890.02; Air-\$555.77; Ext-\$1,182.40; Weed-\$7,825.58; Pz-\$2,581.59; **Bills:** Ewing,R-\$176.20; Larson,P-\$82.28; Mcgruder,B-\$14.00; Mowell,R-\$6,726.00; Rear,K-\$120.00; A&B Business Equip-\$1,273.40; A&M Transport-\$87.50; Abc Business Supply-\$1,313.41; Ahl,S-\$120.00; Alco Store-\$47.20; Altaire Enterprises-\$320.00; Aman,B-\$120.00; Atd-American Co-\$192.00; Avera Mckennan Hospital-\$627.67; BH Chemical Company-\$1,239.15; BH Federal Credit Union-\$9,731.00; BH Land Analysis-\$315.00; BH Medical Ctr Pharmacy-\$3,265.10; BH Pest Control-\$95.00; BH Physcial Therapy-\$125.00; BH Pioneer-\$43.25; BH Power & Light-\$507.99; Behavior Mngt Systems-\$265.00; Best Business Prod-\$59.89; Board Of Regents/Dan Weigel-\$40.00; Breit Law Offices-\$163.00; Burke,K-\$56.40; Burlson,A-\$144.60; Butler Law Office-\$4,419.95; Butler Machinery Co-\$58.95; Butte Electric Coop-\$414.42; Campbell Supply Co-\$246.86; Caserio,M-\$124.60; Central Parts-\$592.15; Chain Saw Center-\$12.95; Clark Printing-\$156.00; Coburn,B-\$211.44; Comfort Inn Of Pierre-\$555.00; Community Health Services-\$10.00; Conoco-\$212.39; Contractors Insulation-\$353.80; Cook,S-\$135.00; Cora's Creations-\$60.95; Creative Car Components-\$1,679.00; Culligan Soft Water Serv-\$113.75; Dakota Graphics-\$377.00; Dale's Tire & Retread-\$3,220.08; Deadwood Home Center-\$31.31; Deadwood, City Of-\$5,380.82; Deckers Food-\$57.64; Dept Of Hlth Lab Services-\$498.00; Dept Of The Treasury-\$44,021.38; Derosier,L-\$140.96; Ed M Feld Equip Co-\$15,497.00; Ellingson,J-\$859.56; Evercom Systems-\$2,100.00; Executone Of The BH-\$238.00; Fastenal-\$104.57; Federal Express Corp-\$19.82; First Western Bank-\$410.10; Fisher Sand & Gravel-\$12,318.80; Fsh Communications-\$55.00; Gene's Lock Shop-\$14.40; Gold Dust-\$94.30; Great Western Tire-\$199.90; Greens Alignment-\$591.44; Gustafson,A-\$120.00; Havemeier,L-\$189.40; Henry Schein-\$84.98; Hewlett-Packard Company-\$712.00; Hills Material Comp-\$335.60; Hobart Sales & Service-\$182.03; Hovland,A-\$169.60; Howe,M-\$120.00; Hunt,D-\$169.60; Ibm Corp-\$385.02; Ikon Office Solutions-\$138.81; Integrity Ford-\$29.46; Interstate Batteries-\$264.90; In The Line Of Duty-\$482.00; Janke,W-\$405.00; KMart-\$35.74; Kabeiseman & Pollard Law-\$156.80; Karpinen,S-\$495.00; Kellogg,D-\$169.60; Keough,M-\$136.00; Kinney,M-\$1,914.25; Knecht True Value-\$245.92; Kosel,J-\$4,166.67; Kullbom,J-\$100.00; LC Journal-\$1,670.98; LC Sheriff-\$21.37; LC Treasurer-\$100.00; Lawson Products-\$114.61; Lead, City Of-\$55.82; Lead-Deadwood Regional-\$169.15; Lead-Deadwood Regional Hospital-\$240.00; Lead-Deadwood Sanitary-\$205.38; Lee,J-\$15.00; Legislative Mail-\$23.91; Lexisnexis On-Line-\$357.00; Little,C-\$135.00; Loken,M-\$115.00; Lynn Peavey Company-\$66.95; Lynn's Dakotamart-\$22.36; Manlove Psychiatric Group-\$1,275.00; Martin,J-\$144.60; Mattson,B-\$169.20; Mcclure,S-\$225.00; McCormick,R-\$169.60; Mcgrath,M-\$124.60; Meade County Sheriff-\$31.30; Menards-\$732.40; Mickelson,C-\$176.20; Mid-Night Star-\$89.81; Moe,F-\$115.00; Montana-Dakota Util-\$3,613.00; National Forest Counties-\$1,003.70; Nelson,C-\$180.00; Nelson,T-\$450.00; Neve's Uniforms-\$347.44; New World Systems-\$19,510.64; Odea,M-\$70.48; Office Of Child Support-\$386.31; Office Technology/Supply-\$73.94; Outdoor Motor Sports-\$14,144.79; Paradeis,D-\$90.00; Pawlowski,L-\$115.00; Pennington County Sheriff-\$13.58; Pennington County Sts.Attny-\$200.00; Pizza Hut-\$78.30; Porta Storage/Caj Enterprise-\$175.00; Postmaster, Deadwood-\$234.00; Prairiewave Communications-\$652.81; Public Safety Equip-\$2,271.50; Purchase Power-\$825.67; Quaschnick,E-\$185.60; Queen City Rocket Lube-\$147.93; Qwest-\$841.51; RC Regional Hospital-\$1,160.00; Radio Shack/Kazco-\$109.96; Rapidcare PC-\$53.45; Rapid Delivery-\$19.80; Regan Battery Maint Services-\$98.80; Regional Behavioral Health Ctr-\$83.16; Ridley,R-\$179.20; Robidou,E-\$135.00; Robinson,P-\$135.00; Rombough,D-\$28.80; SD Assn Of Co Comm-\$15.00; SD State Treasurer-\$176.90; SD

Emergency Mngt Association-\$30.00; SD Human Services Center-\$210.22; Sandidge,V-\$144.60; Schenk,D-\$120.00; Scott Peterson Motors-\$67.49; Scott Supply Co-\$10,299.00; Servall Towel & Linen-\$250.94; Seward,S-\$135.00; Seymour,C-\$15.00; Silvernail,G-\$169.60; Slowey,Y-\$100.00; Smith,J-\$319.60; Snyder,N-\$60.00; Southside Oil Co-\$16,382.34; Spearfish Auto Supply-\$667.39; Spearfish City Of-\$18,282.00; Speedylube-\$55.96; Subway-\$11.97; Taylor,J-\$169.60; Tellinghuisen & Gordon-\$1,574.52; Tetrault,R-\$120.00; Tigerdirect-\$2,076.11; Trent,J-\$171.52; Triple K Tire & Repair-\$4,319.45; Twin City Hardware & Lumber-\$480.62; Tysdal,R-\$140.96; Verizon Wireless-\$121.97; Voelker & Adams-\$1,544.55; Waisanen,A-\$115.00; Walter F Stephens, Jr Inc-\$11.37; Waste Connections-\$399.48; Weld County Sheriff's Office-\$9.20; Western Communication-\$4,364.54; Western Sd Juvenile Serv-\$3,700.00; Woolett,J-\$361.60; Xerox Corporation-\$51.60; Yankton County-\$96.05; York,B-\$146.92; Z&S Dust Control-\$19,808.27; Zoodsma,M-\$103.36; **Witness & Jurors:** Abell,M-\$13.20; Balsley,S-\$22.80; Bergum,G-\$61.52; Brownell,D-\$17.04; Buckmaster,C-\$19.60; Carr,W-\$11.92; Cypher,J-\$57.68; Fischer,B-\$59.60; Golba,G-\$22.16; Gritts,T-\$19.60; Hartman,I-\$64.08; Haugland,L-\$66.00; Henninger,A-\$11.28; Lahr,T-\$60.24; Martinez,J-\$59.60; Poling,D-\$50.64; Sager,B-\$24.08; Schilling,T-\$19.60; Scott,D-\$26.00; Shrader,J-\$59.60; Spencer,D-\$66.00; Vangeystelen,J-\$51.92; Wainman,V-\$13.20; Williams,E-\$10.64; Wolfe,K-\$10.64; Haivala,J-\$58.32; Holst,M-\$59.60; Jones,B-\$59.60; Merrill,M-\$60.88; Oliver,T-\$59.60; Rothenberger,P-\$56.40; Rounce,J-\$59.60; Walker,L-\$51.92; Wood,R-\$60.24; Hughes,W-\$115.00; Jennings,E-\$69.20; Rizzi,G-\$19.60; Salcone,M-\$22.80; Hughes,L-\$135.00; Mattson,D-\$160.00; Robinson,B-\$144.60; Harmon,E-\$120.00; Wannarka,K-\$120.00; Dingeman,E-\$135.00; Mundhenke,B-\$120.00; Barden,T-\$129.60; Rotert,J-\$144.60

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 27, 2006

Vice-Chairperson James J Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 27, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, and George Opitz present. Connie Douglas was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of June 13, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Ewing) to allow employees to donate leave to Laurie Vrem for a personal emergency. Motion Carried.

TREASURER: Moved-Seconded (Opitz-Weisenberg) to approve the advertising of a full time position in the Treasurer's Office; to fill the Position of Doris Winters who will be retiring August 31, 2006. Motion Carried. Deb Tridle, Treasurer stated she may need a supplement at the end of the year to cover the payoff of benefits to Ms. Winters.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Dennis Schumacher, Darlene Piekkola, Carmen Symonds, Brett Runge and Scott Sandvig to attend the Annual Assessor's School in Watertown, SD on September 10-15, 2006. Motion Carried.

INVASIVE SPECIES MANAGEMENT: Moved-Seconded (Weisenberg-Ewing) to set the fees, as recommended by the Invasive Species Management Board, as follows: Cost to do a subdivision inspections for pre-plating – initial fee of \$150.00 for prairie and initial fee of \$250.00 for timber plus \$1.50 for every acre in the subdivision thereafter. Motion Carried.

HOMESTAKE SCIENCE LAB (SANFORD UNDERGROUND SCIENCE AND ENGINEERING LABORATORY AT HOMESTAKE): Moved-Seconded (Weisenberg-Ewing) to send a letter to T. Denny Sanford thanking him for the \$70 million gift for the Homestake Science Lab. Motion Carried.

HIGHWAY BUSINESS:

UTILITY PERMITS: Moved-Seconded (Weisenberg-Opitz) to approve the Utility Permit for the St. Onge Road approximately 250 feet from Helen Street south for construction of water line. Motion Carried.

COUNTY BUILDING SERVICES: Moved-Seconded (Weisenberg-Ewing) to approve the hiring of an architect, for the repair of the roof, on the building recently purchased from the Forest Service. Motion Carried.

HOMESTAKE LICENSE AGREEMENT: Moved-Seconded (Ewing-Opitz) to approve and authorize the Vice-Chairperson to sign the License Agreement with Homestake to enter the Homestake Property for the purposes of installing, constructing, maintaining and operating a communications tower. Motion Carried.

FIRE BURN BAN: The Board reviewed the recommendation of Paul Thomson on a burn ban in the County. Moved-Seconded (Ewing-Seward) 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.

HOMELAND SECURITY 2004 RE-ALLOCATION GRANT: Moved-Seconded (Weisenberg-Seward) to declare the items purchased with the 2004 Homeland Security Re-allocation Grant surplus and donate to the respective entities; and to allow the Vice-Chairman to sign the agreement with the receiving entities (as on file in the Auditor’s Office). Motion Carried.

SEARCH & RESCUE FUND RAISER: Moved-Seconded (Weisenberg-Ewing) to acknowledge and endorse the 4th of July golf ball fund raiser for Lawrence County Search & Rescue. Motion Carried.

CONDITIONAL USE PERMIT #321 / VERIZON WIRELESS: A public hearing was held on a request for Conditional Use Permit #321 - CELL TOWER owner/Representative: Paul & Tom Houck/John Rowe, Buell Consulting/Verizon Wireless. Legal Description: Pt. M.S. 1832 Royal, lying outside city limits of City of Lead. Location: Lead/Hearst Area. Purpose: To allow for a 190’ free standing communications tower & 12x18 shelter. No public input was voiced and the public hearing was closed. Moved-Seconded (Ewing-Opitz) to approve Conditional Use Permit #321 as presented, with conditions as on file in the Planning and Zoning Office. Motion Carried.

CHANGE OF ZONING #254 / J&K: A public hearing was held on Change of Zoning #254-SUBDIVISION Owner/Representative: J & K of Spearfish, LLC, Legal Description: N ½ NE ¼, N ½ S ½ NE ¼ of Section 12, T6N, R1E. Location: West of Spearfish/Crow Peak Bench Purpose: Residential lots. Tom Brady, Attorney for the Owner, spoke on behalf of the request. Brady stated they are in agreement with a plat and covenant on prohibition of subdivision. Randy Peterson, Pine Oaks Road District, stated they have no objection to the project. Bob Long,

landowner in the area stated he is not opposed to the project. Don Simmons stated he is not opposed to the change of zoning but he is concerned with the impact on the gravel road. The public hearing was closed. Seward stated he felt this is a natural progression in the area. Moved-Seconded (Weisenberg-Ewing) to approve the request for Change of Zoning #254 as presented, and to approve and authorize the Vice-Chairman to sign the Change of Zoning Ordinance #254. Motion Carried.

COZ NO. 254: AN ORDINANCE AMENDING LAWRENCE COUNTY ZONING ORDINANCE NUMBER ONE FROM A-1 - GENERAL AG TO RR - RURAL RESIDENTIAL BE IT ORDAINED: By Lawrence County, South Dakota, that the boundaries of A-1 - GENERAL AG as established by the Lawrence County Zoning Ordinance One, be amended so as to remove the following described real property, to-wit: N1/2 NE1/4, N1/2S1/2NE1/4, Section 12, T6N, R1E (12-006-01), B.H.M., LAWRENCE CO., SD from the A-1 - GENERAL AG DISTRICT and include it in the RR - RURAL RESIDENTIAL DISTRICT

SD GAME FISH & PARKS PROPERTY PURCHASE / STOCKGROWERS ASSN:

Carrie Stadheim and Bill Cluck from the SD Stockgrowers Association were present to discuss the Spearfish Canyon Property Purchase. They stated they were not against the purchase of the property but they were against the “Super Fund Money” funds being used to purchase the property. Discussion followed on the Whitewood creek and Spearfish creek cleanup and monitoring. Liability issues, loss of private lands, and the consent decree were also discussed. Pat Trask voiced opposition of the use of “Super Fund Money” being used to purchase the property in question. Bob Mallow, Meade County Commissioner, was present and voiced concerns about using the “Super Fun Money”.

SD GAME FISH & PARKS PROPERTY PURCHASE: The Commission asked the citizens in attendance to voice any concerns they may have on the SD GFP Spearfish Canyon Property Purchase. Tom Brady stated the property needs to be acquired now because Barrick will sell to someone else. Brady stated the County Commissioners are only making a recommendation on the purchase of the property, not the funding being used. Everett Hoyt, BH Sportmans, stated they are in favor of the land acquisition and also stated funding is an issue by itself. Jim Nelson, Spearfish Canyon Homeowners, stated he was in support of the plan and stated he didn’t want to see this as an opportunity missed because it could be a disaster. Jim Urig, Spearfish Canyon foundation, stated they have donated \$250,000 towards the project and they are in support of the acquisition. John Kirk, SD Wildlife Division spoke on behalf of the State and explained the “Super Fund Money”. Kirk stated this purchase does qualify with these funds.

Moved by Weisenberg to send the letter of recommendation, as stated at the June 13th meeting. Motion died due to a lack of a second.

Discussion followed. Opitz asked Spearfish Mayor Krambeck if any of the land at the mouth of Spearfish Canyon would be appropriate in private ownership. Krambeck stated they supported

all lands to be public ownership. Krambeck stated they did not want any of the waterline to be disturbed and public ownership would enhance the green areas.

Moved-Seconded (Ewing-Weisenberg) to authorize the Vice-Chairperson to send a letter, with the following recommendations, to the SD Department of Game, Fish and Parks. Motion Carried.

1) We support the property purchase of parcels in Roughlock Canyon, Savoy, Rifle Range area and flood plain area at the mouth of the Canyon and believe they should be in public ownership. 2) We recommend looking for another primary funding source to purchase the property. We do not recommend using monies held in trust for restoration of Whitewood Creek and the Belle Fourche and Cheyenne River Watersheds. We ask that you use these funds only if absolutely necessary. 3) We also make the suggestion when land goes into the public domain, other lands should come back into private ownership. This would offset the removal of taxable property to support schools, cities and counties.

NORTHERN HILLS DRUG & ALCOHOL: Mary Wood-Fossen presented the 2005 annual report and updated the Board on the Northern Hills Drug and Alcohol program. The 2007 Budget request was presented, requesting an increase of funding to \$12,000.

FUEL QUOTES:

The following fuel quotes were submitted as of June 19, 2006: Spearfish – 5,000 Gallons Diesel & 800 Gallons Unleaded (prices per gallon): Cenex Oil Co. \$2.499 & 2.659; Southside Oil - \$2.425# & 2.535*; Rollin Oil - \$2.432* & 2.545. (*represents lowest quote) (#unable to deliver until 6-21-2006)

The following fuel quotes were submitted as of June 27, 2006: Whitewood diesel 750 Gal (prices per gallon) Cenex Oil Co. \$2.459; Southside Oil - \$2.425*; Rollin Oil - \$2.462. (*represents lowest quote)

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,759.07; Treas-\$8,483.80; Comp-\$4,991.81; States Atty-\$12,727.01; Pub Def-\$7,396.81; Gen Govt Bldg-\$5,711.76; Equal-\$11,108.82; Rod-\$5,970.82; Vso-\$1,003.32; Disp-\$12,619.09; Sher-\$27,041.11; Jail-\$20,209.02; Emerg Mgnt-\$2,869.87; Vso-\$1,405.40; Highway-\$31,692.87; Air-\$562.84; Ext-\$1,736.20; Weed-\$7,520.83; Pz-\$2,581.59;**Bills:** Davis,J-\$187.00; Deneui,K-\$18.32; Fitzgerald,J-\$32.00; Hagerty,R-\$21.52; Locken,W-\$245.76; Piekkola,D-\$29.70; Smith,M-\$64.00; Utecht,J-\$13.84; Vrem,L-\$148.94; Weisenberg,T-\$25.00; A&B Business Equip-\$804.53; A&B Welding Supply-\$170.67; A&M Transport-\$87.50; Abc Business Supply-\$178.44; Alltel-\$875.30; Amcon Distributing-\$302.20; American Bar Association-\$119.17; AT&T-\$42.55; BH Chemical Company-\$273.74; BH Federal Credit Union-\$9,731.00; BH Pioneer-\$1,097.03; BH Power & Light-\$7,042.15; BH Window Cleaning-\$2,735.00; Barker,R-\$350.00; Best Business Prod-\$59.89; Best Western

Ramkota Inn-\$70.00; Black Hills Pure-\$22.00; Bp-\$1,199.90; Brady Pluimer-\$1,911.70; Breit Law Offices-\$163.00; Butler Machinery Co-\$553.36; Caserio,B-\$24.00; Central Parts-\$16.58; Chaney Media Group-\$168.75; Chemical Sanitizing Sys-\$44.66; Chief-\$388.87; Child Psychology Services-\$200.00; City Of Whitewood-\$48.39; Cover To Cover-\$75.00; Creative Car Components-\$496.24; Culligan Soft Water Serv-\$46.50; Dakota Discount-\$612.99; Dakota Graphics-\$85.00; Deadwood Home Center-\$6.98; Dept Of The Treasury-\$40,625.42; Division Of Motor Veh-\$13.00; Domestic Crisis Outreach-\$590.00; Eddie's Truck Sales/Serv-\$378.57; Eisenbraun,K-\$45.00; Ellingson,J-\$572.65; Esri-\$400.00; Extension Service-\$178.29; Fast Break Screen Printing-\$20.00; Fastenal-\$120.43; Fish,V-\$187.00; Fisher Sand & Gravel-\$10,853.16; Genpro Power Systems-\$180.00; Gn Netcom-\$149.01; Goldserver-\$1,360.00; Great Western Tire-\$1,170.03; Greens Alignment-\$449.24; Grimm's Pump Service-\$224.02; Ikon Office Solutions-\$138.81; Isburg,D-\$232.00; Jones,Todd Dds-\$147.00; Jurgens Printing-\$96.75; Keough,M-\$26.00; Kieffer,T-\$51.00; Kimball-Midwest Co-\$121.72; Kinney,Matthew-\$575.40; Knecht True Value-\$16.77; LC Sheriff-\$83.30; LCTreasurer-\$100.00; Laboratory Corp Of America-\$78.00; Lead-Deadwood Regional Hospital-\$240.00; Lexisnexis On-Line-\$29.00; Lynn's Dakotamart-\$19.85; Mattson,B-\$20.96; Mays Trail Equip & Leasing-\$223.20; Mineral Palace Hotel-\$44.00; Mobile Electronic Service-\$73.00; Montana Dakota Utilities-\$284.42; National Assoc Legal Assistant-\$275.00; Neve's Uniforms-\$2,337.13; New World Systems-\$556.70; North Colorado Med Center-\$156.12; Office Depot-\$147.89; Office Of Child Support-\$386.31; Outdoor Motor Sports-\$13,280.84; Pennington Co Auditor-\$102.00; Pennington Co Jail-\$1,193.28; Phillips Petroleum Co-\$103.16; Pitney Bowes-\$127.68; Pizza Hut-\$170.08; Porta Storage/Caj Enterprise-\$175.00; Postmaster, Deadwood-\$375.00; Prairiewave Communications-\$927.60; Public Safety Center-\$75.96; Queen City Motors-\$41.93; Qwest-\$227.64; RC Finance Office-\$1,260.00; RC Regional Hospital-\$2,043.06; Rapid Delivery-\$9.00; Regional Behavioral Health-\$205.56; Reindl,Staci-\$5,072.31; Rensch,Timothy J Atty At Law-\$5,718.67; Robidou,E-\$10.64; Rollin Oil-\$19,547.50; SD Youth Directions Commission-\$10.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$375.31; Southside Oil Co-\$1,992.51; Spearfish Auto Supply-\$328.02; Speedylube-\$60.97; T & W Appliance/Knothole-\$61.75; Teen Court-\$1,594.29; Tellinghuisen & Gordon-\$1,326.28; The Perfect Hanging Gallery-\$103.64; Tigerdirect-\$1,042.61; Triple K Tire & Repair-\$67.00; Twin City Hardware & Lumber-\$102.50; United Parcel Service-\$14.27; Verizon Wireless-\$1,351.92; Victims Of Violence-\$590.00; Voelker & Adams-\$528.12; Walmart Store-\$333.50; Waste Connections-\$53.34; Welke,L-\$135.00; Wells Fargo Business Card-\$332.00; West Group-\$161.00; Western Communication-\$60.50; Williams Standard Serv-\$32.00; Z&S Dust Control-\$67,046.84; **Witness & Jurors:** Anderson,M-\$11.92; Batien,B-\$22.80; Brandenbrug,S-\$19.60; Broadhurst,T-\$26.00; Brown,P-\$180.72; Cooper,R-\$21.52; Dodson,T-\$17.68; Downes,L-\$173.04; Edwards,C-\$19.60; Gabriel,J-\$20.88; Heinen,J-\$178.80; Hoffman,M-\$22.16; Loken,A-\$19.60; Madler,F-\$25.36; Mccoy,C-\$11.92; Mendoza,V-\$22.80; Morgan,M-\$22.80; Moser,N-\$19.60; Palmer,K-\$178.80; Pedersen,M-\$25.36; Raschkow,L-\$178.80; Rounsevell,L-\$24.72; Speirs, F-\$26.00; Spencer,M-\$22.16; Sprigler, S-\$188.40; Stuen,B-\$19.60; Terveen,L-\$22.80; Tracy,B-\$11.92; Truman,C-\$17.68; Wieczorek,R-\$16.40; Zvorak,A-\$19.60; Biel,L-\$52.56; Burrer,L-\$50.64; Hanson,R-\$61.52; Jenniges,D-\$59.60; Junek,S-\$61.52; Larive,D-\$51.92; Schwab,J-\$59.60; Slattery,W-\$59.60; Smith,B-\$62.80; Alexander,B-\$12.56; Baenen,J-\$11.92; Berglund,S-\$11.28; Brien,L-\$11.28; Buckwalter,P-\$19.60; Ceritelli,J-\$178.80; Collins,R-\$19.60; Diers,A-\$11.92; Eggleston,R-\$10.64; Garness,S-\$20.88; Gehner,D-\$178.80; Heinbaugh,M-\$19.60; Holmes,A-\$17.68; Kimball,C-\$178.80; Kolb,R-\$173.04; Landis,L-\$22.80; Lesselyoung,J-\$18.32;

Ludens,M-\$184.56; Mader,L-\$26.00; Mix,L-\$163.44; Norris,C-\$11.92; Olson-Bergman,T-\$13.20; Redinger,T-\$21.52; Robertson,N-\$21.52; Schwandt,-\$173.04; Sparker,M-\$22.80; Two Bulls,M-\$22.80; Westberg,A-\$17.68; William,R-\$11.28; Bertsch,J-\$21.52; Birnbaum,T-\$103.84; Corean,J-\$22.80; Cracco,I-\$11.92; Dirksen,N-\$11.92; Elliott,C-\$14.48; Fanning,R-\$19.60; Gray,M-\$19.60; Haislett,R-\$22.80; Hannah,S-\$10.64; Hunsley,B-\$19.60; Jegeris,M-\$103.84; Klingman,P-\$19.60; Koski,T-\$19.60; Leighty,J-\$19.60; Locke, T-\$22.80; Metz,N-\$19.60; Nelson,M-\$19.60; Peterson,M-\$19.60; Senden,L-\$26.00; Smith,S-\$11.92; Sorensen,E-\$119.20; Sukstorf,J-\$18.32; Westberg,G-\$115.36; Anderson, M-\$11.92; Andrews,R-\$103.84; Berger,D-\$19.60; Black,S-\$125.60; Branum,R-\$19.60; Burnham,C-\$19.60; Chrisman,J-\$123.04; Clowser,P-\$11.92; Dahl,L-\$17.68; Ewing,T-\$15.76; Hannah,S-\$22.80; Hansen,C-\$19.60; Hardin,P-\$19.60; Johnson,A-\$21.52; Kershner,J-\$12.56; Kloeckl,J-\$22.80; Maynard,G-\$10.64; Miller,R-\$119.20; Neva,S-\$16.40; Reede,J-\$19.60; Spurlock,A-\$22.80; Toscana,F-\$101.28; Trucano,T-\$19.60; Volk,M-\$119.20; Gerber,D-\$20.64; Bousquet,L-\$26.00; Carlbom,D-\$22.80; Hicks,S-\$10.64; Huddle,E-\$21.52; Jibben,L-\$11.92; Plunkett,J-\$19.60; Allart,S-\$22.80; Barry,L-\$125.60; Douglass,B-\$29.20; Hart,H-\$115.36; Leonard,A-\$20.88; Mcquillen,J-\$19.60; Robertson,J-\$19.60; Schwartz,S-\$12.56; Yorks,J-\$20.24; Abbey,J-\$29.60; Albue,S-\$29.60; Collister,C-\$22.56; Collister,W-\$22.56; Ford,D-\$26.40; Graham,L-\$29.60; Graham,D-\$29.60; Hansen,J-\$29.60; Hayworth,G-\$39.20; Havlik,B-\$21.28; Holsti,M-\$20.00; Irwin,J-\$21.92; Kintzley,Z-\$29.60; Mangelsen,D-\$29.60; Mertens,K-\$87.68; Oswald,R-\$26.40; Pellegrino,K-\$29.60; Pellegrino,A-\$20.00; Peyton,M-\$29.60; Plaggemeyer,S-\$29.60; Reindl,E-\$45.60; Scott,S-\$48.80; Shannon,J-\$22.24; Sirio,D-\$29.60; Sweigert,A-\$21.92; Watkins,L-\$29.60; Wayt,E-\$202.40; Adams,T-\$24.00; Frederickson,J-\$24.00

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

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS SPECIAL MEETING – June 29, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 29, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

8:00 a.m.: Moved-Seconded (Weisenberg-Opitz) to go into executive session to discuss personnel. Motion Carried. 8:15 a.m. the board opened for regular business.

PERSONNEL:

HIGHWAY: Moved-Seconded (Weisenberg-Opitz) to offer the position of Highway Superintendent to Bryan Fox at a rate to be negotiated, and a start date to be as soon as possible. Motion Carried.

SEVERANCE TAX LOAN REQUEST / LEAD COUNTRY CLUB: Commissioner Weisenberg presented a severance tax loan request from the Lead Country Club. Rick Varland, Ralph Reausaw, Harry Hines, Stu Hofer, Jackie Fuller, and Bob Burns were citizens in attendance supporting the request for the Lead Country Club. Hines stated they have looked at other financing sources but the interest rates make it cost prohibitive to make the payments. Douglas explained the severance tax funds are for job creation and economic development, not for recreation. Fuller stated recreation is an important ingredient in economic development. Burns stated if the Country Club is lost they will loose 6-8 jobs. Seward questioned if stocks could be sold for the Country Club. Hines stated they need to give Barrick an answer by July 1st and if stocks are sold, control is lost. Hofer spoke on behalf of the Junior Golf Program and the impact it has on young adults. Varland reminded everyone in attendance that this is the oldest golf course in South Dakota. Weisenberg stated the driving force is Barrick and their not messing around, they are ready to move out and are selling everything.

9:00 a.m. Moved-Seconded (Weisenberg-Opitz) to go into executive session to discuss contractual matters. 9:11 a.m. the board opened for regular business.

Moved-Seconded (Weisenberg-Ewing) to loan \$615,000 from the Severance Tax Fund to the Lead Country Club at terms and rates to be negotiated. Aye-Weisenberg. Nay-Seward, Ewing, Opitz and Douglas. Motion failed.

2007 BUDGET REVIEW: The board discussed the 2007 budget requests.

ADJOURN: 12:15 p.m. there being no further business it was Moved-Seconded (Weisenberg-Opitz) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 11, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 11, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Sewards-Opitz) to approve the minutes of June 27th & June 29, 2006. Motion Carried.

PERSONNEL

SHERIFF: Moved-Seconded (Ewing-Seward) to approve Theron Ahlers and Scott Jones as Reserve Deputy I at the base rate of \$12.17 an hour, effective 6-1-2006. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to approve Gerald Schumacher as a Correctional Officer II G3 at the base rate of \$14.30 an hour, and to approve Laurie Vrem as a Secretary G3 at the base rate of \$13.34 an hour, effective 7-1-2006. Motion Carried.

GGB: Moved-Seconded (Weisenberg-Douglas) to approve Robyn Varland as a full-time Custodian I, at the base rate of \$9.77 an hour, effective 8-1-2006. Motion Carried.

Moved-Seconded (Seward-Douglas) to authorize the advertising of a permanent Three-Quarter Time Employee Maint. Worker I. Motion Carried.

TREASURER: Moved-Seconded (Opitz-Weisenberg) to approve Keri Podoll as a Full-Time Acct Clerk G1, at the base rate of \$10.47 an hour, effective 7-17-2006. Motion Carried.

BOARD APPOINTMENTS:

HOUSING BOARD: Moved-Seconded (Seward-Opitz) to appoint Matt Pike to the Lawrence County Housing & Development Commission Board. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Ewing-Weisenberg) to appoint Tom Brady to the Planning and Zoning Board. Motion Carried.

PUBLIC DEFENDER BUDGET: Tom Brady and Anita McNeal reviewed the 2007 Public Defender Budget request with the Board.

8:10 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Opitz) to go into executive session to discuss personnel issues with Tom Brady. Motion Carried. 8:20 a.m. the Board reopened for regular business.

SHERIFF TRAVEL REQUESTS: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Judy Davis and Randall Rosenau to attend the Northwest Shuttle Conference in Jackson Hole, WY on September 24-28, 2006. 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 June 30, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$52,717.08; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,337.93; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$3,700,000; Bank Balance-\$6,577,887.23; GNAMS-\$10,055.83; Total \$10,347,883.07.

TITLE III FUNDS: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairman to sign the following Resolution #2006-23 for H.R. 2389 "Secure Rural Schools and Community Self-Determination Act of 2000". Motion Carried.

RESOLUTION #2006-23 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, 2006. Dated this 11th day of July, 2006. FOR THE BOARD: Connie H. Douglas CHAIR. ATTEST: Connie Atkinson, AUDITOR

RESOLUTION #06-21 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget. No public input was present and the hearing was closed. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the following Resolution 2006-21 for a supplemental budget. Motion Carried. RESOLUTION #06-21 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: FIRE PROTECTION FUND Hawk Expenses - \$7,000 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 11th day of July, 2006 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 11th day of July, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

8:35 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Ewing) to go into executive session to discuss personnel issues with Chuck Williams. Motion Carried. 8:50 a.m. the Board reopened for regular business. The Board stated they would be going back into executive session when the States Attorney arrived.

8:55 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Opitz) to go into executive session to discuss personnel and contractual issues with John Fitzgerald and Chuck Williams. Motion Carried. 9:05 a.m. the Board reopened for regular business.

Moved-Seconded (Ewing-Seward) to withdraw the offer of Highway Superintendent to Bryan Fox, as the offer was not accepted by the applicant, the Board will consider different applicants. Motion Carried. The Board was unable to meet the salary demand of the applicant.

VACATION OF SECTION LINE: Petitions were received for Vacation of Section Lines from Maitland Partners and Scott & Jeanne Reif. Public Hearings are scheduled for August 15, 2006.

WILDLAND FIRE CONTRACTS: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Wildland Fire Contracts for Nemo, Brownsville, and St. Onge Fire Departments after the review and approval of the States Attorney's Office. Motion Carried.

AGRICULTURE DISASTER RESOLUTION #2006-22: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the following Agriculture and Disaster Resolution #2006-22. Motion Carried. **LAWRENCE COUNTY AGRICULTURE DISASTER RESOLUTION #2006-22:** WHEREAS, all of Lawrence County has failed to receive adequate precipitation, and WHEREAS, the lack of precipitation over the past five years has created a state of drought; and WHEREAS, the drought conditions had an enormous effect on the

production capabilities of the agricultural industry which in turn severely affects the entire local economy, and WHEREAS, based on the USDA Flash Situation Report, drought, excessive heat and high winds during the 2006 growing season in Lawrence County following extended drought since August 2001 has caused subsoil moisture to be far below normal, which greatly reduced 2006 non-irrigated crop and forage production, 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. Dated this 11th day of July, 2006. FOR THE BOARD: Connie H. Douglas, CHAIR. ATTEST: Connie Atkinson, AUDITOR.

CUP # 318-DAVID RUTH-FOOT THERAPY CLINIC: A public hearing was held on Conditional Use Permit # 318-DAVID RUTH-FOOT THERAPY CLINIC - Owner/Representative: David Ruth. Legal Description: Lot A of M.S. 108, Section 28, T5N, R3E. Location: Central City. Purpose: To open Foot Zone Therapy Clinic. No public input was voiced and the public hearing was closed. Moved-Seconded (Ewing-Seward) to approve Conditional Use Permit #318 for David Ruth for a Foot Therapy Clinic with conditions as on file in the Planning and Zoning Office. Motion Carried.

ANNUAL REVIEW CUP #294: An annual review was conducted on Conditional Use Permit #294 – Bed & Breakfast for Betty, Ronald, and Kay Reimer. Moved-Seconded (Ewing-Weisenberg) CUP #294 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.

ANNUAL REVIEW – CUP #311: An annual review was conducted on Conditional Use Permit #311 for Jon VanPatten for a roadside stand located on the Nemo road. CUP #311 was found to be in compliance and will be reviewed in one year.

ANNUAL REVIEW LAC MINERALS: Gene Fuller, LAC Minerals presented the annual review for LAC Minerals Richmond Hill for 2005. The 2007 plans are water treatment, monitoring activities, pilot testing and develop plans for a full-scale biological treatment system.

9:55 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss personnel issues with Chuck Williams. Motion Carried. 10:00 a.m. the Board reopened for regular business.

2007 PRELIMINARY BUDGET: The Board reviewed the 2007 budget requests. Moved-Seconded (Ewing-Seward) to set the 2007 preliminary budget. Aye-4, Nay-Weisenberg. Motion Carried. Weisenberg stated he could not support the 2007 budget because it included a 5%

increase for employee wages. The County levy is projected at 5.04 per thousand. This represents a decrease of .57 per thousand from last year. The County is not anticipating using the growth or CPI tax increase that is allowed by state statute for General Fund purposes.

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,247.10; Treas-\$8,436.19; Comp-\$4,955.60; States Atty-\$12,611.64; Pub Def-\$6,912.41; Gen Govt Bldg-\$6,099.24; Equal-\$11,230.83; Rod-\$5,972.03; Vso-\$1,003.32; Disp-\$12,282.78; Sher-\$27,590.61; Jail-\$17,761.57; Emerg Mgnt-\$2,690.48; E911-\$1,390.40; Highway-\$31,734.10; Air-\$225.12; Ext-\$1,182.40; Weed-\$8,181.34; Pz-\$2,581.59; **Bills:** American Family Life-\$2,891.36; BH Federal Credit Union-\$9,731.00; Blue Cross-\$53,771.24; Breit Law Offices-\$163.00; Deadwood Recreation Center-\$166.00; Dept.Of The Treasury-\$39,876.89; Fort Dearborn Life Ins Co-\$954.68; LC Treasurer-\$100.00; NH Family Ymca-\$180.00; Office Of Child Support-\$386.31; Pitney Bowes-\$732.00; Prairiewave Communications-\$49.95; SD Retirement System-\$64,904.16; Sdrs Supplemental Retirement-\$997.00; Kaiser,D-\$83.77; Mowell,R-\$6,390.00; Piekkola,D-\$714.40; 3D Specialties-\$149.85; A&B Business Equip-\$1,068.04; A&B Welding Supply-\$113.77; A&I Distributors-\$670.23; A&M Transport-\$87.50; Abc Business Supply-\$378.01; Active Data Systems-\$29,798.35; Aldinger Funeral Home-\$1,045.00; Altaire Enterprises-\$20.00; BH Central Reservations-\$94,810.07; BH Chemical Company-\$2,356.92; BH Land Analysis-\$742.50; BH Pest Control-\$95.00; BH Pioneer-\$157.85; BH Power & Light-\$288.32; BH Window Cleaning-\$15.00; Behavior Mngt Systems-\$1,498.00; Bentz Equipment-\$69.98; Boyer,J-\$629.24; Brady Pluimer, Pc-\$1,033.05; Butte Electric Coop-\$84.18; Central Parts-\$378.03; Christensen Law Office-\$1,284.25; City/County Alcohol &Drug-\$690.00; Claggett, Dave Pc-\$240.90; Coley, Mike Ccdcii-\$60.00; Conoco-\$203.41; Cooperative Extension Service-\$204.67; Culligan Soft Water Serv-\$123.00; Dale's Tire & Retread-\$1,423.56; Deadwood Thymes Cafe & Bistro-\$90.00; Deadwood, City Of-\$550.70; Division Of Motor Veh-\$39.00; Dodge Town-\$13,551.00; Ecsi-\$985.00; Election Sys & Software-\$3,048.12; Ensignal-\$24.99; Et Sports-\$18.72; Fast Break Screen Printing-\$45.50; Fastenal-\$57.55; First Western Bank-\$289.51; Fisher Sand & Gravel-\$16,226.72; Gene's Lock Shop-\$15.00; Gold Dust-\$83.95; Great Plains Chemical-\$372.00; Great Western Tire-\$165.33; Greens Alignment-\$64.00; H&S Sand & Gravel-\$466.43; Hart's Auto Supply-\$69.59; Havemeier,L-\$24.00; Heisler Hardware-\$65.28; Hewlett-Packard Company-\$574.00; Hickok's Iron Horse Inn-\$349.74; Hills Material Comp-\$60.70; Jacobs Precision Welding-\$47.39; Janke,W-\$405.00; Kieffer,T-\$51.00; Knecht True Value-\$75.12; Kosel,Joseph-\$4,166.67; LC Assessor-\$34.77; LC Conservation Dist-\$5,000.00; LC Journal-\$506.13; LC Sheriff-\$30.00; Lead, City Of-\$53.17; Lead-Deadwood Regional-\$272.88; Lead-Deadwood Regional Hospital-\$761.91; Lead-Deadwood Sanitary-\$330.12; Lewis & Clark-\$130.00; McClure,S-\$225.00; Mcleod's Office Supply-\$332.49; Meade County Sheriff-\$19.30; Minitman-\$39.50; Montana Dakota Utilities-\$1,682.28; Moss, William Psy-\$300.00; Nae4-Ha Conference 2006-\$405.00; Nelson,T-\$495.00; Neve's Uniforms-\$253.80; New View Optical-\$21.00; New World Systems-\$746.06; Northern Hills Casa-\$5,625.00; Office Depot-\$539.42; Office Technology/Supply-\$36.08; Outdoor Motor Sports-\$148.01; Pennington County

Sts.Attny-\$200.00; Prairiewave Communications-\$715.99; RC Regional Hospital-\$39.95; Radio Shack/Kazco-\$444.46; Regan Battery Maint Services-\$3,849.96; Reliable-\$112.68; Rombough,D-\$63.04; SD State Treasurer-\$13,290.75; SD Aao-\$1,000.00; Servall Towel & Linen-\$250.94; Skc Communication Products-\$37.30; Slate Creek Counseling-\$650.37; Smith,J-\$26.92; Southside Oil-\$1,721.75; Spearfish Auto Supply-\$44.93; Spearfish City Of-\$20,546.25; Stretch's Glass & Mirror-\$399.89; Summit Signs & Supply-\$519.40; Teen Court-\$10,000.00; Thompson Publishing Group-\$418.50; Triple K Tire & Repair-\$720.02; Twin City Hardware & Lumber-\$72.54; U S Postal Service-\$5,400.00; Waste Connections-\$241.19; West Group-\$30.00; Western Communication-\$273.20; Xerox Corporation-\$95.30; Z&S Dust Control-\$54,017.74; **Witness & Jurors:** Arehart,U-\$22.80; Bates,G-\$18.32; Covell,S-\$19.60; Davis,B-\$12.56; Evers,L-\$19.60; Geuke,J-\$62.80; Gomez,A-\$22.80; Gusso,T-\$19.60; Harlan,B-\$51.92; Hart,A-\$11.92; Hollerman,N-\$19.60; Kaitfors,C-\$21.52; Kinson,K-\$12.56; Lindgren,D-\$18.32; Lulf,N-\$11.92; Mcburnett,J-\$61.52; Meade,L-\$56.40; Olson,D-\$59.60; Sorensen,R-\$19.60; Steger,L-\$19.60; Stevens,S-\$53.20; Stoltenberg,S-\$61.52; Trumblee,W-\$13.20; Walton,K-\$24.08

ADJOURN: 10:25 a.m. there being no further business it was Moved-Seconded (Weisenberg-Opitz) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 25, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 25, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of July 11th, 2006. Motion Carried.

PERSONNEL:

EQUALIZATION: Moved-Seconded (Opitz-Seward) to approve the advertising of a full time position in the Equalization's Office; to fill the Position of Dennis Schumacher. Motion Carried.

Moved-Seconded (Weisenberg-Seward) to approve Carmen Symonds as an Appraiser II, G3 at a base wage of \$13.37 an hour effective August 7, 2006. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Brett Runge and Scott Sandvig as an Appraiser IV, G1 at a base wage of \$15.26 an hour effective August 15, 2006. Motion Carried.

HIGHWAY: Moved-Seconded (Ewing-Weisenberg) to allow Chuck Williams to cash out his remaining vacation over his last 7 pay periods. Motion Carried.

Moved-Seconded (Seward-Ewing) to readvertise for the Highway Superintendents position if necessary. Motion carried.

SHERIFF: Moved-Seconded (Ewing-Douglas) to approve the hiring of Joe Leveque as a Deputy II, G2 at a base rate of \$18.12 an hour effective July 31, 2006. Motion Carried. Joe Leveque will replace Andy Hulm who has retired from Law Enforcement.

BOARD APPOINTMENTS:

AIRPORT BOARD: Moved-Seconded (Seward-Opitz) to follow the recommendation of the Airport Board and appoint Scott Gullickson to the Airport Board whose term will expire January 2011. Motion Carried.

INVASIVE SPECIES: Moved-Seconded (Ewing-Weisenberg) to follow the recommendation of the Invasive Species Board and appoint Ron Niesent to the Invasive Species board whose term will expire January 2007. Motion Carried.

BROWN BAG EVENT: Moved-Seconded (Seward-Douglas) to approve a Brown Bag Event for Gary O. Telkamp on August 12, 2006 for a reunion to be held at the Lawrence County Airport Hangar leased by Mr. Telkamp. Motion Carried.

ABATEMENT:

GARR CHARLES SMITH: Moved-Seconded (Weisenberg-Seward) to approve the abatement on a 2006 Champion Mobile Home for Garr Charles Smith, that was moved out of the state. Motion Carried.

HOMESTAKE MINING COMPANY OF CALIFORNIA: Moved-Seconded (Weisenberg-Opitz) to approve the abatement on parcel #26140-00100-000-00 for 2005 and 2006 because the property is also taxed under parcel #26140-00200-000-00. Motion Carried.

SPEARFISH VALLEY SANITARY DISTRICT: Moved-Seconded (Seward-Weisenberg) to approve the Spearfish Valley Sanitary District request to annex the land owned by Frank and Charlotte Ward. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2006-24: 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, to include barbeque grills using any fuels other than compressed gas fuels, 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 permitted private commercial campgrounds, US Forest Service campgrounds, SD State campgrounds, municipal campgrounds or permitted individuals who have a valid burning permit issued by the South Dakota Division of Wildland Fire Suppression or the United States Forest Service. 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 day for each violation; or 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 13th day of July 2006. Connie Douglas, Lawrence County Chairperson. Attest: Connie Atkinson, Auditor

RESOLUTION #06-25 SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget. No public input was present and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution 2006-25 for a supplemental budget. Motion Carried. **RESOLUTION #06-25 TO ADOPT A SUPPLEMENTAL BUDGET** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND:** Weed – Supplies - \$25,000; Weed – Capitol Assets - \$10,000; Weed – Machinery - \$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 25th day of July, 2006 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 25th day of July, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson. ATTEST: BRENDA MCGRUDER, LAWRENCE COUNTY DEPUTY AUDITOR

ON-OFF SALE MALT BEVERAGE & ON SALE WINE LICENSE / NEMO

MERCANTILE: A public hearing was held on an application to sell alcoholic beverages for Dan Martin / Nemo Mercantile. No public input was voiced and the public hearing was closed.

Moved-Seconded (Seward-Ewing) to table a Retail On-Off Sale Malt Beverage and Retail On-Sale Wine License for Dan Martin / Nemo Mercantile: M.S. 1368 Remaining portion & Lots 1-4, Block 1 & RW (2.044) BK 3 pg 479, Lawrence County, SD. until August 15, 2006 at 11:00 a.m. Motion Carried. The board wants to know the status of the septic system and to await the outcome of pending court proceedings.

CUP #327 & 330 – LAWRENCE COUNTY EMERGENCY MANAGEMENT/HMC/TED

COLIN THOMPSON – COMMUNICATIONS TOWER: A public hearing was held on conditional use permit # 327-Lawrence County Emergency Management. Owner/representative: Lawrence County Emergency Management/Homestake Mining Company. Legal description:

M.S. 1324 Montezuma and Brownie #4, section 27, T5N, R3E (legal shortened) Location: Central City-above county shop. Purpose: government communications tower-100 ft tower w/ 10x12x9 building and Conditional Use Permit # 330-Lawrence County Emergency Management. Owner/ Representative: Lawrence County Emergency Management/Ted & Colin Thompson. Legal Description: SE ¼ of the SW1/4 of Section 23, T6N, R4E. Location: NE of Whitewood.

Purpose: Government communications tower-40 ft wooden pole w/ antenna and a 6x7x7 building. No public was present and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve Conditional Use Permit #327 as presented with conditions on file in the Planning and Zoning Office. Motion Carried. Moved-Seconded (Weisenberg-Seward) to approve Conditional Use Permit #330 as presented with conditions on file in the Planning and Zoning Office. Motion Carried. Moved-Seconded (Weisenberg-Opitz) to allow the Chairperson sign the Real Estate Lease agreement between Colin Thompson and Ted Thompson and Lawrence County. Motion Carried.

CUP # 322-BROKEN BOOT LLC-CAMPGROUND: A public hearing was held on Conditional Use Permit # 322-Broken Boot LLC-Campground. Owner/ Representative: Broken Boot LLC/Spargur/Halstead. Legal Description: Tract A, Section 36, T7N, R1E & Section 31, T7N, R2E (legal shortened). Location: West of Spearfish-Old Hwy 14. Purpose: Campground. Patsy Kjelsrud brought up the concern of open fires and the septic system. Brandon Flanagan, Planning & Zoning Administrator stated that the septic system has been reviewed and meets all requirements and Condition 6 states that open fires shall not be allowed within the campground. No other public input and the public hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve Conditional Use Permit #322 with conditions on file in the Planning and Zoning Office. Motion Carried.

CUP # 323-ALAN CRAGO-GRAVEL PIT: A public hearing was held on Conditional Use Permit # 323-Alan Crago-Gravel Pit. Owner/Representative: Alan Crago. Legal Description: S1/2 SW1/4 of Section 11 and N1/2N1/2NW1/4 of Section 14, T7N, R2E. Location: N of Spearfish. Purpose: Small gravel pit. Chuck Williams, Highway Superintendent, stated that the county is in need of gravel on that side of the county and would endorse such operation. No other public input and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve Conditional Use Permit #323 with conditions on file in the Planning and Zoning Office and the change to condition 4. Motion Carried.

CUP # 324-RICK JOHNSON CONSTRUCTION AND LOG HOMES: A public hearing was held on Conditional Use Permit # 324-Rick Johnson Construction And Log Homes. Owner/ Representative: Rick Johnson. Legal Description: Lot B of HES 613, Section 11, T5N, R3E. Location: Hwy 85. Purpose: To allow sale of log homes and a future gift store. A letter was received from Mike Percevich representing Rick Johnson asking that the public hearing be heard at the August meeting. The hearing will be held on August 15, 2006 at 9:40 a.m.

CUP # 325 & 326 BARBARA JEAN ATCHISON-GUEST RANCH & RIDING

ACADEMY: A public hearing was held on Conditional Use Permit # 325-Barbara Jean Atchison-Guest Ranch. Owner/Representative: Barbara Jean Atchison. Legal Description: M.S. 301, 300, 63, 1030, 1534, 1339, Section 21, T5N, R3E. Location: Maitland Road/Blacktail. Purpose: To allow guest ranch; and Conditional Use Permit # 326-Barbara Jean Atchison-Riding Academy. Owner/Representative: Barbara Jean Atchison. Legal Description: M.S. 301,300,63,1030,1534,1339, Section 21, T5N, R3E. Location: Maitland Road/Blacktail. Purpose: To allow riding academy. Tommy Thompson asked how many horses would be on the property. Barbara Atchison stated she has 15 horses but she hays year round. No other public input and the public hearing was closed. The board stated that when she opens her business she must be in compliance with the hay being certified weed free. Barbara stated that she is working with her current supplier to get them certified and that she will be in compliance when she opens next year. Moved-Seconded (Seward-Douglas) to approve Conditional Use Permit #326 with conditions on file in the Planning & Zoning Office. Motion Carried. No other public input and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve Conditional Use Permit #325 with conditions on file in the Planning & Zoning Office. Motion Carried.

CHANGE OF ZONING # 258-JASON WARD-SUBDIVISION: A public hearing was held on a request for Change of Zoning # 258 Owner/Representative: Jason Ward/NJS Engineering. Legal Description: NW ¼ of Section 33, T7N, R2E. Location: North of I-90/Exit 8 along Old Belle Rd. Purpose: Ag to SRD change of zoning for new subdivision. Jason Ward stated they would like to develop a high density housing development on 160 acres. He stated that he is currently seeking annexation into the City limits of Spearfish. Neil Stodolski, Project Engineer, stated they plan to drill a well into the Madison formation and annex into the Spearfish Valley Sanitary District for central sewer. They propose 300 single dwelling lots, 50 townhouses, two apartment complexes and commercial property on 24 lots. A turning lane is being proposed due to increased traffic on the Old Belle Road. Chairperson Douglas opened the public hearing. Chuck Williams, Highway Superintendent, asked about the access to the development and if they would be accessing Brookview, Old Belle Road or Pheasant Lane. Williams stated that Pheasant Lane is part of a Road District. He asked Stodolski what the proposed (ADT) average daily traffic would be. Stodolski stated that they are still in the planning process and have not gotten into the roads yet. Mr. Hardy who lives on the Old Belle Road says there is a lot of traffic right now but will slow down once Highway 14 & 85 are done in-between Belle Fourche and Spearfish. Gary Zimbleman expressed concern for commercial property coming right off of Old Belle Road. Connie Zimbleman asked how this would affect there water supply. Mr. Hardy stated that when he drilled his well for his development across the highway that he only dug down 320 feet and has plenty of water. Elizabeth Krueger asked the board to postpone the change of zoning until it is brought before the City of Spearfish for Annexation. Donna Young, Pheasant Lane, asked if they would be using Pheasant Lane as an access road. If they have considered rainfall, snow melt and the irrigation flow which runs through Higgins Gulch, which flows the whole length of their property. Stodolski stated that it is not their intent to get involved with Pheasant Lane. He stated that Irrigation ditches must be maintained according to law and they are not far enough into the planning design to know about drainage. Connie Zimbleman asked if there was a requirement on how much green space you must have. Brandon Flanagan stated that there is no percent of green space required. No other public input and the public

hearing was closed. Moved-Seconded (Seward-Weisenberg) to follow the recommendation of Planning and Zoning. (Seward-Weisenberg) withdrew motion. Moved-Seconded (Seward-Weisenberg) to continue discuss/board action on August 15, 2006 at 11:15 a.m. Motion Carried.

FINAL PLAT / BRANDON FLANAGAN: Owner/Representative: Brandon Flanagan/Arleth & Associates. Legal Description: Plat of lots 1 and 2 of the Lost Irish Man Subdivision, Section 6, T4N, R3E. Location: Nevada Gulch Road. Purpose: New lot. Moved-Seconded (Seward-Weisenberg) to allow the Chairperson to sign the final plat for Brandon Flanagan. Motion Carried.

COURT APPOINTED ATTORNEY FEES: James Donner was present to ask the board if they would consider reducing the court appointed attorney fees for his son Scott Donner. Mr. Donner stated he had spoken with the Judge and also two other attorneys who stated the bills were excessive. The board stated that they would not reduce the fees unless they received a court order from the judge.

BH NATIONAL FOREST SUPERVISOR: Craig Bobzien was present at the request of the Board to discuss the hiring of a new Northern Hills District Ranger. Jane Eide was also present as she is the acting District Ranger for the Northern Hills. She updated the board on some of the projects that were going on in the Northern Hills.

USFS DUMONT ENVIRONMENTAL ASSESSMENT: Weisenberg made a motion to table issue until next meeting so he could have a chance to review the information but died due to lack of second. Moved-Seconded (Seward-Ewing) to follow the recommendations of the Agricultural Committee to the Lawrence County Environmental Review Plan on the USFS Dumont Environmental Assessment and send the letter of written comments to the USFS. Motion Carried. Aye 4 Nay 1 (Weisenberg)

MORATORIUM ON BILLSBOARDS: Marty O'Dea from the Planning and Zoning Board was present to ask the Commission to place a moratorium on billboards until the zoning ordinance changes take effect. Moved-Seconded (Seward-Douglas) to send a letter to the SD Dept. of Transportation asking that no billboard permits be issued for a period of 90 days or in such time our ordinance will take effect. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,450.95; Aud-\$6,146.09; Treas-\$8,448.85; Comp-\$4,955.60; States Atty-\$12,575.02; Pub Def-\$7,299.93; Gen Govt Bldg-\$5,257.83; Equal-\$10,929.38; Rod-

\$5,972.03; Vso-\$1,003.32; Disp-\$11,892.00; Sher-\$28,711.92; Jail-\$18,967.71; Emerg Mgnt-\$2,687.48; E911-\$1,405.40; Highway-\$32,989.30; Air-\$309.54; Ext-\$1,338.16; Weed-\$6,288.50; Pz-\$2,581.59; **Bills:** Fitzgerald,J-\$32.00; Flanagan,B-\$10.50; Kaiser,D-\$69.20; Outka,B-\$72.00; Piekkola,D-\$40.00; Rosenau,R-\$21.00; Runge,B-\$40.00; Schumacher,D-\$40.00; Thomson,P-\$35.49; Vogt,A-\$17.75; A&B Business Equip-\$790.74; A&J Supply-\$27.17; A-Z Shredding-\$16.50; Abc Business Supply-\$690.04; Accurint Accounts Receivable-\$1.25; Active Data Systems-\$754.89; Air Connection-\$82.50; Alltel-\$1,381.87; Amcon Distributing-\$241.27; BH Chemical Company-\$299.80; BH Federal Credit Union-\$9,731.00; BH Land Analysis-\$350.00; BH Medical Ctr Pharmacy-\$851.21; BH Pest Control-\$120.00; BH Pioneer-\$721.81; BH Power & Light-\$7,234.43; Behavior Mngt Systems-\$75.00; Black Hills Pure-\$11.50; Bp-\$1,099.73; Brady Pluimer, PC-\$561.05; Breit Law Offices-\$163.00; Butler Machinery Co-\$368.39; Butte County Sheriff-\$9.02; Butte Electric Coop-\$118.53; Central Parts-\$1,138.35; Clinical Lab Of BH-\$2,130.40; Corral West-\$142.75; Culligan Soft Water Serv-\$69.50; Custer County Sheriff Office-\$7.50; Cvd Construction-\$91.84; Dept Of The Treasury-\$39,940.00; Diesel Machinery-\$1,432.51; Division Of Motor Veh-\$54.00; Domestic Crisis Outreach-\$962.50; Eagle Aviation-\$1,323.00; Eddie's Truck Sales-\$972.15; Ensignal-\$24.99; Executone Of The BH-\$142.90; Fastenal-\$155.54; Fish,V-\$135.20; Fisher Sand & Gravel-\$4,496.88; Frey,K-\$10.00; Fsh Communications-\$55.00; Gall's-\$166.99; Godfrey's Brake Serv-\$573.70; Governors Inn-\$248.00; Great Western Tire-\$205.90; Havemeier,L-\$74.80; Heartland Paper Co-\$2,323.00; Hills Material Comp-\$744.01; Howell,J-\$11.40; Hrs Food Service-\$684.75; Hurley-Miller,R-\$128.57; Ibm Corp-\$594.00; JI's Gifts-\$217.50; Johnson,D-\$18.32; Kadrmas, Lee And Jackson-\$616.33; Karpinen,S-\$630.00; Kieffer,T-\$6.40; Kinney,M-\$2,484.62; Knecht True Value-\$89.18; LC Plan & Zone-\$39.32; LC Treasurer-\$100.00; Laboratory Corp Of America-\$60.00; Lead-Deadwood Regional Hospital-\$71.78; Lee,J-\$15.00; Lexisnexis On-Line-\$328.00; Light & Siren-\$472.02; Lynn's Dakotamart-\$145.35; M&M Sanitation-\$42.50; Mcpherson Propane-\$45.00; Meade County Sheriff-\$8.20; Mid-Continent Testing-\$16.00; Minitman-\$165.50; Montana-Dakota Util-\$24.80; Murphy, John R Atty-\$749.60; NJS Engineering-\$2,455.10; National Pen Company-\$142.75; National Sheriff's Assoc-\$27.00; Neve's Uniforms-\$44.15; Occupational Health Network-\$35.00; Office Of Child Support-\$386.31; Office Technology/Supply-\$76.70; Outdoor Motor Sports-\$286.56; Pennington Co Jail-\$721.25; Pennington County Sheriff-\$35.80; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$63.28; Porta Storage/Caj Enterprise -\$5,200.00; Pressure Services-\$35.15; Queen City Rocket Lube-\$59.97; Qwest-\$1,410.52; RC Finance Office-\$1,435.00; RC Police Dept-\$35.00; RC Regional Hospital-\$448.00; Radio Shack/Kazco-\$49.99; Ray O'herron Co-\$810.89; Reindl,S-\$6,015.11; Rollin Oil-\$12,160.00; SD Dept Of Transportation-\$13,707.45; Schultz, C-\$21.20; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$375.31; Shell Fleet Management-\$26.15; Spearfish Alt/Starter Rebuild-\$55.00; Spearfish Auto Supply-\$728.73; Stadler Ind Service-\$48.00; Stretch's Glass & Mirror-\$19.50; Subway-\$35.24; Tellinghuisen & Gordon-\$451.00;Tigerdirect-\$3,105.63; Tollefson,J-\$2,085.00; Twin City Hardware & Lumber-\$115.96; Tysdal,J-\$18.32; Usd School Of Law-\$90.00; Verizon Wireless-\$1,591.45; Victims Of Violence-\$962.50; Walmart Store-\$24.04; Warne Chemical-\$90.00; Waste Connections-\$211.63; Wells Fargo Business Card-\$421.83; Westcoast Sales & Marketing-\$328.77; West Group-\$644.00; Western Communication-\$1,370.00; Western SD Juvenile Serv-\$6,105.00; Williams Rentals-\$300.00; Woolett,J-\$20.00; Z&S Dust Control-\$33,078.89; **Witness & Jurors:** Hogan,D-\$29.60; Buckovac,W-\$20.64; Martz,M-\$22.24; Stephenson,C-\$45.00; Apa,M-\$11.92; Baker,N-\$18.96; Baumberger,A-\$11.92; Bossert,C-\$10.00; Bowles,B-\$60.24; Burnap,J-

\$10.64; Burr,D-\$22.80; Coffield,K-\$59.60; Dardis-Rosenau,S-\$26.00; Fremont,D-\$22.80; Gross,A-\$20.88; Harrell,M-\$21.52; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Holstein,A-\$20.24; Johnson,M-\$53.20; Knutson,C-\$19.60; Kvanvig,S-\$17.68; Ladson,J-\$59.60; Looney,D-\$60.24; Massey,K-\$17.68; May,T-\$20.88; Moench,M-\$57.04; Niesent,T-\$19.60; Rans,D-\$22.80; Rantapaa,G-\$11.92; Richards,E-\$22.80; Richards,J-\$62.80; Ryder,B-\$15.76; Shearer,C-\$22.80; Stonberger,C-\$13.20; Toth,R-\$19.60; Tuenge,N-\$16.40; Vangorp,R-\$19.60; Wetzler,C-\$26.00; Kolb,A-\$19.60; Steinbach, T-\$17.68; Beagle,L-\$21.92; Conover,M-\$23.84; Crowdin,K-\$20.00; Deis,D-\$29.60; Doud,K-\$21.92; Enright,L-\$21.92; Golinvaux,M-\$29.60; Grant,R-\$59.20; Heinerikson,T-\$29.60; Hernandez,J-\$21.92; Hodson,J-\$55.36; Holmes,B-\$29.60; James,E-\$29.60; James,J-\$29.60; Jigim,N-\$29.60; Lauer,D-\$20.64; Lauer,K-\$20.64; Meehan,W-\$22.56; Nelin,R-\$21.92; Rocha,Y-\$21.92; Widdoss,V-\$39.20; Woolett,F-\$21.28

ADJOURN: 11:45 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 15, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 15, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of July 25th, 2006. Motion Carried.

SEPTEMBER MEETINGS: September meetings will be the 5th, 12th and 26th.

8:00 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Ewing) to go into executive session to discuss personnel issues with Joe Harmon & Bruce Outka. Motion Carried. 8:10 a.m. the Board reopened for regular business.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Kevin Fish as a full time Correctional Officer II at the base rate of \$14.30 an hour, effective 8-6-2006. Motion Carried.

Moved-Seconded (Weisenberg-Douglas) to approve Nick Armstrong as a temporary full time Correctional Officer II at the base rate of \$14.30 an hour, effective 9-1-2006 to fill in for Seth Brennan as he is away on active duty. Motion Carried.

Moved-Seconded (Opitz-Seward) to approve Wade McGruder as a part time Correctional Officer at the base rate of \$12.44 an hour, upon the completion of 40 hours of training at \$7.96 an hour, effective 8-4-2006. Motion Carried.

EQUALIZATION: Moved-Seconded (Seward-Douglas) to approve Timothy Hodson as a Full-Time Appraiser II, G2 at the base rate of \$13.08 an hour, effective 9-5-2006. Motion Carried.

SHERIFF TRAVEL REQUEST: Moved-Seconded (Seward-Weisenberg) to approve the travel request for Tavis Little to attend the SD Statewide K9 Training in Mitchell, SD on 8-28-2006 thru 9-1-2006. Motion Carried.

SPEARFISH VALLEY SANITARY DISTRICT: Moved-Seconded (Seward-Weisenberg) to rescind the motion to approve the Spearfish Valley Sanitary District request to annex the land owned by Frank and Charlotte Ward made on July 25, 2006. Motion Carried.

RESOLUTION #06-26 LIQUOR LICENSES: Moved-Seconded (Ewing-Weisenberg) to approve the following Resolution #06-26 Liquor Licenses for 2007. Motion Carried.

RESOLUTION #06-26 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 Five (5) 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, Nemo Mercantile, St. Onge Bar & Grill, C) Retail On-Sale Wine - Fee - \$500.00, Latchstring Village, Seven Down LLC, Mystic Hills Cabins & Campground, Nemo Guest Ranch, Cheyenne Crossing Store, D) Sunday On-Sale liquor licenses-Additional - \$200.00, DATED at Deadwood, South Dakota, this 15th day of August, 2006. FOR LAWRENCE COUNTY COMMISSIONERS, CONNIE DOUGLAS, Chairman.
ATTEST: Connie Atkinson, Auditor

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Seward) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 31, 2006 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)-\$34,797.02; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,940.99; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$5,703,696.80; GNAMS-\$9,951.15; Total \$9,956,270.96.

MAINTENANCE BUILDING: Moved-Seconded (Weisenberg-Seward) to authorize Steve Williams and Associates to draw up bid specs for the roof and other repairs needed for the newly purchased maintenance building. Motion Carried. A supplement will be needed to cover the expenses.

V-BODY SPREADER BIDS: Moved-Seconded (Weisenberg-Seward) to set a bid opening for September 12, 2006 at 9:00 a.m. for one new V body spreader for the Highway Department. Motion Carried.

UTILITY PERMIT: Moved-Seconded (Seward-Opitz) to approve and authorize the Chairperson to sign the Application for Occupancy for Qwest Communications on Chicken Creek Rd in Section 20, T7N, R2E. Motion Carried.

AG COMMITTEE COMMENTS: Moved-Seconded (Ewing-Weisenberg) to accept the AG Committee Comments on the draft Environmental Impact Statement, North Zone Range 05 Project and forward as the official comments of Lawrence County. Motion Carried.

VACATION OF SECTION LINE / SCOTT & JEANNE REIF: A public hearing was held on a petition to vacate a portion of section line for Scott & Jeanne Reif. LEGAL: Tract #2 of the Subdivision of the Mondamin Lode MS 1932 located in Sections 1 and 12 T4N, R3E and section 7, T4N, R4E, B.H.M. Lawrence County, South Dakota according to plat filed as document No. 1993-2656. Tom Adams, Attorney representing the Reif's was present. Adams stated these are unapproved sections lines and are not used for travel. Brandon Flanagan, P&Z Director stated after review of the area he didn't have any issues with the petition request. Tammy Reif spoke in favor of the vacation of section lines. Kip Kalamaha spoke about the Granted Grace Subdivision and expressed concerns with the vacation of section lines. Discussion followed and the public hearing was closed.

Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the following Resolution #06-27. Motion Carried.

LAWRENCE COUNTY RESOLUTION #06-27 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE: WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: Tract #2 of the Subdivision of the Mondamin Lode MS 1932 located in Sections 1 and 12 T4N, R3E and section 7, T4N, R4E, B.H.M. Lawrence County, South Dakota according to plat filed as document No. 1993-2656. LANDOWNERS: Scott & Jeanne Reif Dated this 15th day of August, 2006. CONNIE DOUGLAS, CHAIRPERSON. Lawrence County Commissioner ATTEST: CONNIE ATKINSON. Lawrence County Auditor

VACATION OF SECTION LINE / MAITLAND PARTNERS: A public hearing was held on a petition to vacate a portion of section line for Maitland Partners. LEGAL: A portion of Section Line of Sections 3&10 T4N, R3E, BHM, Lawrence County, SD, located in Lot B of Lot 1 of the subdivision of lots 1 thru 5 as shown on plat document no. 2005-6494. No public input was voiced and the public hearing was closed. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the following Resolution #06-28. Motion Carried. LAWRENCE COUNTY RESOLUTION #06-28 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a

section line be vacated, and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, BE IT RESOLVED by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: A portion of Section Line of Sections 3&10 T4N, R3E, BHM, Lawrence County, SD, located in Lot B of Lot 1 of the subdivision of lots 1 thru 5 as shown on plat document no. 2005-6494. LANDOWNERS: Maitland Partners Dated this 15th day of August, 2006. CONNIE DOUGLAS, CHAIRPERSON Lawrence County Commissioner
ATTEST: CONNIE ATKINSON Lawrence County Auditor

LAWRENCE COUNTY INVESTMENT POLICY: Deb Tridle, Treasurer was present to discuss the investment policy for Lawrence County. The Board will review and discuss at a future meeting.

CONDITIONAL USE PERMIT # 328-CHURCH / JIM & TAMARA MONTIETH: A public hearing was held on CUP#328 Owner/Representative: Jim & Tamara Montieth/Saddle Mt. Ministries. Legal Description: M.S. 1158 Tract 1 & 2 of On Time & Little Bird Fraction, Section 13, T4N, R2E. Location: Deer Mountain Purpose: Church. Jim Montieth reviewed the request for a conditional use permit. Scott Hertel addressed issues on the drain field and also stated they are working on fire wising the property. Dawn & Bill Laskowski, John Bailey, Ron Waldner, and Elizabeth Groeger were among the residents in the area in support of the project.

Joe Kosel, representing Dakota Resorts Management Group, presented the Board with written concerns. Some of the concerns consisted of residential and commercial use, sewer, water, parking, roads, covenants, and good faith dealing. Darrell & Lois Vig and Wayne & Marilyn Grimsrud also presented written concerns on sewer, noise, parking, taxes and diminished property values. The public hearing was closed and the Board continued asking questions of the citizens in attendance.

Douglas asked that an additional condition be added to the permit requiring the church have its own drain field. The Board also insured the concerned citizens that if the church is used for commercial use or if parking of commercial vehicles is abused the Conditional Use Permit can be revoked. Douglas stated that a church would be less injurious than the previous use of a campground. The Board reviewed the proposed conditions and made additions and corrections.

Moved-Seconded (Seward-Weisenberg) In consideration that Conditional Use Permit #328 will not be injurious to the use and enjoyment of other property in the immediate vicinity

for the purposes already permitted, nor diminish and impair property values within the immediate vicinity; that the establishment of the permit will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area; that adequate utilities, access roads, drainage and other necessary facilities have been or are being provide; Conditional Use Permit is approved for Tract 2 only, with conditions as on file in the Planning and Zoning Office. Motion Carried.

CONDITIONAL USE PERMIT # 329 2nd RESIDENCE / CINDY ARNIO-GILLIES: A public hearing was held on CUP#329. Owner/Representative: Cindy Arnio-Gillies. Legal Description: Lot 6A-1, Section 26, T6N, R4E. Location: Whitewood Purpose: 2nd residence. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Douglas) To approve Conditional Use Permit #329 with conditions as on file in the Planning and Zoning office. Motion Carried.

CONDITIONAL USE PERMIT #331-JEROLYN RUTH-BEAUTY SHOP: A public hearing was held on CUP#331 Owner/Representative: Jerolyn Ruth. Legal Description: Lot A of M.S. 108, Section 28, T5N, R3E. Location: Central City. Purpose: Beauty shop. . Moved-Seconded (Ewing-Douglas) To approve Conditional Use Permit #331 with conditions as on file in the Planning and Zoning office. Motion Carried.

CONDITIONAL USE PERMIT # 324-RICK JOHNSON CONSTRUCTION AND LOG HOMES: A public hearing was held on CUP # 324-Rick Johnson Construction and Log Homes. Owner/ Representative: Rick Johnson. Legal Description: Lot B of HES 613, Section 11, T5N, R3E. Location: Hwy 85. Purpose: To allow sale of log homes and a future gift store. Brandon Flanagan relayed a request from Mike Percevich, on behalf of the applicant, to remove the gift shop from the conditional use permit. The public hearing was closed. Ewing expressed concerns about the increased traffic on the corner. Moved-Seconded (Opitz-Douglas) to table until September 5, 2006 to allow the applicant or representative to be present to answer any additional questions or concerns the Board may have. Motion Carried. Aye-3, Nay-Seward & Ewing.

PLAT OF LOTS 1 THRU 17 OF OLD TOBOGGAN HILL SUBDIVISION: Owner/ Representative: Robert Bates & Rick Rand/Schreier Engineering. Legal Description: Plat of Lots 1 thru 17 of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened). Location: Maitland Road. Purpose: New subdivision. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign the Preliminary Plat as presented. Motion Carried.

PLAT OF LOTS 1-13 OF HARLEY ESTATES:

Owner/Representative: Maitland Partners LLC/ Ellis Consultants. Legal Description: Plat of Lots 1-13 of Harley Estates, Section 19 & 20, T5N, R3E. (legal shortened). Location: Maitland Road. Purpose: New subdivision. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Preliminary Plat as presented. Motion Carried.

APPLE SPRINGS DEVELOPMENT / BOND RELEASE: **David Simpson updated the Board on the Apple Springs Development. Simpson requested the Board release work from the Letter of Credit to allow further progress. Simpson provided a detailed request showing the additional lots.**

Moved-Seconded (Weisenberg-Seward) To release the completed work from the original letter of credit and move that amount over to the additional lots as presented in the request, contingent upon the legal approval of Bruce Outka, County Attorney. Motion Carried.

ORDINANCE #06-01: A public hearing was held on Ordinance #06-01 Amending Lawrence County Zoning Ordinance #1 - Article 3 Schedule of District Regulations to Clarify Uses and Setbacks in Various Zoning Districts (complete copy on file). Flanagan presented the Ordinance #06-01. The public hearing was closed. Moved-Seconded (Weisenberg-Ewing) To take written comments until 9-12-2006. Motion Carried.

ON-OFF SALE MALT BEVERAGE & ON SALE WINE LICENSE / NEMO

MERCANTILE: Moved-Seconded (Seward-Ewing) to bring off the table a Retail On-Off Sale Malt Beverage and Retail On-Sale Wine License for Dan Martin / Nemo Mercantile: M.S. 1368 Remaining portion & Lots 1-4, Block 1 & RW (2.044) BK 3 pg 479, Lawrence County, SD.

A public hearing was held on an application to sell alcoholic beverages for Dan Martin / Nemo Mercantile. No public input was voiced and the public hearing was closed. Dan Martin was not present. The board questioned if the septic system was installed. Marlene Barrett stated when she talked to Martin he relayed that the engineer was working on it.

Moved-Seconded (Weisenberg-Ewing) to deny the applications for Retail On-Off Sale Malt Beverage License and On-Sale Wine License because the proposed location is not suitable since there is not a septic system and sanitary facilities. Motion Carried.

CHANGE OF ZONING # 258-JASON WARD-SUBDIVISION: Change of Zoning # 258

Owner/Representative: Jason Ward/NJS Engineering. Legal Description: NW ¼ of Section 33,

T7N, R2E. Location: North of I-90/Exit 8 along Old Belle Rd. Purpose: Ag to SRD change of zoning for new subdivision. Jason Ward stated they would like to develop a high density housing development on 160 acres. Ward stated he was planning on meeting with individuals of the City of Spearfish on Monday concerning annexation. Chuck Williams, Highway Superintendent was present to discuss the impact to the County roads and questioned if this is a cost the County tax payers should have to pay or the developer. Ewing expressed concerns about fire, law enforcement and road impacts for the County. Jayna Shewak, Spearfish Planning and Zoning, discussed development agreements and development plans.

Moved-Seconded (Weisenberg-Seward) to table the Change of Zoning request #258 until 9-12-2006 and asked that Williams, Flanagan, Outka, Shewak and Ward meet to work out a development agreement and plan. Motion Carried.

TRANSFER ON-OFF SALE MALT BEVERAGE / CROW PEAK BREWING

COMPANT: A public hearing was held on the following transfer of Malt Beverage License: PREVIOUS LICENSE: Farmers Market: Lot Y-1, a replat of Lots X,Y,and Z formerly Tracts 1&2 of Lot 8 and Tract B-1 and A-2 of Lot 7, all located in NE1/4NE1/4, Sec 4, T6N, R2E. NEW LICENSE: Crow Peak Brewing Company: Lot Y-1, a replat of Lots X,Y,and Z formerly Tracts 1&2 of Lot 8 and Tract B-1 and A-2 of Lot 7, all located in NE1/4NE1/4, Sec 4, T6N, R2E. No public input was voiced. Moved-Seconded (Seward-Weisenberg) to approve the Retail on-off sale malt beverage transfer to Crow Peak Brewing Company. Motion Carried.

CORONER SUPPLEMENT: Moved-Seconded (Weisenberg-Seward) to set a supplemental budget for \$3,000 for the Coroner Professional Services. Motion Carried.

12:06 p.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Weisenberg) to go into executive session to discuss personnel issues with Bruce Outka. Motion Carried. 12:15 p.m. the Board reopened for regular business.

BILLS: Moved-Seconded (Weisenberg-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:**

Payroll: Comm-\$6,905.10; Aud-\$12,416.03; Treas-\$18,154.08; Comp-\$9,911.20; States Atty-\$25,302.04; Pub Def-\$14,870.55; Gen Govt Bldg-\$10,598.80; Equal-\$23,737.71; Rod-\$11,944.04; Vso-\$2,006.64; Disp-\$20,999.84; Sher-\$57,633.27; Jail-\$37,311.50; Emerg Mgnt-\$5,399.55; E911-\$2,807.80; Highway-\$65,340.02; Air-\$787.92; Ext-\$2,535.56; Weed-\$13,039.74; Pz-\$5,163.18; **Bills:** Schumacher,D-\$3.25; American Family Life-\$3,009.36; BH Federal Credit Union-\$9,731.00; BH Power & Light-\$1,120.76; Blue Cross-\$54,816.59; Breit Law Offices-\$163.00; Deadwood Recreation Center-\$166.00; Dept Of The Treasury-\$38,579.89; Fort Dearborn Life Ins Co-\$963.98; LC Treasurer-\$100.00; Montana-Dakota Util-\$10.15; NH

Family Ymca-\$180.00; Office Of Child Support-\$386.31; Qwest-\$2.72; SD Retirement System-\$42,542.00; Sdrs Supplemental Retirement-\$997.00; Kelley,J-\$8.25; Larson,P-\$1,308.87; Mowell,R-\$6,534.00; Rosenau,R-\$4.80; Schumacher,D-\$39.31; Vrem,L-\$51.28; Williams,R-\$11.92; A&B Business Equip-\$1,526.04; A&B Welding Supply-\$25.95; A&I Distributors-\$1,694.45; A&J Supply-\$44.75; A&M Transport-\$87.50; Abc Business Supply Corp-\$880.83; Active Data Systems-\$3,839.00; Alco Store-\$11.31; Aldinger Funeral Home-\$1,985.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$119.55; BH Chemical Company-\$1,435.36; BH Federal Credit Union-\$9,731.00; BH Land Analysis-\$472.50; BH Medical Ctr Pharmacy-\$1,792.33; BH Pest Control-\$95.00; BH Pioneer-\$664.28; BH Power & Light-\$411.22; Best Business Prod-\$59.89; Best Western Of Huron-\$59.00; Bickle's Truck & Diesel-\$41.24; Black Hills Pure-\$22.00; Boyer,J-\$671.70; Breit Law Offices-\$163.00; Brown & Saenger-\$107.81; Butte County Sheriff-\$15.76; Butte Electric Coop-\$327.54; Campbell Supply-\$188.23; Center Revolving 3c6695-\$120.00; Central Parts-\$790.82; Chemsearch-\$171.12; Christensen Law Office-\$1,115.50; City/County Alcohol & Drug-\$725.00; Claggett,Dave Pc-\$1,590.25; Clauser Machine Works-\$43.60; Clinical Lab Of BH-\$5,180.88; Coburn First Western Ins-\$75.00; Conoco-\$163.52; Culligan Soft Water Serv-\$151.50; Deadwood Home Center-\$5.77; Deadwood, City Of-\$667.56; Deckers Food-\$35.71; Dept Of Hlth Lab Services-\$385.00; Dept Of The Treasury-\$41,191.43; Dietrich,D-\$127.98; Ecolab-\$105.50; Eddie's Truck Sales/Serv-\$1,129.87; Elan Financial Services-\$18.00; Ellingson,J-\$645.11; Ensignal-\$24.99; Exit 8 Trailer Sales-\$30.00; Fast Break Screen Printing-\$32.50; Fastenal-\$603.83; Federal Express Corp-\$44.48; First Western Bank-\$146.45; Fish,V-\$81.60; Fisher Sand & Gravel-\$12,730.80; Frederickson,J-\$478.80; Fsh Communications-\$55.00; Gall's-\$340.94; Glenney,T-\$180.00; Gold Dust-\$87.40; Great Plains Chemical-\$360.00; Great Western Tire-\$116.60; Greens Alignment-\$1,261.95; Grusing,M-\$141.76; H&S Sand & Gravel-\$12,858.62; Handcuff Warehouse-\$673.95; Havemeier,L-\$287.20; Heisler Hardware-\$119.22; Henry Schein-\$1,467.57; Hewlett-Packard Company-\$256.00; Hills Material Comp-\$605.44; Ikon Office Solutions-\$138.81; Jon Tish-\$84.21; Juneks' Chrysler/Dodge-\$10.80; Karpinen,S-\$2,250.00; Kieffer,T-\$2,245.80; King,M-\$344.70; Kinney,M-\$2,372.88; Knecht True Value-\$108.31; Kooistra,N-\$15.00; Kosel,J-\$4,788.53; LC Emerg Mgnt-\$33.28; LC Journal-\$649.79; LC Treasurer-\$100.00; Lead, City Of-\$73.05; Lead-Deadwood Regional-\$93.92; Lead-Deadwood Regional Hospital-\$17.01; Lead-Deadwood Sanitary-\$365.76; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$101.60; Lexisnexis On-Line-\$328.00; Lyle Signs-\$1,221.70; Lynn's Dakotamart-\$51.07; Manlove Psychiatric Group-\$2,787.40; Massa Berry Regional Med Clini-\$400.00; May, Johnson, Doyle & Becker-\$481.60; Mearthur,J-\$90.00; Mcclure,S-\$90.00; Meade County Sheriff-\$47.00; Midwest Alarm Co-\$84.00; Miller,S-\$3,356.57; Montana-Dakota Util-\$983.64; Motion Industries-\$391.74; Nelson,C-\$180.00; Nelson,T-\$1,935.00; Neve's Uniforms-\$1,145.29; Newman Traffic Signs-\$625.65; Nimco-\$198.50; Office Max-\$149.98; Office Of Child Support-\$386.31; Office Technology/Supply-\$15.37; Outdoor Motor Sports-\$208.36; Pennington Co Auditor-\$1,52.00; Pennington Co Jail-\$1,725.50; Pennington County Sheriff-\$4.94; Pennington County Sts Attny-\$200.00; Performance One-\$335.67; Phillips Petroleum Co-\$154.95; Pizza Hut-\$71.82; Pizza Lab-\$60.84; Prairie Vista Inn-\$25.00; Prairiewave Communications-\$1,675.48; Pronto Auto Supply-\$19.76; Queen City Motors-\$86.45; Queen City Rocket Lube-\$126.44; Qwest-\$1,117.05; RC Finance Office-\$2,030.00; RC Police Dept-\$25.00; RC Regional Hospital-\$720.09; Rabe Elevator-\$626.72; Radio Shack/Kazco-\$414.93; Regional Behavioral Health-\$380.06; Rehfuss,C-\$15.00; Reliable-\$141.46; Roadside Safety Devices-\$93.33; Rombough,D-\$94.40; Rushmore Office Supply-\$38.95; S Assn Of Co Comm-\$640.00; SD State

Treasurer-\$275.76; SD Human Services Center-\$303.11; SD Planners Association-\$25.00; SD Public Assur Alliance-\$33,945.00; Salzsieder,M-\$3,735.00; Sand Creek Printing-\$54.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$626.25; Shell Fleet Management-\$67.65; Smartphone Experts-\$24.90; Smith,J-\$207.20; Soundpro-\$80.00; Span Publishing-\$125.10; Spearfish Auto Supply-\$732.31; Speedylube-\$88.03; State Radio Communication-\$2,400.00; Subway-Sturgis-\$64.27; Summit Signs & Supply-\$939.75; T & W Appliance/Knothole-\$110.57; Teen Court-\$3,380.20; Tellinghuisen & Gordon-\$468.02; The Tribune-\$128.00; Tigerdirect-\$1,247.69; Triple K Tire & Repair-\$343.94; Twin City Hardware & Lumber-\$544.48; Ultimate Office-\$135.70; United American Elect Supply-\$2,625.00; United Parcel Service-\$49.88; Verizon Wireless-\$279.00; Warne Chemical-\$221.12; Waste Connections-\$452.82; Welke,L-\$135.00; Wells Plumbing & Farm Supp-\$335.82; Western Communication-\$408.00; Williams Standard Serv-\$83.95; Wolff's Plumbing & Heating-\$1,675.00; Wyoming Transport Cooperative-\$500.00; Xerox Corporation-\$51.60; Yankton Co Sheriff-\$16.50; Yankton County-\$96.05; Merwin,R- \$10.64; Stephenson,C-\$110.88; **Witness & Juror Fees:** Holsti,M-\$20.00; Apa,M-\$51.92; Bowles,B-\$121.76; Dardis-Rosenau,S-\$66.00; Fremont,D-\$62.80; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Knutson,C-\$59.60; Ladson,J-\$59.60; Looney,D-\$60.24; Massey,K-\$115.36; Moench,M-\$57.04; Rans,D-\$125.60; Rantapaa,G-\$103.84; Richards,J-\$62.80; Ryder,B-\$55.76; Shearer,C-\$125.60; Stonberger,C-\$106.40; Vangorp,R-\$59.60; Grant,R-\$29.60; Heinerikson,T-\$29.60; Adams,A-\$79.20; Beagle,J-\$11.28; Beavers,B-\$11.92; Bernards-Wait,P-\$12.56; Bogard,J-\$29.20; Brady,F-\$22.80; Burns,K-\$92.00; Carter,B-\$11.92; Clauser,V-\$22.80; Dohman,C-\$81.76; Duckett,D-\$13.84; Edwards,C-\$19.60; Fossen,L-\$29.20; Gill,B-\$22.80; Goetz,R-\$21.52; Hagen,C-\$13.20; Hayes,R-\$79.20; Heishman,S-\$74.08; Kamstra,L-\$22.80; Kennedy,J-\$19.60; Kinghorn,K-\$83.04; Kleinheksel,N-\$68.96; Mcdill,D-\$19.60; Mcgrath,R-\$12.56; Meiners,M-\$63.84; Miller,C-\$19.60; Miller,P-\$13.20; Morrison,K-\$63.84; Morton,M-\$17.68; Peale,S-\$11.28; Pompa,R-\$29.20; Pope,B-\$22.80; Powell,S-\$21.52; Pridgeon,T-\$27.92; Rohrer,R-\$12.56; Sharkey,T-\$16.40; Tratton,W-\$21.52; Suiter,B-\$98.40; Summers,W-\$23.44; Toth,J-\$79.20; Walker,J-\$79.20; Wietgreffe,N-\$18.96; Young,M-\$20.88; Zephier,R-\$24.08; Ager,S-\$62.80; Dietrich,L-\$18.96; Eastmo,R-\$57.68; Erickson,B-\$10.64; Finnesand,D-\$19.60; Hemmingson,T-\$29.20; Hesson,M-\$62.80; Himrich,J-\$22.80; Horsley,T-\$59.60; Karas,P-\$26.00; Keehn,T-\$52.56; Keene,J-\$10.64; Knutson,K-\$62.80; Martin,T-\$20.24; Meverden,B-\$11.92; Myran,J-\$19.60; Nicholas,D-\$29.20; Noem,M-\$59.60; Oehlerking,A-\$19.60; Paul,M-\$59.60; Phillips,M-\$59.60; Pisciotta,M-\$13.84; Rosenberger,S-\$11.92; Rupe,L-\$17.68; Schuchardt,J-\$22.80; Schurrer,R-\$26.00; Welch,D-\$51.92; Wescott-Toth,M-\$20.88; Willis,A-\$66.00; Riedel,T-\$45.60; Adkinson,T-\$29.60; Albrecht,H-\$21.92; Anderson,A-\$28.32; Antuna,Z-\$29.60; Baade,D-\$25.76; Babilon,J-\$30.88; Batka,K-\$20.64; Borowski,D-\$29.60; Bryan,N-\$29.60; Ehnes,A-\$21.28; Freiling,C-\$94.24; Gienger,K-\$29.60; Grenstiner,J-\$21.92; Hansen,J-\$29.60; Heying,A-\$21.92; Jorgenson,R-\$29.60; Larsen,J-\$29.60; Mann,J-\$52.00; Mckee,L-\$26.40; Moody,K-\$30.88; Morton,A-\$29.60; Pederson,P-\$29.60; Pilatos,T-\$20.64; Schmidt,C-\$22.56; Schmidt,D-\$22.56; Schmidt,W-\$22.56; Schoemacher,A-\$29.60; Tietjen,R-\$29.60; Tietjen,T-\$29.60; Yackley,B-\$29.60

ADJOURN: 12:16 p.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 5, 2006

Chairperson Connie Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 5, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of August 15th, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Jennifer Leighty as a part-time guard/transport officer effective 8-17-2006 at the base rate of \$10.54 an hour. Motion Carried.

2007 BUDGET: A public hearing was held on the 2007 budget. No public was present for comment and the hearing was closed.

Moved-Seconded (Opitz-Seward) to increase the Road and Bridge budget for an increase to Bonnie Wright's wages reflecting an increase in the total budget by \$1,589. Motion Carried. Aye-4, Nay-Weisenberg.

Moved-Seconded (Opitz-Seward) to increase the Road and Bridge budget for an additional family health insurance premium reflecting an increase in the total Road and Bridge budget by \$9,329. Motion Carried.

The adjusted total budget for the Road and Bridge budget \$2,468,005, current property tax request for General Fund \$6,235,854, and transfer to the Road and Bridge budget will be \$911,310 .

ADOPTION OF 2007 BUDGET RESOLUTION #2006-29: Moved-Seconded (Ewing-Douglas) to adopt the 2007 Annual Budget and approve the following Resolution #2006-29. Motion Carried. Aye-4 Nay-Weisenberg. Weisenberg stated even though the county levy dropped 10%, he could not vote in approval of the 2007, budget because he could not support a 5% wage increase for employees. Douglas stated the employees are a big part of the reason the county levy dropped 10%.

RESOLUTION #06-29: 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, 2007 and ending December 31, 2007 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 5th day of September, 2006 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, 2007 through December 31, 2007.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	6,235,854	4.57
SNOW REMOVAL	000,000	.00
HIGHWAY & BRIDGE	420,000	.31
COURTHOUSE & JAIL	100,000	.07
FIRE PROTECTION	56,299	.09
TOTALS	6,812,153	5.04

DATED at Deadwood, South Dakota, this 5th day of September 2006. LAWRENCE COUNTY COMMISSIONERS: Connie H. Douglas, Chairman; Robert Ewing, Terry W. Weisenberg, James J. Seward, and George Opitz. ATTEST: Connie Atkinson, Auditor.

FUEL QUOTES: The following fuel quotes were submitted as of August 17, 2006: Spearfish Diesel 5450 Gallons; Spearfish unleaded 1100 Gallons Diesel (prices per gallon) Cenex Oil Co. Diesel - \$2.927, Unleaded - \$3.924, Southside Diesel - \$2.885*, Unleaded - \$2.825*, Rollin Oil Diesel – no bid, Unleaded – no bid (*represents lowest quote)

The following fuel quotes were submitted as of August 28, 2006: Deadwood Unleaded 8600 Gallons; (prices per gallon) Cenex Oil Co. Unleaded - \$2.604, Southside Unleaded - \$2.525*, Rollin Unleaded – \$2.5357 (*represents lowest quote)

AUDITOR’S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Seward-Opitz) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$29,616.32; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,750.95; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$5,961,602.69; GNAMS-\$5,781.34; Total \$10,167,384.03.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Weisenberg-Douglas) to approve Rollin Sieveke as a Volunteer Fire Fighter for insurance purposes. Motion Carried.

COUNTY INVESTMENT POLICY: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following Investment Policy for Lawrence County. Motion Carried. Lawrence County Investment Policy: 1. POLICY: Pursuant to SDCL 4-5-8 it is the policy of Lawrence County, South Dakota to invest idle public funds in a manner to meet the daily cash flow demands of Lawrence County with the primary objectives, in priority order, being: a) Safety b) Liquidity and c) Return. 2. DELEGATION OF AUTHORITY Authority to manage the investment program is granted to Debora Tridle, Lawrence County Treasurer, who shall refrain from personal business activity that could impair her ability to make impartial decisions. The Lawrence County Treasurer acting in accordance with any written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. In case of extended leave of absence, the Governing Board shall appoint a replacement Officer. 3. AUTHORIZED FINANCIAL DEALER AND INSTITUTION The Governing Board authorizes the placement of cash resources in the following financial institutions: 1ST National Bank 300 W Main St Lead SD 57754, 1ST Western Bank 696 Main St Deadwood SD 57732, Great Western Bank 526 Main St Spearfish SD 57783, Pioneer Bank & Trust 140 E Jackson Blvd, Spearfish SD 57783, Wells Fargo Bank 721 Main St Deadwood SD 57732. 4. AUTHORIZED AND SUITABLE INVESTMENTS Lawrence County is empowered by statute to invest in the following types of securities: Interest bearing checking accounts, Certificates of Deposit (CDs) - not to exceed 18 month maturities (SDCL 4-5-6)*, Money Market Mutual Funds - open-end, no-load (SDCL 4-5-6), United States Government Agencies (SDCL 4-5-6)* When investing in Certificates of Deposit (CDs) public funds will be invested at the highest rate of interest possible after attempting to secure three quotes. The county treasurer shall deposit and at all times keep on deposit the money in his possession as county treasurer in state or national banks within the county. In the event that such deposits exceed the limit prescribed in § 7- 20-10 or if there is but one bank located within the county then such deposits may be made in other banks or branch banks within an adjacent county of this state having an approved and responsible financial standing. (SDCL 7-20-1). 5. COLLATERALIZATION In accordance with the SDCL 4-6A, 51A-10-9, and 52-5-20 Qualified Public Depositories will furnish collateral in the sum equal to one hundred percent (100%) of the public deposit accounts that exceed deposit insurance. The financial institution shall submit a copy of their collateralization report to the Lawrence County Treasurer. 6. REPORTING The Lawrence County Treasurer shall prepare an investment report not less than quarterly, that provides a clear picture of the status of the current investment. The report will include the following: (Pie or Bar Chart) Percent invested in each security type (CD, US Treasury, money market funds, etc). Listing of investments by maturity date. Percent held by each financial institution. 7. INTEREST EARNED The interest earned from investments shall be credited to the respective fund, except Agency funds. SDCL 4-5-9) 8. DIVERSIFICATION It is the policy of the Lawrence County to reduce overall risks while attaining average market rates of return by diversifying its investments. Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor

TRAVEL REQUEST:

EMERGENCY MANAGEMENT: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Rene Larson to attend the Hazmat Conference and Training in Las Vegas on November 12-17, 2006. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Shelly Dragoo and Peggy Steffen to attend the 911 Basic Tele-communicators Course in Pierre, SD on September 10-22, 2006. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Ewing-Weisenberg) to appoint Brian Dean to the Insurance Committee. Motion Carried.

UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way located 2 miles west of Spearfish on Hills-View Rd (at the intersection of Ridge Rd) in the SE1/4 of Sec 6, T6N, R2E. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way located 2.27 miles Southwest of Spearfish on Tinton Rd in the NW/14 of Section 20, T6N, R2E. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way located ¼ mile west of Jeff Sleep Residence in of Sec 5, T6N, R1E. Motion Carried.

QWEST COMMUNICATIONS: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way located on Two Bit Road in Section 30, T6S, R4E. Motion Carried.

LARRY DAYWITT: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way located on Highway No. 041 approximately 0.140 miles from US 473, Sec 5-6, T4N, R3E. Motion Carried.

8:35 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Seward) to go into executive session to discuss personnel issues with Chuck Williams & Bruce Outka. Motion Carried. 8:50 a.m. the Board reopened for regular business. The Board stated they will be interviewing two individuals for the Highway Superintendent position on September 12, 2006.

HEALTH FAIR: Rene Larson presented a request, from the Safety Committee, for a health fair for county employees. Moved-Seconded (Weisenberg-Ewing) to support a health fair for the employees, with the County paying half of the cost per employee, providing they include the PSA test. Motion Carried. The Board requested they try and coordinate the health fair with the flu shot vaccination.

RANGELAND FIRE PROTECTION AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Rangeland Fire Protection Agreement, upon review by Outka. Motion Carried.

BUREAU OF LAND MANAGEMENT: Marian Atkins updated the Board on the FY2006 SD Field Office Activities for Lawrence County.

CONDITIONAL USE PERMIT # 324-RICK JOHNSON CONSTRUCTION AND LOG HOMES: Moved-Seconded (Opitz-Douglas) to bring off the table the request for Conditional Use Permit #324. Motion Carried. The Board discussed the request with Mike Percevich who was representing Rick Johnson. Percevich stated Johnson is willing to change the original request for Conditional Use Permit. The Board stated they were uncomfortable changing the request without going through Planning and Zoning.

Moved-Seconded (Seward-Ewing) to deny CUP # 324-Rick Johnson Construction and Log Homes. Owner/ Representative: Rick Johnson. Legal Description: Lot B of HES 613, Section 11, T5N, R3E. Location: Hwy 85. Purpose: To allow sale of log homes and a future gift store. Motion Carried.

211 HELP LINE: Gail Tysdal, United Way of the Northern Hills, provided a presentation of the 211 Help Line and requested that Lawrence County allocate \$5,000 this year and each year thereafter towards the project. Moved-Seconded (Opitz-Ewing) to allocate \$5,000 towards the project for year 2006 only; and requested they come back to the Board next year with the number of calls in Lawrence County, for consideration of future funding; and transfer \$5,000 from Commissioners Contingency to the Commissioners Professional Services budget. Motion Carried. Aye-4, Nay-Weisenberg. Weisenberg stated he was not comfortable taxing the citizens for this service.

KLUTHE ISOLATED TRACT: Bruce Outka updated the Board on the Status of the Isolated Tract for the Kluthe Property. Outka stated the property has sold and he received an email from Eric Nies, attorney for Kluthe's, stating they did not want to go forward with the process. Moved by Seward to rescind resolution #2006-18. Motion Died due to lack of second. The Board asked Outka to research the issue further.

BILLS: Moved-Seconded (Weisenberg-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: Payroll:** Comm-\$3,454.15; Aud-\$6,163.82; Treas-\$9,274.53; Comp-\$4,955.61; States Atty-\$13,223.64; Pub Def-\$7,477.73; Gen Govt Bldg-\$5,500.35; Equal-\$9,740.15; Rod-\$5,972.04; Vso-\$1,003.32; Disp-\$13,915.78; Sher-\$41,484.18; Jail-\$22,596.35;

Emerg Mgnt-\$2,684.48; E911-\$1,396.40; Highway-\$33,243.55; Air-\$323.61; Ext-\$1,182.40; Weed-\$4,743.00; Pz-\$2,581.59; **Bills:** Outka,B-\$96.00; Runge,B-\$139.00; Sandvig,S-\$139.00; Symonds,C-\$139.00; Thomson,P-\$10.60; A&B Business Equip-\$166.87; A&B Welding Supply-\$51.12; A&M Transport-\$92.50; A-Z Shredding-\$44.00; Abc Business Supply-\$1,052.35; Accurant Accounts Receivable-\$1.00; Aldinger,K-\$423.00; Alltel-\$885.63; American Family Life-\$3,108.06; BH Federal Credit Union-\$9,861.00; BH Power & Light-\$7,125.22; Blue Cross-\$51,680.54; Bp-\$1,107.35; Breit Law Offices-\$51.52; Deadwood Recreation Center-\$166.00; Dept Of The Treasury-\$45,530.51; Domestic Crisis Outreach-\$770.00; Farm Plan/Rdo-\$108.31; First Western Bank-\$18.00; LC Treasurer-\$100.00; Montana-Dakota Util-\$37.23; NH Family Ymca-\$180.00; Office Of Child Support-\$315.69; Qwest-\$43.76; SD Retirement System-\$45,816.06; Sdrs Supplemental Retirement-\$997.00; Verizon Wireless-\$274.52; Victims Of Violence-\$770.00; Walmart Store-\$188.49; Wells Fargo Business Card-\$4,570.64; BH Pioneer-\$22.37; BH Power & Light-\$210.50; Best Business Prod-\$59.89; Billings Gazette-\$2,925.80; Black Hills Pure-\$34.50; Black Hills Surveying-\$450.00; Brady Pluimer, PC-\$514.17; Brownsville Fire Dept-\$1,848.52; Butler Machinery Co-\$217.76; Butte County Sheriff-\$8.26; Central Parts-\$155.73; Chain Saw Center-\$69.50; Chemical Sanitizing Sys Ltd-\$28.36; Christensen Law Office-\$538.75; City/County Alcohol & Drug-\$3,034.00; Clinical Lab Of BH-\$1,519.52; Cooperative Extension Service-\$173.91; Culligan Soft Water Serv-\$32.50; Custer County Sheriff Office-\$16.75; Dakota Graphics-\$180.00; Dakota Sioux Hotel-\$980.00; Deadwood Vol Fire Dept-\$8,935.01; Deadwood, City Of-\$755.70; Ensignal-\$261.98; Evercom Systems-\$1,050.00; Extension Service-\$499.69; Family Health Center-\$15,000.00; Fast Break Screen Printing-\$200.00; Fastenal-\$88.48; Federal Express Corp-\$41.01; First District/Gis Conference-\$50.00; First Western Bank-\$109.94; Fish,V-\$1,252.80; Fisher Sand & Gravel-\$4,750.68; Frederickson, John R-\$152.00; Gall's-\$169.96; Heisler Hardware-\$120.22; Hills Material Comp-\$206.36; Hinker Trk & Trlr Repair-\$4,382.00; Hsbc Business Solutions-\$349.13; Ibm Corp-\$385.02; Ikon Office Solutions-\$138.81; Jacobs Precision Welding-\$196.63; Janke,W-\$1,620.00; Jon Tish-\$44.95; KT Connections-\$37.00; Karpinen,S-\$495.00; Ken's Camper Sales-\$119.58; Kieffer,T-\$492.40; Kimbell's Auto Repair-\$371.76; Kimball-Midwest Co-\$524.88; Kosel,Joseph-\$4,166.67; LC Auditor-\$3.40; LC Sheriff-\$714.99; Lamb Motor Company-\$30,990.00; Lead Fire Department-\$12,227.79; Lead, City Of-\$51.85; Lewis & Clark Bhs-\$130.00; Lynn's Dakotamart-\$27.95; M&M Sanitation-\$85.00; May, Johnson, Doyle & Becker-\$4,399.16; Megas Propane-\$596.00; Mcleod's Office Supply-\$294.00; Meade County Sheriff-\$22.20; Mid America Specialties-\$1,027.95; Montana-Dakota Util-\$1,126.79; Mutchler,T-\$103.95; National Assoc Of Counties-\$400.00; Nelson, T-\$765.00; Nemo Volunteer Fire Dept-\$1,095.64; Neve's Uniforms-\$197.97; New World Systems-\$625.00; Office Depot-\$98.92; Paul Miller Enterprises-\$430.00; Pennington County Sts Attny-\$800.00; Pitney Bowes-\$390.94; Prairiewave Communications-\$1,344.32; Public Agency Training Council-\$375.00; Public Safety Center-\$81.58; Qwest Communications-\$150.00; RC Police Dept-\$8.00; RC Regional Hospital-\$715.00; Radio Shack/Kazco-\$28.98; Regan Battery Maint Services-\$63.98; Reindl,S-\$4,095.65; SD Dept Of Transportation-\$1,983.67; SD Emergency Mngt Association-\$40.00; Sanitation Products-\$28,365.90; Servall Towel & Linen-\$250.94; Slate Creek Counseling-\$580.54; Southside Oil-\$40,545.75; Spearfish Canyon Fire Dept-\$1,684.47; Spearfish Fire Dept-\$27,666.34; Speedylube-\$32.94; St Onge Fire Dept-\$943.31; Sturgis Fire Department-\$676.72; Tigerdirect-\$1,239.72; Triple K Tire & Repair-\$230.89; Twin City Hardware & Lumber-\$418.65; US Marshalls Service-\$1,178.00; US Postal Service-\$8,000.00; Vaisala-\$308.00; Verizon Wireless-\$981.70; Voelker & Adams-\$1,310.07; Walmart Store-

\$372.06; West Group-\$644.00; Western Communication-\$80.50; Western Fire & Safety-\$115.88; Western Sd Juvenile Serv-\$3,330.00; Whitewood Vol Fire Dept-\$3,512.49; Stephenson,C-\$90.00; **Witness & Jurors:** Bowles,B-\$60.88; Coffield,K-\$59.60; Heimbaugh,C-\$59.60; Johnson,M-\$53.20; Knutson,C-\$59.60; Ladson,J-\$59.60; Looney,D-\$60.24; Moench,M-\$57.04; Richards,J-\$62.80

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

DATE APPROVED

CONNIE DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 12, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 12, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, James J. Seward and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of September 5th, 2006. Motion Carried.

PERSONNEL:

GGB: Moved-Seconded (Weisenberg-Douglas) to approve Robert Mattson as a ¾ time Maint Worker I at the base rate of \$10.47 an hour, effective 9-25-2006. Motion Carried.

RESOLUTION #06-30 TO ADOPT A SUPPLEMENTAL BUDGET: A public hearing was held on a supplemental budget. No public input was present and the hearing was closed. Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the following Resolution 2006-30 for a supplemental budget. Motion Carried.

Resolution #06-30 To Adopt A Supplemental Budget: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Coroner – Professional Services - \$3,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 12th day of September, 2006 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 12th day of September, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS: CONNIE DOUGLAS, Chairperson ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

8:16 a.m. EXECUTIVE SESSION: Moved-Seconded (Ewing-Seward) to go into executive session for personnel. Motion Carried. 8:19 a.m. the Board reopened.

CONTRACT FOR MEDICAL SERVICES: Moved-Seconded (Ewing-Opitz) to approve and authorize the Chairperson to sign the Contract for Medical Services for the Jail with Lead Deadwood Regional Hospital. Motion Carried. Aye-4, Abstain-Weisenberg.

FOREST SERVICE CONTRACT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Forest Service Contract for the tower at Custer Peak, upon legal approval of Bruce Outka. Motion Carried.

8:40 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Opitz) to go into executive session for personnel. Motion Carried. 8:56 a.m. the Board reopened.

V-BODY SPREADER BIDS: Moved-Seconded (Opitz-Seward) to accept the only bid from Sanitation Products, Inc. for one new V body spreader for the Highway Department for \$9,060.00. Motion Carried.

ROAD SALT BID: Moved-Seconded (Seward-Opitz) to accept the State Bid for Road Salt from Nebraska Salt & Grain Co and also for Z&S Dust Control who will match the contract. Motion Carried.

UTILITY PERMITS:

MONTANA DAKOTA UTILITIES: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way for Montana Dakota Utilities located on McGuigan Road west side south of I-90 Interchange to McGuigan Road east side south of I-90 Interchange. Motion Carried.

MONTANA DAKOTA UTILITIES: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way for Montana Dakota Utilities located on Hillsvie Drive north side on west side of McGuigan Road to Hillsvie Drive south side west of McGuigan Road. Motion Carried.

QWEST COMMUNICATIONS: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way for Qwest Communications located on the Erickson Road in Section 11, T4N, R4E, in Lawrence County, SD. Motion Carried.

VARIANCE #109 / TOBY KEEHN: A public hearing was held on a request for Variance #109 Toby Keehn - To Allow a 10' Variance to the 25' Setback from a Road Right-of-Way & an 8' Variance to the 8' Side Setback - Residence Addition Located in Grizzly Gulch off Hwy 385. No public input was voiced and the hearing was closed. Moved-Seconded (Seward-Ewing) to approve and Variance #109 for Toby Keehn. Motion Carried.

ORDINANCE #06-01 / USES & SETBACKS IN VARIOUS ZONING DISTRICTS:

Moved-Seconded (Ewing-Seward) to approve Ordinance #06-01 Amending Zoning Ordinance #1 - Article 3 Schedule of District Regulations to Clarify Uses and Setbacks in Various Zoning Districts. Motion Carried.

ANNUAL REVIEW CONDITIONAL USE PERMIT #313: Annual Review of Conditional Use Permit #313 - Greg McAdoo - For a Winery Located on Redwater Road was conducted and will be reviewed in one year.

ANNUAL REVIEW CONDITIONAL USE PERMIT #267: Annual Review of Conditional Use Permit #267 - Performance Development Group - Tower Located West of Spearfish was conducted. Moved-Seconded (Weisenberg-Seward) to direct the Planning and Zoning Director to send notice to Performance Development Group, of the zoning regulation, that conditional use permits expire if not in use. Motion Carried.

ANNUAL REVIEW CONDITIONAL USE PERMIT #312: Annual Review of Conditional Use Permit #312 - Brian Rech - Barnhouse Cabin Located near Nemo was conducted. Moved-Seconded (Seward-Ewing) CUP #312 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.

REVISED PRELIMINARY PLAT / TWO BIT RANCH ESTATES: Moved-Seconded (Ewing-Seward) to approve the Revised Preliminary plat for Bill Pearson - Lots 1-31 Two Bit Ranch Estates Located on Two Bit Road. Motion Carried.

FINAL PLAT / TWO BIT RANCH ESTATES: Moved-Seconded (Weisenberg-Seward) to approve the final plat for Bill Pearson - Lots 28-31 Two Bit Ranch Estates Located on Two Bit Road. Motion Carried.

PRELIMINARY PLAT - J&K OF SPEARFISH: Moved-Seconded (Ewing-Weisenberg) to approve the Preliminary Plat - J&K of Spearfish – Lots 1-12 Crow Peak Bench Subdivision Located on Crow Peak Bench Road. Motion Carried.

FINAL PLAT – MARK SIMPSON: Moved-Seconded (Ewing-Seward) to approve the Final Plat – Mark Simpson - Lots 1-6 Block 7 Apple Springs Development - Located in Boulder Canyon. Motion Carried.

FINAL PLAT - KIP KALAMAHA: Moved-Seconded (Weisenberg-Seward) to approve the Final Plat - Kip Kalamaha – Lot 1 Strawberry Edge Subdivision Located on Strawberry Hill. Motion Carried.

CHANGE OF ZONING #258 / JASON WARD: A public hearing was held on application for Change of Zoning #258 - Jason Ward - To Change Zoning from AG Agriculture to SRD Suburban Residential for a High Density Subdivision Located North of I-90/Exit 8 along Old Belle Road. Moved-Seconded (Weisenberg-Seward) to bring off the table the request for Change of Zoning #258. Motion Carried.

The Board reviewed and discussed the proposed development agreement with Ward. Moved-Seconded (Seward-Douglas) to approve COZ NO. 258 An Ordinance Amending Lawrence County Zoning Ordinance Number One From A-1 - General Agriculture To SRD - Suburban Residential District. Motion Carried. Aye-4 Nay-Ewing.

Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairperson to sign the development agreement, upon legal approval of Bruce Outka. Motion Carried. Aye-4, Nay-Ewing.

11:40 a.m. The Board recessed for lunch. 1:45 p.m. the meeting was called back to order.

1:45 p.m. EXECUTIVE SESSION: Moved-Seconded (Opitz-Weisenberg) to go into executive session to conduct interviews for the Highway Superintendent Position. Motion Carried. 3:55 p.m. the Board reopened.

Moved-Seconded (Seward-Opitz) to approve the hiring of Richard Birk as Highway Superintendent at the yearly salary of \$55,000, effective 9-28-2006. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,183.91; Treas-\$11,015.53; Comp-\$4,955.60; States Atty-\$12,651.02; Pub Def-\$7,285.42; Gen Govt Bldg-\$5,370.18; Equal-\$10,065.70; Deeds-\$5,972.02; Vso-\$1,003.32; Disp-\$9,574.32; Sher-\$26,692.44; Jail-\$16,854.50; Emerg Mgnt-\$2,684.48; E911-\$1,408.40; Highway-\$33,483.31; Ext-\$1,236.40; Weed-\$3,145.71; Pz-\$2,581.59; **Bills:** Fitzgerald,J-\$91.02, Mowell,R-\$8,022.00; Runge,B-\$52.00; Winters,D-\$4.66; Writer,J-\$52.00; A&B Business Equip-\$1,574.65; Abc Business Supply-\$588.51; Alcopro-\$507.00; Altaire Enterprises-\$20.00; Argus Leader-\$1,706.93; B H Chemical Company-\$474.83; BH Federal Credit Union-\$9,861.00; BH Land Analysis-\$1,665.00; BH Pest Control-\$95.00; BH Power & Light-\$324.00; Black Hills Pure-\$25.00; Brown & Saenger-\$330.20; Butte Electric Coop-\$187.68; Cedar Shore -\$120.00; Coley, Mike Ccd-\$120.00; Conoco-\$101.61; Csd-\$55.00; Culligan Soft Water Serv-\$112.75; Deckers Food-\$3.38; Dept Of The Treasury-\$38,029.92; Election Sys & Software-\$1,207.00; Et Sports-\$173.63; Extension Service-\$350.75; Fhs Communications-\$55.00; First District/Gis Conference-\$50.00; Fish,V-\$749.00; Fort Dearborn Life Ins-\$963.98; Gene's Lock Shop-

\$361.76; Gold Dust-\$59.80; Goldserver-\$85.00; Great Plains Chemical-\$360.00; Great Western Tire-\$769.52; H&S Sand & Gravel-\$1,138.52; Hazmat Explo-\$150.00; Hillside Disposal Service-\$76.00; Klopfenstein Dr-\$33.00; Knecht True Value-\$89.97; LC Journal-\$1,139.21; LC Sheriff-\$168.03; LC Treasurer-\$100.00; Lead-Deadwood Regional-\$178.70; Lead-Deadwood Regional Hospital-\$810.08; Lead-Deadwood Sanitary-\$419.22; Lee,J-\$15.00; Mcclure,S-\$135.00; Meade County Sheriff-\$8.20; Moran,P-\$60.00; Morgan County Sheriff-\$36.00; Moss, William Psy-\$400.00; Musicar-\$39.65; Neve's Uniforms-\$37.59; Office Of Child Support-\$315.69; Office Technology/Supply-\$55.89; Outdoor Motor Sports-\$85.74; Pennington Co Auditor-\$293.00; Pennington County Sheriff-\$37.94; Pennington County Sts Attny-\$200.00; Postmaster, Spearfish-\$100.00; Prairiewave Communications-\$767.64; Queen City Rocket Lube-\$86.46; Qwest-\$903.89; Quinlan Publishing Group-\$166.09; RC Journal-\$1,274.60; RC Regional Hospital-\$2,489.85; Rabe Elevator-\$634.38; Radio Shack/Kazco-\$39.99; Reliable-\$45.10; Rombough,D-\$108.80; Rushmore Communications-\$296.48; SD State Treasurer-\$866.58; SD Continuing Leagal Ed-\$135.00; SD Human Services Center-\$226.07; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$250.94; Shell Fleet Management-\$260.32; Smith,J-\$283.80; Spearfish Auto Supply-\$100.02; Speedylube-\$32.13; Superior Sanitation-\$500.00; Teen Court-\$2,344.79; The Bismarck Tribune-\$2,450.60; Triple K Tire & Repair-\$23.95; Twin City Hardware & Lumber-\$183.26; US Indentification Manual-\$82.50; United Parcel Service-\$12.43; Waste Connections-\$241.19; West Group-\$644.00; Western Communication-\$15,878.04; Williams Standard Serv-\$47.95; Xerox Corporation-\$51.60; **Witness & Juror:** Peyton,M-\$59.60; Apa,M-\$51.92; Dardis-Rosenau,S-\$66.00; Fremont,D-\$62.80; Massey,K-\$57.68; Rans,D-\$62.80; Rantapaa,G-\$51.92; Ryder,B-\$55.76; Shearer,C-\$62.80; Vangorp,R-\$59.60; Arnio-Gillies,C-\$21.52; Costner,B-\$59.60; Cram,D-\$22.80; Davis, M-\$52.56; Elwood,R-\$22.80; Geiger,M-\$58.32; Hosier,C-\$62.80; Johnson-Anderson,H-\$66.00; Kocmich,C-\$19.60; Neudick,W-\$10.64; Oliver,B-\$56.40; Olson,B-\$19.60; Olson,S-\$50.64; Overby,C-\$22.80; Perry,H-\$19.60; Povandra,S-\$18.32; Schlepp,C-\$51.28; Speirs,R-\$69.20; Stadler,K-\$60.88; Tinnell,R-\$20.24; Waldrop,R-\$19.60; Watson,F-\$19.60; Webster,M-\$11.92; Zenk,R-\$57.68; Zubrod,L-\$21.52

ADJOURN: 4:00 p.m. there being no further business it was Moved-Seconded (Seward-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 26, 2006

Vice-Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 26, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, Bob Ewing, and George Opitz present. Connie H. Douglas was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 12th, 2006. Motion Carried.

PERSONNEL:

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) Effective 9-13-2006 to appoint Eric Whitcher as Acting Public Defender at the base rate of \$55,000 a year and approve Matt Pike as Deputy Public Defender at the base rate of \$43,000 a year to be reviewed in 6 months for a possible \$2,000 a year increase. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to advertise for an additional deputy public defender at the base rate of \$39,000 a year, with a review in 6 months for a possible \$2,000 a year increase. Motion Carried. Aye-3; Nay-Weisenberg; Absent-Douglas.

ROAD & BRIDGE: The Board discussed with Chuck Williams his retirement effective on October 5, 2006. Moved-Seconded (Weisenberg-Seward) to hire Chuck Williams as a temporary part-time (as needed) employee at the base rate of \$30.80 an hour, to assist the New Highway Superintendent, effective 10-9-2006. Motion Carried.

TREASURER: Moved-Seconded (Opitz-Ewing) to approve Dori Winters as a temporary part-time Admin Secretary, G3 at the base rate of \$13.61 an hour, effective 10-16-2006. Motion Carried.

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to approve James Lehto as a Reserve Deputy at the base rate of \$12.17 an hour, and a part time Correctional Officer I G3 at the base rate of \$12.44 an hour, effective 9-24-2006. Motion Carried.

Moved-Seconded (Weisenberg-Opitz) to approve Robert Ruffato as a full time Deputy II G1 at the base rate of \$17.85 an hour, effective 10-9-2006. Motion Carried.

Moved-Seconded (Opitz-Ewing) to approve Katrina Harris, Daniel Brady and Raymond Ruggiero as part time Correctional Officer I G3 as the base rate of \$12.44 an hour, upon the completion of 40 hours of training at \$7.96 an hour, effective 9-22-2006. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to advertise for a full time Deputy. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of September 26, 2006: Spearfish Diesel 2100-2500 Gallons; (prices per gallon) Cenex Oil Co. Diesel - \$2.149, Southside Diesel - \$2.085, Rollin Oil Diesel – \$2.02*, (*represents lowest quote)

The following fuel quotes were submitted as of September 26, 2006: Deadwood Unleaded 2100-2500 Gallons; (prices per gallon) Cenex Oil Co. Unleaded - \$2.149, Southside Unleaded - \$2.085, Rollin Unleaded – \$2.04* (*represents lowest quote)

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Brett Runge to attend the APEX CE Seminar (Computer software & hardware technology training) in Houston, Texas on November 30 thru December 3, 2006. Motion Carried.

COMMISSIONER/TITLE III: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Bill Coburn to attend the National Fire Protection Association in Boise ID on October 10-13, 2006. Motion Carried.

HIGHWAY: Moved-Seconded (Opitz-Weisenberg) to approve the travel request for Bonnie Wright and Dianne Vandenberg to attend the DWARE Seminar in Aberdeen, SD on November 1-3, 2006. Motion Carried.

RESOLUTION #2006-31 SURPLUS PROPERTY: Moved-Seconded (Opitz-Seward) to approve the following Resolution #2006-31 Surplus Property. Motion Carried. RESOLUTION #2006-31 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 28th day of June 2005, For the Board of Lawrence County Commissioners: Bob Ewing, Chairperson. ATTEST: Connie Atkinson, Auditor.

SUPPLEMENTAL BUDGET HEARING – COURT APPOINTED ATTORNEYS: Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for October 10, 2006 at 8:15 a.m. for Court Appointed Attorneys for \$75,000. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – TREASURER: Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing for October 10, 2006 at 8:15 a.m. for Treasurer – Salaries for \$6,000. Motion Carried.

SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Ewing) to approve an automatic supplement to the Fire Protection Fund for a Firewise grant of \$3,105.00. Motion Carried.

8:15 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Ewing) to go into executive session for personnel with Tom Brady. Motion Carried. 8:40 a.m. the Board reopened.

MAINTENANCE BUILDING ROOF UPGRADE: Moved-Seconded (Ewing-Opitz) to set the bid opening for October 24, 2006 at 8:30 a.m. for the Maintenance Building Roof Upgrade. Motion Carried. Aye-3; Absent-Douglas and Weisenberg.

UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way for Black Hills Power located on Maitland Road (2.06 miles N.W. of Hwy 14A) in the NE1/4 of Section 19, T5N, R3E. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way for Black Hills Power located on Two Bit Road (1.15 miles south of Hwy 14A) in the NW1/4 of Sec 30, T5N, R4E. Motion Carried.

BOARD REVIEW CUP #291 / MARK VALDEZ: An annual review was held on Conditional Use Permit #291 for Mark Valdez – Jewelry Shop located on Highway 85, McMasters Corner. Brandon Flanagan reviewed the letter sent to Valdez on August 30, 2006 listing concerns of dirt work and possible construction activity occurring without a permit, dirt for sale on property, construction company operating from property, and tents on the property during the week of the rally. Valdez stated he rents the residence on the property and the construction vehicles belong to the renter. Valdez stated he personally was not selling the dirt and stated he did not charge anyone who stayed on his property during the rally. Valdez stated he called the City of Lead in reference to a building permit for a garage.

Ewing stated the CUP was issued for Valdez's business only as the Commissioners are trying to limit the traffic on the corner and the added activity is over and above what was granted with the original CUP. Opitz read condition #3 and commented that Valdez was in violation of the permit. Seward suggested the CUP be revoked for a year and then they could reapply.

Timothy Johns, Attorney representing Valdez, asked the Commission what needed to be done and he would direct his clients to comply with the Conditional Use Permit. Bruce Outka advised the Commissioners that they are able to make changes and additional conditions at this time.

Moved-Seconded (Weisenberg-Ewing) to add condition #22 to the Conditional Use Permit #291 pertaining to the following: No cars shall be advertised for sale on the property, no tents shall be allowed at any time on the property, and no commercial construction equipment shall be allowed on site. The dirt shall be removed within one week and the property cleaned up within 30 days. Motion Carried.

SEPTIC SYSEM PERMITS & REQUIREMENTS – PROPOSED ORDINANCE #06-02:

Brandon Flanagan reviewed the proposed Ordinance #06-02 for septic system permits and requirements. . No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve Ordinance #06-02 for Septic System & Requirements Ordinance. Motion Carried.

BOUNDARY PLATS – PROPOSED ORDINANCE #06-03: Brandon Flanagan reviewed the proposed Ordinance #06-03 for Boundary Plats. No public input was voiced and the public hearing was closed. Moved-Seconded (Opitz-Weisenberg) to approve Ordinance #06-03 for Addition of Boundary Plats Ordinance. Motion Carried.

CUP #332- KEN LARSEN-STOLEN KISS RANCH-HORSE STABLE & TRAINING

FACILITY: A public hearing was held on Conditional Use Permit #332- Ken Larsen-Stolen Kiss Ranch-Horse Stable & Training Facility: Owner/Representative: Ken Larsen, Legal Description: Tract A of SE1/4NE1/4 of Section 32 & 33, T6N, R4E., Location: Crook City Road, Purpose: Horse Stable & Training Facility. Tommy Thompson expressed concerns about the number of horses per acre and the effects on weeds. Larsen stated he has been working with the Invasive Species Management Department for a weed eradication plan. Joe Taggart expressed support for the CUP and stated weeds are a problem for individuals who don't take care of their property. Larsen expressed concerns about condition #21 because he would like to utilize lot 8 for emergency and safety issues. Larsen also stated he would like to use the lot for ingress and egress for non motorized traffic. The public hearing was closed and the board discussed the conditions. The Board made changes to the proposed conditions #11 that the applicant must abide by the Invasive Species Management Plan and condition #21 that lot 8 can be utilized for ingress and egress of animals, small off-road vehicles, utilities and vehicles in emergency and safety situations. Moved-Seconded (Weisenberg-Opitz) to approve Conditional Use Permit #332 for Ken Larsen-Stolen Kiss Ranch-Horse Stable & Training Facility with conditions as on file at the Planning and Zoning Office. Motion Carried.

EMERGENCY MANAGEMENT BRIEFING: Paul Thomson, Emergency Management Director, reviewed the Response Recovery Procedures with the Board.

BURN BAN: Paul Thomson, Emergency Management Director discussed the burn ban with the Board. The Board opted to leave the burn ban in effect.

ABATMENTS:

HOMESTAKE: Moved-Seconded (Weisenberg-Opitz) to approve the abatement for Homestake on parcel 26999-00003-000-55 (building on leased site) because as of July 1, 2005 Homestake terminated the licenses and subsequently had the entire building tore down as of 10-1-2005. Motion Carried.

CREDIT CARDS: Deb Tridle, Treasurer, discussed credit cards with the Board. Tridle stated the County can contract with Official Payment Corp to handle credit cards for the Treasurer's Office. This would allow citizens to pay their taxes on-line or over the phone with a credit card. The citizen would pay the fees charged by Official Payment Corp and the County would not pay any additional charges. Moved-Seconded (Weisenberg-Opitz) to approve and authorize the Chairperson to sign the contract with Official Payment Corp, upon final legal approval from Bruce Outka. Motion Carried.

FOREST SERVICE: Jane Eide and Chris Stores updated the Board on the Travel Management Plan and asked the Board to appoint a representative to attend the meetings. The Board stated they will look at reviving the Recreational Committee and send a representative. Weisenberg stated he will attend if a representative is not available.

Eide and Stores previewed the 2007 planning projects for the Forest Service which includes West Rim, Citadel, Hop Creek and Corral.

KLUTHE ISOLATED TRACT: Bruce Outka updated the Board on the Status of the Isolated Tract for the Kluthe Property. Pat McBride was present and stated his Uncle purchased the property and asked the Board to rescind their previous resolution #2006-18. Outka stated the original applicant has also requested that the Board rescind their motion. Moved-Seconded (Weisenberg-Seward) To follow the recommendation of Bruce Outka and rescind resolution #2006-18 because the original applicant did not comply with the requirements of Resolution #2006-18 and to honor the request of the applicant and new owners to rescind the resolution. Motion Carried.

ANNUAL REVIEW – WHARF & GOLDEN REWARD MINE CONDITIONAL USE PERMIT: The annual review was conducted for Wharf Conditional Use Permit #224 & 132; and for Golden Reward Conditional Use Permit #126. Jack Cole was present and voiced concerns.

PLANNED UNIT DEVELOPMENT #9 / CREEK VIEW ESTATES: A Public Hearing was held on Planned Unit Development #9-Subdivision Owner/Representative: Elite Properties LLP/Bill Philips. Legal Description: Creek View Estates, E1/2NE1/4, located in Section 22, T6N, R4E. Location: Whitewood, Purpose: Density cluster subdivision, Zoning: PF and A-1. No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve the Planned Unit Development #9 as submitted. Motion Carried.

PRELIMINARY PLAT LOTS 1-8 CREEK VIEW ESTATES: Owner/Representative: Elite Properties LLP/Bill Philips/Precision Surveying. Legal Description: Lots 1-8 of Creek View Estates, E1/2NE1/4, located in Section 22, T6N, R4E., Location: Whitewood, Purpose: New subdivision. Zoning: PF and A-1. No public input was voiced and the public hearing was closed. Moved-Seconded (Weisenberg-Seward) to approve the preliminary plat of Lots 1-8 and Well Lot

A of Creek View Estates Subdivision, with the stipulation that the red zones will be designated as no build areas. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,236.48; Treas-\$8,140.13; Comp-\$4,955.61; States Atty-\$12,577.41; Pub Def-\$7,131.62; Gen Govt Bldg-\$5,564.62; Equal-\$10,973.20; Rod-\$5,972.02; Vso-\$1,003.32; Disp-\$11,766.69; Sher-\$27,646.88; Jail-\$19,586.17; Emerg Mgnt-\$2,687.48; E911-\$1,405.40; Highway-\$34,163.35; Air-\$1,241.70; Ext-\$1,277.40; Weed-\$2,523.37; Pz-\$2,581.59; **Bills:** Brennan,S-\$7.00; Hodson,T-\$139.00; Larson,P-\$104.00; Locken,W-\$173.48; Thomson,P-\$104.00; A&B Business Equip-\$669.56; A&B Welding Supply-\$83.89; A&J Supply-\$128.25; Abc Business Supply-\$769.09; Alpine Impressions-\$44.00; Alltel-\$625.80; Altaire Enterprises-\$300.00; Amcon Distributing-\$334.22; BH Chemical Company-\$88.81; BH Federal Credit Union-\$9,711.00; BH Medical Ctr Pharmacy-\$1,320.00; BH Pioneer-\$641.58; BH Power & Light-\$7,012.89; BH Security & Systems-\$4,285.72; Behavior Mngt Systems-\$100.00; Belle Fourche Daily Post-\$48.00; Belle Fourche School District-\$995.76; Best Western Of Huron-\$308.00; Bickle's Truck & Diesel-\$70.39; Binger Law Office-\$4,587.97; Blue Cross-\$49,967.18; BP-\$1,451.27; Butler Law Office-\$9,002.59; Carquest Of Spearfish-\$63.11; Central Parts-\$1,931.24; Chemsearch-\$655.86; City/County Alcohol & Drug-\$1,694.00; Clinical Lab Of BH-\$61.09; Corral West-\$63.90; Correctional Billing-\$21.40; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$38.50; Dakota Graphics-\$70.00; Deadwood Home Center-\$81.68; Deadwood Police Department-\$599.00; Deadwood Recreation Center-\$166.00; Deckers Food-\$6.98; Dept Of The Treasury-\$39,503.34; Domestic Crisis Outreach-\$965.00; Election Sys & Software-\$5,445.00; Ellingson, Joseph-\$2,062.79; Fastenal-\$196.75; First Western Bank-\$63.00; Fish,V-\$136.00; Fisher Sand & Gravel-\$22,962.01; Foothills Seed-\$132.25; Fort Dearborn Life Ins Co-\$963.98; Frederickson, John R-\$1,079.90; Glenney,T-\$225.00; Godfrey's Brake Serv-\$359.67; Golay,B-\$152.63; Great Western Tire-\$7.50; Greens Alignment-\$154.13; Heisler Hardware-\$43.47; Hero 247-\$59.00; Hills Material Comp-\$107,807.25; Ikon Office Solutions-\$138.81; Integrity Ford-\$16.30; Jacobs Precision Welding-\$83.25; Jonathan Publishing-\$39.00; Kar Products-\$176.22; Karpinen,S-\$540.00; Kinney,M-\$4,090.16; LC Auditor-\$3.20; LC Emerg Mgnt-\$30.65; LC Journal-\$67.00; LC Treasurer-\$100.00; Laboratory Corp Of America-\$52.00; Lawson Products-\$173.36; Lead-Deadwood Regional Hospital-\$82.47; Lead-Deadwood School District-\$52,137.51; Lexisnexis Matthew Bender-\$94.00; Lexisnexis On-Line-\$328.00; Lynn's Dakotamart-\$27.95; Mcarthur,J-\$45.00; Meade County Sheriff-\$8.20; Meade School District-\$9,282.18; Mid America Specialties-\$259.69; Montana Dakota Util-\$24.16; Motive Parts & Supply-\$10.34; Motorola-\$40,101.42; NH Family Ymca-\$166.00; Nelson,C-\$225.00; New World Systems-\$624.49; Newman Traffic Signs-\$196.20; Office Of Child Support-\$315.69; Pennington Co Jail-\$1,746.30; Pennington County Sheriff-\$660.00; Phillips Petroleum Co-\$181.69; Pitney Bowes-\$510.69; Prairiewave Communications-\$998.27; Pronto Auto Supply-\$79.85; Queen City Motors-\$26.98; Queen City Rocket Lube-\$86.71; Qwest-\$249.33; RC Community Health Center-\$10.70; RC Emergency Service-\$68.72; RC Finance Office-\$4,900.00; RC Regional Hospital-\$266.00; Rabe Elevator-\$626.72; Radio Shack/Kazco-\$79.98;

Regional Home Medical Equip-\$15.00; Reindl,S-\$3,975.08; Ryken,R-\$40.80; SD Retirement System-\$42,811.57; SD Continuing Leagal Ed-\$45.00; SD Continuing Legal Education-\$45.00; SD Dept Of Transportation-\$1,495.68; SD Human Services Center-\$253.96; SD Planners Association-\$440.00; Sand Creek Printing-\$126.00; Sdrs Supplemental Retirement-\$997.00; Black Hills Urology, Pc-\$90.49; Servall Towel & Linen-\$249.09; Spearfish Auto Supply-\$533.60; Spearfish Building Supply-\$30.00; Spearfish Electric & Heating-\$76.00; Spearfish School District-\$155,427.43; Speedylube-\$25.95; St Louis County Courthouse-\$10.00; Summit Signs & Supply-\$875.00; Team Lab Chemical Corp-\$4,125.00; Tellinghuisen & Gordon-\$2,907.82; Tigerdirect-\$471.66; Twilight First Aid & Safety-\$106.92; Twin City Hardware & Lumber-\$169.97; Ultramax-\$387.00; United Parcel Service-\$20.96; Valley Auto-\$35.00; Verizon Wireless-\$1,430.47; Victims Of Violence-\$965.00; Voelker & Adams-\$2,402.55; Walmart Store-\$131.26; Waste Connections-\$211.63; Wells Plumbing & Farm Supp-\$106.45; Western Communication-\$29,448.03; Western Sd Juvenile Serv-\$5,180.00; Williams,Rand-\$310.00; Zep Manufacturing Co-\$165.26; **Witness & Jurors:** Eggleston,R-\$20.64; Stephenson,C-\$45.00; Bowles,B-\$60.88; Coffield,K-\$59.60; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Knutson,C-\$59.60; Ladson,J-\$59.60; Looney,D-\$60.24; Richards,J-\$62.80; Hagen,C-\$21.92; Baley,C-\$29.60; Baley,D-\$20.00; Barao,R-\$29.60; Galbraith,S-\$29.60; Kuntz,J-\$20.64; Sergeant,M-\$39.20; Mett,A-\$20.64; O'conner-Johnson,C-\$21.92; O'neil,D-\$29.60; O'neil,E-\$29.60; Perfett,D-\$20.64; Quarve,D-\$23.20; Silk,T-\$29.60; Steinbach,Jr T-\$21.92; Steinbach,Sr T-\$20.64; Vietor,E-\$29.60; Vince,R-\$29.60

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

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 10, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 10, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

MINUTES: Moved-Seconded (Weisenberg-Seward) to approve the minutes of September 26th, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Ewing) to approve Ryan Cook as a Deputy I G3 at the base rate of \$16.93 an hour, effective 10-02-2006. Motion Carried.

Moved-Seconded (Seward-Opitz) to allow employees to donate sick leave to Laurie Vrem. Motion Carried.

BOARD APPOINTMENTS /WILDLIFE, RECREATIONAL & TOURISM

COMMITTEE: Moved-Seconded (Seward-Douglas) to appoint Eric Hunt (3 year term), John Langdell (3 year term), Brad Ellis (2 year term), Scott Oddenbach (2 year term), and Fred Nelson (1 year term) to the Recreational & Tourism Committee. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Weisenberg-Ewing) to appoint Dick Birk to the Insurance Committee to replace Chuck Williams. Motion Carried.

HOLIDAY LUNCHEON: Moved-Seconded (Weisenberg-Douglas) to allow the County Offices to close from 11:30 a.m. to 1:00 p.m. on December 12, 2006 for the Holiday Luncheon. Motion Carried. Aye-4, Nay-Seward.

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 September 30, 2006 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)-\$80,902.63; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$11,737.61; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$5,546,105.88; GNAMS-\$5,686.05; Total \$9,847,317.17.

RESOLUTION #06-33 TO ESTABLISH CONSOLIDATED BOARD OF

EQUALIZATION: Moved-Seconded (Weisenberg-Douglas) to approve the following

Resolution #06-33 to establish a Consolidated Board of Equalization. Motion Carried.
RESOLUTION #06-33 TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION:
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 either 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 10th day of October, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS, CONNIE H. DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, Auditor

SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the following Resolution #06-32 for a supplemental budget. Motion Carried. RESOLUTION #06-32 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: COURT APPOINTED ATTORNEY– \$75,000 (2006-10100-X-42200-153); TREASURER – SALARY - \$6,000 (2006-10100-X-41100-142). 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 October, 2006 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 10th day of October, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

BROHM BOND FORFEITURE: Moved-Seconded (Seward-Ewing) to redeem the Bond Certificate for Brohm due to failure to comply. Motion Carried.

BELLE FOURCHE WATERSHED: Moved-Seconded (Ewing-Seward) to send a letter to the U.S. EPA Office of Wetland, Oceans and Watersheds in support of the objectives of the Belle Fourche River Watershed Interstate Targeted Watershed Proposal. Motion Carried.

UTILITY PERMITS:

TWO BIT RANCH ESTATES: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the two Utility Permits for Two Bit Ranch Estates on Highway No. 039S. Motion Carried.

WHARF RESOURCES / TECHNICAL REVISION: Carol Koerner and Ken Nelson were present to discuss the technical revision for Wharf Resources. Brandon Flanagan stated the revision is within the parameters of the Conditional Use Permit. Moved-Seconded (Opitz-Seward) to authorize Brandon Flanagan to send a letter to the DENR stating Wharf is in compliance for the Technical Revision. Motion Carried.

VARIANCE #110 MAITLAND ROAD / DAN KEITH: A public hearing was held on Variance # 110- 22' Variance to the 25' setback from road ROW. Owner/Representative: Dan Keith. Legal Description: Lot 1 of M.S. No. 1789, located Sections 12 and 13, T5N, R2E, Location: Maitland Road. Purpose: Adjust setbacks for a new garage. Moved-Seconded (Seward-Ewing) to approve Variance #110 for Dan Keith. Motion Carried.

GARIBOLDI ISOLATED TRACT: The Board reviewed a petition for easement on isolated tract for Joseph Gariboldi, owner of a 40 acre parcel located as follows: NW1/4 SE1/4 S6, T5N, R4E, BHM. Moved-Seconded (Seward-Weisenberg) to set an on site for October 23, 2006 at 9:00 a.m.. Motion Carried.

TRAINING GRANT: Moved-Seconded (Seward-Opitz) to approve the training grant for Emergency Management for \$1,218.00. Motion Carried.

BURN BAN RESOLUTION: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign Resolution #2006-34 A Resolution To Lift The Temporary Emergency Regulation Of Fire Hazards In Lawrence County. Motion Carried.

LAWRENCE COUNTY RESOLUTION # 2006-34: A RESOLUTION TO LIFT THE TEMPORARY EMERGENCY REGULATION OF FIRE HAZARDS IN LAWRENCE COUNTY 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 July 13, 2006, 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 #2006-24. Dated this 10th day of October, 2006. FOR THE BOARD: Connie H. Douglas, CHAIR. ATTEST: Connie Atkinson, AUDITOR

FINAL PLAT PARADISE ACRES II / LOT 47: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Final Plat of Lot 47 of track K of the Paradise Acres II. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,066.94; Treas-\$8,140.13; Comp-\$4,955.60; States Atty-\$12,577.42; Pub Def-\$6,211.92; Gen Govt Bldg-\$5,808.85; Equal-\$11,014.87; Rod-\$5,972.02; Vso-\$1,003.32; Disp-\$11,040.60; Sher-\$27,828.41; Jail-\$19,575.98; Emerg Mgnt-\$2,707.85; E911-\$1,411.40; Highway-\$33,866.07; Air-\$555.77; Ext-\$1,230.40; Weed-\$2,290.83pz-\$2,439.68; **Bills:** Mowell,R-\$6,996.00; Tridle,D-\$16.00; Writer,J-\$48.01; A&B Business Equip-\$910.17; A&I Distributors-\$511.10; A&J Supply-\$16.67; Abc Business Supply-\$206.18; Aldinger Funeral Home-\$2,930.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$394.55; American Family Life-\$3,099.82; Apex Software-\$278.00; B H Chemical Company-\$1,233.02; BH Connections-\$1,161.23; BH Federal Credit Union-\$9,711.00; BH Pediatrics & Neonatology-\$436.00; BH Pest Control-\$95.00; BH Pioneer-\$347.77; BH Power & Light-\$23,143.78; Best Business Prod-\$59.89; Best Western Ramkota Inn-\$414.00; Black Hills Pure-\$35.50; Black Hills Urology-\$1,252.78; Brown & Saenger-\$82.36; Butler Law Office-\$9,002.59; Butler Machinery Co-\$40.80; Butte Electric Coop-\$326.50; Central Parts-\$1,489.07; Chain Saw Center-\$1,071.00; Chemical Sanitizing Sys-\$28.36; Clinical Lab Of BH-\$437.56; Cole Information Services-\$228.95; Conoco-\$111.31; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$79.50; Dware-\$140.00; Deadwood, City Of-\$758.79; Deckers Food-\$7.29; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$38,641.19; Ellingson,J-\$2,684.58; Et Sports-\$490.82; Executone Of The BH-\$65.00; Extension Service-\$110.00; Fastenal-\$471.85; First Western Bank-\$24.95; Fisher Sand & Gravel-46,682.02; Gardiner,D-\$54.70; Gene's Lock Shop-\$24.75; Great Western Tire-\$12.50; Havemeier,L-\$683.40; Hein,C-\$60.00; Heisler Hardware-\$6.28l; Hewlett-Packard Company-\$8,370.00; Hills Material Comp-\$312.25; Huron Culvert & Tank Co-\$9,843.00; Jones,T-\$62.00; Kimball-Midwest Co-\$122.95; Kinney,M-\$1,307.45; Kosel,J-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Sheriff-\$109.54; LC Treasurer-\$100.00; Lead, City Of-\$33.30; Lead-Deadwood Regional-\$977.80; Lead-Deadwood Sanitary-\$424.08; Mcarthur,J-\$45.00; McClure,S-\$90.00; Megas Propane-\$260.75; Meade County Sheriff-\$22.20; Mineral Palace

Hotel-\$44.00; Montana-Dakota Util-\$2,596.46; Motorola-\$57,440.00; NJS Engineering-\$2,047.20; National Assoc Of Counties-\$485.00; Nelson,T-\$495.00; Neve's Uniforms-\$23.95; Office Of Child Support-\$315.69; Office Technology/Supply-\$17.90; Outdoor Motor Sports-\$635.41; Pennington County Sts Attny-\$200.00; Prairie Wave Communications-\$835.81; Public Works Software Global-\$5,595.00; Queen City Tire-\$1,338.00; RC Regional Hospital-\$7,678.72; Rabe Elevator-\$297.11; Radio Shack/Kazco-\$764.98; Rapidcare-\$140.00; Regional Behavioral Health-\$184.27; Reindl,S-\$3,563.07; Reliable-\$54.39; Rollin Oil-\$10,056.00; Rombough,D-\$28.80; SD State Treasurer-\$14,189.45; SD Law Review-\$66.04; SD Public Assur Alliance-\$146.00; Sanitation Products-\$118.48; SD State Fair-\$45.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$501.88; Silverado-\$577.13; Smith,J-\$107.40; Southside Service-\$53.14; Spearfish Auto Supply-\$76.34; Spearfish Husky-\$143.10; Spearfish Regional Med Clinic-\$228.60; Speedylube-\$39.67; Strawn,E-\$532.00; Street Image-\$795.00; Stretch's Glass & Mirror-\$89.75; Superior Lamp And Supply-\$564.81; T & W Appliance/Knothole-\$3,547.20; Teen Court-\$3,905.23; Tigerdirect-\$1,070.35; Total Security Concepts-\$560.00; Twin City Hardware & Lumber-\$243.50; Voelker & Adams-\$2,974.35; Waste Connections-\$241.19; West Group-\$329.00; West River Anesthesiology-\$641.80; Western Communication-\$8,415.75; **Witness & Jurors:** Apa,M-\$51.92; Dardis-Rosenau,S-\$66.00; Fremont,D-\$62.80; Massey,K-\$57.68; Rans,D-\$62.80; Rantapaa,G-\$51.92; Ryder,B-\$55.76; Stonberger,C-\$53.20

ADJOURN: 10:00 a.m. there being no further business it was Moved-Seconded (Seward-Douglas) to adjourn. Motion Carried.

DATE APPROVED

JAMES J. SEWARD, Vice-Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 24, 2006

Vice-Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 24, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, Terry W. Weisenberg, George Opitz and Bob Ewing present. Connie H. Douglas was absent.

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

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of October 10th, 2006. Motion Carried.

DECEMBER MEETING: Moved-Seconded (Weisenberg-Opitz) to move the last meeting in December from December 26th to December 28th, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to approve Daniel Brady as a full-time Corrections Officer II G1, at the base rate of \$13.74 an hour, effective 10-16-2006.

PUBLIC DEFENDER: Moved-Seconded (Ewing-Opitz) to adopt the new position of Public Defender Legal Assistant G1-\$14.62 G2-\$15.17 G3-\$15.74 and to approve Jamie Turnbow as a Public Defender Legal Assistant G1, at the base rate of \$14.62 an hour, effective 11-1-2006. Motion Carried.

USGS AGREEMENT: Moved-Seconded (Ewing-Opitz) to approve and authorize the Vice-Chairman to sign the US Department of Interior US Geological Survey Joint Funding Agreement for Water Resources Investigations. Motion Carried.

SEARCH & RESCUE: Moved-Seconded (Ewing-Seward) to approve a brown bag event at the Search & Rescue building for a Christmas Party. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of October 17, 2006: Spearfish Diesel 3900 Gallons; (prices per gallon) Cenex Oil Co. Diesel - \$2.125, Southside Diesel - \$2.11*, Rollin Oil Diesel – \$2.232*, (*represents lowest quote)

The following fuel quotes were submitted as of October 17, 2006: Deadwood Diesel 8200 Gallons; (prices per gallon) Cenex Oil Co. Diesel - \$2.075*, Southside Diesel - \$2.095, Rollin Oil Diesel – \$2.212, (*represents lowest quote)

SUPPLEMENTAL BUDGET HEARING – COUNTY ASSISTANCE / ELECTION:

Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing for November 14, 2006 at 8:45 a.m. for County Assistance - \$10,000 and Elections \$8,000. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – CORONER: Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing for November 14, 2006 at 8:45 a.m. for Coroner Prof Services- \$5,000. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for November 14, 2006 at 8:45 a.m. for Register of Deeds – Group Insurance - \$8,400. Motion Carried.

MAINTENANCE BUILDING ROOF UPGRADE: The following bids were received for the Lawrence County Maintenance Building Roof Upgrade: Lowe Roofing Inc. - \$34,350 and Weathercraft Co. - \$27,380. Moved-Seconded (Opitz-Weisenberg) to accept the low bid from Weathercraft Co. for \$27,380 for the Maintenance Building Roof Upgrade. Motion Carried.

UTILITY PERMIT:

BLACK HILLS POWER: Moved-Seconded (Opitz-Ewing) to approve and authorize the Chairperson to sign the Permit to Occupy County Highway Right of Way approximately .9 mi South of the intersection of Kirk Road and Yellow Creek Road. Motion Carried.

DAN SCHENK: Moved-Seconded (Ewing-Opitz) to approve and authorize the Chairperson to sign the Application for Utility Permit for irrigation pipeline located 5/8 mi from I-90 Exit 2, beginning in Section 28 T7N, R1E, and ending in Section 29. Motion Carried.

NURSE QUARTERLY REPORT: Wade Huntington, Community Health Nurse Supervisor, presented the Quarterly report and informed the Board the new contract will reflect an approximately \$850.00 increase to cover a cost of living increase for the clerical staff.

PLANNING & ZONING: Brandon Flanagan updated the Board on Planning and Zoning issues. Flanagan stated they are currently working on allowed and conditional uses within districts, bylaws, numbering system, definitions and sign ordinance updates. Development Plan and Subdivision Ordinance will also be revised.

9:20 a.m. Moved-Seconded (Opitz-Weisenberg) to go into executive session to discuss personnel with Brandon Flanagan. Motion Carried. 9:30 a.m. the Board opened for regular business.

CONDITIONAL USE PERMIT #291 – VALDEZ: Mark & Karen Valdez were present along with their tenant Mr. Singer. Mr. Singer questioned why he would not be able to park his construction vehicles in front of his home. Outka stated Valdez is responsible for whatever

happens on his property and commercial activities are regulated because of the C.U.P. Valdez stated he felt he violated only one of the conditions, and that would have been the sign placed on the property, advertising the dirt for sale. Valdez asked for an extension to comply with the conditions of the CUP. Moved-Seconded (Weisenberg-Ewing) to extend the deadline to November 1, 2006 at 5:00 p.m. to be in compliance with the CUP. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,433.53; Treas-\$8,222.27; Comp-\$4,955.61; States Atty-\$12,577.42; Pub Def-\$5,970.04; Gen Govt Bldg-\$6,176.80; Equal-\$11,018.89; Rod-\$5,972.02; Vso-\$1,003.32; Disp-\$10,552.79; Sher-\$28,412.26; Jail-\$20,924.58; Emerg Mgnt-\$2,677.50; E911-\$1,399.40; Highway-\$39,548.83; Air-\$654.28; Ext-\$1,684.96; Weed-\$2,420.74; Pz-\$2,532.23; **Bills:** Larson,P-\$24.00; Thomson,P-\$24.00; Tridle,D-\$23.00; Weisenberg,T-\$57.00; A&B Business Equip-\$866.13; A&B Welding Supply-\$7.20; A&J Supply-\$6.92; A-Z Shredding-\$13.00; Abc Business Supply-\$700.22; Active Data Systems-\$667.00; Alltel-\$776.25; Amcon Distributing-\$449.10; Aspen Equipment-\$270.10; Audio-Video Solutions-\$8,568.00; BH Chemical Company-\$625.61; BH Federal Credit Union-\$9,711.00; BH Medical Ctr Pharmacy-\$3,058.67; BH Pioneer-\$116.55; BH Power & Light-\$7,190.43; BH Window Cleaning-\$15.00; Biegler,G-\$60.00; Black Hills Painting-\$1,500.00; Blue Cross-\$50,676.44; Bp-\$949.05; Brady Pluimer, PC-\$1,459.75; Brown & Saenger-\$68.42; Butler Machinery Co-\$1,115.65; Central Parts-\$54.95; Chemical Sanitizing Sys-\$28.36; Christensen Law Office-\$633.75; Clinical Lab Of BH-\$1,647.90; Coburn First Western Ins-\$300.00; Corral West-\$57.90; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$12.00; Deadwood Recreation Center-\$166.00; Deadwood, City Of-\$1,010.40; Dept Of The Treasury-\$41,654.55; Deweese,R-\$21.16; Don's Sinclair-\$32.00; Eagle Aviation-\$1,144.29; Election Sys & Software-\$86.98; Ensignal-\$24.99; Esri-\$400.00; Et Sports-\$3.96; Evercom Systems-\$2,100.00; Farm Plan/Rdo-\$23.80; Farmers Union Oil-\$16,185.00; Fastenal-\$515.00; Fidler-Isburg Funeral Chapel-\$1,170.00; Four Seasons Sports Center-\$21,411.00; Fsh Communications-\$55.00; Gene's Lock Shop-\$129.90; Genpro Power Systems-\$331.31; Gold Dust-\$58.65; Grimm's Pump Service-\$355.40; Hawki,K-\$418.00; Heisler Hardware-\$77.18; Hewlett-Packard Company-\$1,002.00; Hinker Trk & Trlr Repair-\$1,538.00; Horner,C-\$600.00; Ibm Corp-\$594.00; Ikon Office Solutions-\$138.81; Kadrmas, Lee And Jackson-\$617.69; Karl Lustig-\$297.39; Karpinen,S-\$495.00; Kieffer,T-\$57.80; Kinney,M-\$2,286.87; LC Journal-\$459.01; LC Treasurer-\$100.00; Lawson Products-\$351.92; Lead-Deadwood Regional Hospital-\$884.46; Lexisnexis On-Line-\$328.00; Lyle Signs-\$51.92; M&M Sanitation-\$85.00; Manlove Psychiatric Group-\$1,575.00; Marshall & Swift-\$571.15; Medical Associates Black Hills-\$196.18; Montana-Dakota Util-\$94.68; Moreno,P-\$25.00; Murphy, John R Atty At Law-\$110.20; NH Elder Care Options-\$600.00; NH Family Ymca-\$172.00; National Academy Of Emd-\$225.00; National Emergency-\$360.00; Neve's Uniforms-\$419.59; Office Of Child Support-\$177.23; Phillips Petroleum Co-\$238.64; Prairie Pixel Imaging-\$550.00; Queen City Rocket Lube-\$40.29; Quill Corp-\$417.13; Qwest-\$1,570.35; RC Finance Office-\$1,610.00; RC Regional Hospital-\$11,595.79; Rabe Elevator-\$683.94; Radio Shack/Kazco-\$99.99; Radiology Associates-\$899.63;

Royal Electric-\$100.00; Russell,L-\$65.32; SD Retirement System-\$42,928.72; SD Dept Of Transportation-\$48,184.82; Safety Benefits-\$100.00; Salzsieder,M-\$3,735.00; Sand Creek Printing-\$116.87; Sdaco-\$50.00; Sdrs Supplemental Retirement-\$997.00; Servall Towel & Linen-\$375.31; Shell Fleet Management-\$65.89; Southside Oil-\$8,191.45; Spearfish Auto Supply-\$1,063.96; Teen Court-\$6,297.61; The Old Woodshop-\$1,213.80; Thompson Publishing Group-\$403.50; Tigerdirect-\$1,035.18; Twin City Hardware & Lumber-\$403.62; Two Bit Body Shop-\$1,006.00; United Parcel Service-\$5.35; Verizon Wireless-\$1,438.32; Victims Of Violence-\$1,545.00; Walmart Store-\$964.09; Waste Connections-\$211.63; Wells Fargo Business Card-\$891.30; Western Communication-\$52,604.40; Xerox Corp-\$147.70; Z&S Dust Control-\$3,555.21; **Witness & Jurors:** Rear,J-\$29.60; Eggleston,R-\$20.64; Spurlock,A-\$29.60; Crotty,J-\$29.60; Stephenson,C-\$45.00; Sirio,D-\$29.60; Bowles,B-\$60.88; Coffield,K-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Ladson,J-\$59.60; Looney,D-\$60.24; Moench,M-\$57.04; Richards,J-\$62.80; Alcanter,J-\$29.60; Erickson,K-\$21.28; Fuernison,L-\$21.92; Gary,J-\$21.28; Geuke,J-\$20.64; Knight,T-\$29.60; Leatherman,W-\$29.60; Marconie,J-\$29.60; Mezzico,T-\$29.60; Milanowski,G-\$58.40; Moreno,M-\$21.92; Murray,J-\$29.60; O'conner,S-\$29.60; Raubach,C-\$21.92; Sirio,M-\$29.60; Spurling,E-\$20.00; Thombino,M-\$20.64; Valdez,L-\$29.60; Waterson,J-\$20.64; White,R-\$29.60; Witcraft,P-\$29.60

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

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 9, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 11:00 a.m. on November 9, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, George Opitz and Bob Ewing present.

2006 GENERAL ELECTION: Moved-Seconded (Opitz-Ewing) to canvass the 2006 General Election Results. Motion Carried.

TRAVEL MANAGEMENT: Jane Eide, US Forest Service Acting District Ranger, was present with Eric Hunt, Wildlife, Recreational & Tourism Committee member. Hunt updated the Board on the progress of the Recreational & Tourism Committee. Eide and Hunt discussed a specific area where abuse of the land has occurred. The Board questioned why the individual has not been penalized. Eide stated they are currently working on the situation and wanted the Board to be aware of the problem. Eide stated it is important to educate the public and presented travel information maps to the Board.

ADJOURN: 11:40 a.m. there being no further business it was Moved-Seconded (Opitz-Weisenberg) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 14, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 14, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, and George Opitz present. Bob Ewing was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Opitz) to approve the minutes of October 24th, and November 9th, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Seward-Opitz) to approve Shelley Dragoo and Peggy Steffen as Dispatcher II G3 at the base rate of \$14.30 an hour, effective 11-13-2006. Motion Carried.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Weisenberg-Seward) to approve Donley Townsend as a Volunteer Fire Fighter for insurance purposes. 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, 2006 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,082,097.42; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$12,712.45; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$12,108,822.79; GNAMS-\$1,112.68; Total \$17,407,630.34.

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Opitz) to approve an automatic supplement of \$251,734.57 in the Emergency Management Budget to cover grant fund expenditures. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – INVASIVE SPECIES MANAGEMENT & FIRE PROTECTION: Moved-Seconded (Weisenberg-Seward) to set a supplemental budget hearing for November 28, 2006 at 8:15 a.m. for Invasive Species Management (Repairs & Maint - \$15,000 & Chemicals - \$35,000) and Fire Protection – Grants -\$15,000. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – JAIL: Moved-Seconded (Weisenberg-Douglas) to set a supplemental budget hearing for November 28, 2006 at 8:15 a.m. for Jail (Salary-\$50,000, Medical-\$10,000 & Blood Tests - \$10,000). Motion Carried.

TERRY VALLEY ROAD DISTRICT: Petitions have been filed for the proposed Terry Valley Road District.

GARIBOLDI ISOLATED TRACT: Pat McBride, agent for the Landowner, withdrew the petition for easement on isolated tract for Joseph Gariboldi, owner of a 40 acre parcel located as follows: NW1/4 SE1/4 S6, T5N, R4E, BHM.

RESOLUTION #06-36 & ORDER TO VACATE A PORTION OF A SECTION LINE: A public hearing was held on a petition to vacate a portion of section line. Roy Sundstrom was present and discussed the petition with the Board. Sundstrom stated he has agreed to work with Black Hills Power for a utility easement if needed across the section line.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the following Resolution. Motion Carried. **LAWRENCE COUNTY RESOLUTION #06-36 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE**
WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, signed by at least one percent of the ballots cast for the last gubernatorial election in Lawrence County, requesting that a portion of a section line be vacated, and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer times, Lead, South Dakota and Lawrence County Journal, once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, said section line does not constitute a portion of a South Dakota State Trunk Highway System nor the Lawrence County Highway System, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners as follows: That the described portion of Section Line be vacated: Legal Description For The Vacating Of A Portion Of Section Line: The section line running north-south through the Davey's Tract, as shown on the attached preliminary plat, being a portion of Washington Lode M.S. 348 located in Sections 3 and 4, T4N, R4E, BHM. LANDOWNERS: Jessie Y. Sundstrom. Dated this 14th day of November, 2006. CONNIE H. DOUGLAS, CHAIRPERSON. Lawrence County Commissioner ATTEST: CONNIE ATKINSON
Lawrence County Auditor

ABATEMENT:

DEADBROKE MINING COMPANY: Moved-Seconded (Weisenberg-Seward) to approve the abatement for Deadbroke Mining Company for 2005 & 2006 on parcel #26800-01914-000-30 because the parcel no-longer exists. Motion Carried.

UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Seward) to approve the Application for Permit to Occupy County Highway Right of Ways from the intersection of US HWY 14A and Two Bit Road, approximately 6/10th of a mile South on Two Bit Road, to bore under Two Bit Road for one high voltage electric cable. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Seward-Douglas) to approve the Application for Permit to Occupy County Highway Right of Ways from approximately ½ mile east of Galena, to cross Galena Road with one overhead service. Motion Carried.

SUPPLEMENTAL BUDGET: Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the following Resolution #06-35 for a supplemental budget. Motion Carried. RESOLUTION #06-35 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND COUNTY ASSISTANCE - \$10,000 (2006-10100-X-42900-411) ELECTIONS- \$8,000 (2006-10100-X-42900-120) CORONER- Professional Services \$5,000 (2006-10100-X-42200-213) REGISTER OF DEEDS – Group Ins - \$8,400 (2006-10100-X-41500-163) The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 14th day of November, 2006 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 14th day of November, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

VARIANCE #111: SCHULTZ/LOPEZ: A public hearing was held on Variance Request #111 for 7' VARIANCE TO THE 8' SIDE SETBACK FROM PROPERTY LINE. Owner/ Representative: Keith Schultz/Tim Rosencranz and Jessica Lopez, Legal Description: Lots 10, 11 and 12, Blk 4 of St Onge Town Lots, Section 23, T7N, R3E., Location: St. Onge, Purpose: Adjust setbacks for a new covered porch, Zoning: SRD. Lopez was present and discussed the request. Lopez stated they would like to enter through the back door and this would also save on utility costs. Lopez stated this would not be a permanent structure. No public input was voiced and the hearing was closed. Seward stated utility costs are not a reason for a variance and was concerned with concerns of fire from one building to another. Moved-Seconded (Seward-Weisenberg) to follow Planning and Zoning recommendation and deny the request for Variance #111. Aye-Seward & Weisenberg. Nay- Douglas & Opitz. Absent-Ewing. The Variance was not approved by lack of approval action.

VARIANCE #112: BALLEW: A public hearing was held on Variance Request #112 (7' variance to the 25' setback from the road ROW), Owner/Representative: Roger Ballew, Legal Description: Lot 8 of Engelwood Acres, Section 16, T4N, R3E., Location: Engelwood, Purpose: Adjust setbacks for a new detached garage, Zoning: PF. Patricia Ballew was present to discuss the request. No public input was voiced and the hearing was closed. Moved-Seconded (Seward-Opitz) to follow Planning and Zoning recommendation and approve Variance. #112. Motion Carried.

9:20 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Opitz) to go into executive session for personnel with Scott Sandvig, Lawrence County Housing. Motion Carried. 9:35 a.m. the Board reopened.

LAWRENCE COUNTY HOUSING COMMISSION: Scott Sandvig, Lawrence County Housing Member, informed the Board that they contracted for 12 months with Meade County Housing to run the program in Lawrence County. They are currently looking at alternative office space where they can meet with clients in this County. Other housing programs are being looked at in addition to section 8 programs.

TRAVEL MANAGEMENT PLAN: Eric Hunt, Recreation, Wildlife, & Tourism Committee, updated the Board on the first of four OHV trail designation meetings that was held in Custer. Eric expressed concerns on the deadlines being imposed. Hunt stated he would keep the Board informed, and if action by the County Commissioners is needed, he will contact them.

SURPLUS EQUIPMENT: Moved-Seconded (Seward-Weisenberg) to declare the Ford 4X4 Cab & Chassis surplus and give to the Brownsville Fire Department. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to declare the Title III snowmobile surplus and give to the City of Spearfish Fire Department. Motion Carried.

Moved-Seconded (Seward-Weisenberg) to declare the International 4X4 Water Tender (formerly located at Crow Peak) surplus and give to the Spearfish Canyon Fire Department. Motion Carried.

Douglas asked Paul Thompson to obtain a copy of the certificate of insurance on the equipment the first year to assure the entities are insuring the property.

FINAL PLAT / SUGARLOAF VILLAGE LOTS 23 & 24: Moved-Seconded (Seward-Weisenberg) to approve the first Final Plat of Sugarloaf Village Lots 23 & 24 (Aberle-Chandler Development). Motion Carried.

HOP CREEK PROJECT: Bill Coburn updated the Board on the Hop Creek Project and presented a copy of a letter sent to Jane Eide from the Timber Committee. Coburn also presented a power point on the Mountain Pine Beetle Epidemic.

AIRPORT IMPROVEMENT PROJECT: Bruce Outka stated the Jerrold Hansen Family Trust U.A. has entered into agreement to sell the County 18.505 acres of land at the price of \$120,000 for the Airport. Outka stated the State of South Dakota negotiated on behalf of the County for the purchase of property. Outka stated all the documents for the purchase are in order and final action from the Board of County Commissioners is required to approve the contracts. Bob Golay stated this land is needed to protect the airport rights and easements regardless of the proposed airport project.

Opitz asked the status of the Airport Project and estimated costs. Golay stated the estimated cost is 10.7 million; however this number is pending until construction estimates can be done. Golay stated if the bids come in over the budgeted amounts, the County will have the opportunity to choose certain options to be completed. The County can then do the remaining work when more funding is available. Golay stated the engineering firm Kadramas Lee & Jackson is currently on hold until land acquisitions are completed.

Moved-Seconded (Seward-Weisenberg) to approve and authorize the Chairperson to sign the contracts for the purchase of Tract 9 located in the NE1/4 of Section 18, T6N, R3E, Black Hills Meridian, Lawrence County, SD, containing 18.505 acres for \$120,000. The funds to purchase the land will come from the Airport windstorm funds. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$7,172.66; Treas-\$8,283.48; Comp-\$4,955.77; States Atty-\$12,577.43; Pub Def-\$5,970.04; Gen Govt Bldg-\$6,307.54; Equal-\$11,025.92; Rod-\$5,972.02; Vso-\$1,003.32; Disp-\$8,775.64; Sher-\$26,514.42; Jail-\$16,357.88; Emerg Mgnt-\$2,775.74; E911-\$1,408.40; Highway-\$36,653.39; Air-\$555.77; Ext-\$1,290.40; Weed-\$2,267.21; Pz-\$2,581.59; **Bills:** American Family Life-\$3,054.92; Fort Dearborn Life Ins-\$929.74; Montana-Dakota-\$3,041.73; Prairiewave Communications-982.53; Atkinson,C-\$68.20; Baumann,M-\$82.00; Ehnes,T-\$76.80; Ewing,R-\$43.00; Fitzgerald,J-\$82.00; Flanagan,B-\$43.00; Larson,P-\$263.00; Mowell,R-\$6,948.00; Vogt,A-\$43.00; Weisenberg,T-\$332.16; 4hccs Distribution Center-\$35.24; A&B Business Equip-\$1,116.66; A&B Welding Supply-\$57.16; A&I Distributors-\$408.20; A&J Supply-\$52.29; Abc Business Supply-\$511.71; Active Data Systems-\$115.08; Alco Store-\$32.27; Altaire Enterprises-\$20.00; Amcon Distributing-\$246.91; Apco Institute-\$578.00; Armstrong Extinguish-\$118.37; BH Chemical Company-\$1,087.42; BH Federal Credit Union-\$9,711.00; BH Land Analysis-\$3,105.00; BH Pest Control-\$220.00; BH Pioneer-\$1,227.19; BH Power & Light-\$1,030.21; Basic Ltd-\$1,249.40; Behavior Mngt

Systems-\$295.00; Best Business Prod-\$59.89; Binger Law Office-\$1,960.59; Black Hills Pure-\$30.25; Black Hills Urology-\$40.09; Butler Machinery Co-\$99.26; Butte County Sheriff-\$68.76; Butte Electric Coop-\$8,790.33; Central Parts-\$601.34; Champlain Planning Press-\$159.62; Christensen Law Office-\$861.75; Clauser Machine Works-\$24.00; Coburn,B-\$993.37; Conoco-\$192.83; Court Administrator-\$40.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$123.00; Dakota Graphics-\$1,612.50; Deadwood Home Center-\$7.97; Deadwood, City Of-\$547.63; Deckers Food-\$34.88; Dept Of The Treasury-\$41,954.66; Division Of Motor Veh-\$13.00; Ecolab-\$105.50; Ellingson,J-\$473.42; Ensignal-\$24.99; Esri-\$4,300.00; Executone Of The BH-\$65.00; Exit 8 Trailer Sales-\$2,850.00; Fastenal-\$63.73; First Western Bank-\$412.70; Fish,V-\$539.40; Fisher Sand & Gravel-\$139.96; Frederickson,J-\$304.00; Fsh Communications-\$55.00; Gasboy International-\$99.00; Gold Dust-\$46.00; Great Plains Chemical-\$180.00; Great Western Tire-\$231.40; Havemeier,L-\$33.60; Help Line Center-\$5,000.00; Henry Schein-\$142.37; Hewlett-Packard Company-\$4,765.00; Hills Material Comp-\$138.97; Holiday Inn Express (Brookings)-\$90.00; Honeywell-\$24,439.00; Hrs Food Service-\$571.13; Ibm Corp-\$342.51; Jacobs Precision Welding-\$52.85; Kieffer,T-\$762.20; Kimball-Midwest Co-\$255.54; Kinney,M-\$1,487.99; Knecht True Value-\$125.98; Kosel,J-\$4,242.67; LC Auditor-\$34.15; LC Journal-\$1,402.53; LC Sheriff-\$132.14; LC Treasurer-\$100.00; Language Line Services-\$327.60; Lead, City Of-\$58.47; Lead-Deadwood Regional-\$142.80; Lead-Deadwood Regional Hospital-\$875.00; Lead-Deadwood Sanitary-\$313.92; Lee,J-\$30.00; Light & Siren-\$1,024.50; Little,C-\$120.00; Lyle Signs-\$1,341.32; McClure,S-\$225.00; Mcpherson Propane-\$119.00; Montana Dakota Utilities-\$311.75; NH Training Center-\$2,850.00; Nelson,T-\$630.00; Neve's Uniforms-\$673.95; Newman Traffic Signs-\$4,391.70; Novus-\$160.00; Odea,M-\$43.00; Office Of Child Support-\$177.23; Pennington County Sheriff-\$54.86; Phoenix Investigations-\$26.80; Prairiewave Communications-\$845.66; Queen City Motors-\$26.98; Queen City Rocket Lube-\$199.40; Quill Corp-\$369.30; Qwest-\$1,187.02; Qwest Communications-\$150.00; RC Finance Office-\$1,120.00; RC Journal-\$488.30; RC Medical Center-\$258.05; Radio Shack/Kazco-\$238.97; Reausaw,B-\$200.00; Regan Battery Maint Services-\$49.40; Regional Behavioral Health-\$420.99; Reindl,S-\$2,245.00; Reliance Telephone Systems-\$459.47; Rombough,D-\$441.10; Rud-Chain-\$4,749.32; Rushmore Communications-\$385.00; SD State Treasurer-\$770.82; SD Dept Of Revenue-\$440.00; SD Human Services Center-\$85.00; Schenk,D-\$120.00; Sears Commercial One-\$249.99; Servall Towel & Linen-\$250.94; Smartware Corp-\$20,000.00; Smith,J-\$679.45; Software House International-\$1,305.02; Southside Service-\$135.40; Spearfish Auto Supply-\$159.35; Spearfish Fire Dept-\$60,352.17; Spearfish School District-\$15,000.00; Strawn,E-\$228.00; Subway-\$39.64; Superior Lamp And Supply-\$115.99; Teen Court-\$832.89; The Crossroads Hotel-\$360.00; Tigerdirect-\$1,250.32; Triple K Tire & Repair-\$747.09; Twin City Hardware & Lumber-\$912.00; US Geological Survey-\$39,315.00; Uap Timberland-\$1,326.75; Waste Connections-\$452.82; West Group-\$208.00; Western Communication-\$108,290.38; Williams & Associates-\$3,788.49; Xerox Corporation-\$51.60; **Witness, Juror & Election Workers:** Grubb,F-\$120.00; Hughes,W-\$120.00; Stephenson,C-\$45.00; Apa,M-\$51.92; Bowles,B-\$60.88; Coffield,K-\$59.60; Dardis-Rosenau,S-\$66.00; Fremont,D-\$62.80; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Knutson,C-\$59.60; Ladson,J-\$59.60; Looney,D-\$60.24; Massey,K-\$57.68; Rans,D-\$62.80; Rantapaa,G-\$51.92; Vangorp,R-\$59.60; Hughes,L-\$120.00; Mattson,D-\$120.00; Robinson,B-\$100.00; Harmon,E-\$120.00; Dingeman,E-\$120.00; Mundhenke,B-\$120.00; Rotert,J-\$120.00; Adams,T; Quaschnick,E-\$145.00; -\$36.00; Frederickson,J-\$42.00; Boersma,R-\$120.00; Schumacher,C-\$120.00; Goodrich,J-\$100.00; Lux,E-\$120.00; Littleton,D-\$120.00; Masters,P-\$120.00; Loree,J-\$120.00;

Waisanen,A-\$100.00; Gustafson,A-\$120.00; Caserio,B-\$36.00; Caserio,M-\$120.00; Burleson,A-\$120.00; Bu Silvernail,G-\$125.00; Burleson,S-\$120.00; Hunt,D-\$155.88; Hyde,C-\$120.00; Hovland,A-\$145.00; Howe,M-\$120.00; Ridley,R-\$154.22; Robidou,E-\$145.00; Robinson,P-\$100.00; Rear,K-\$100.00; Aman,B-\$120.00; Kellogg,D-\$145.00; Keough,M-\$136.00; Loken,M-\$120.00; McCormick,R-\$155.88; Mcgrath,M-\$146.92; Moe,F-\$120.00; Pawlowski,L-\$120.00; Seymour,C-\$155.88; Cook,S-\$129.60; Taylor,J-\$153.32; Trent,J-\$155.88; Tetrault,R-\$100.00

ADJOURN: 11:15 a.m. there being no further business it was Moved-Seconded (Weisenberg-Opitz) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – NOVEMBER 28, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 28, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of November 14th, 2006. Motion Carried.

PERSONNEL

SHERIFF: Moved-Seconded (Seward-Opitz) to advertise for a full-time cook in the jail. Motion Carried.

INVASIVE SPECIES MANAGMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Weisenberg) to approve an automatic supplement of \$15,000.00 in the Invasive Species Management – Weed Salary - Budget to cover grant fund expenditures. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – DOMESTIC ABUSE: Moved-Seconded (Opitz-Ewing) to set a supplemental budget hearing for December 28, 2006 at 8:15 a.m. for Domestic Abuse-\$1,500. Motion Carried.

SUPPLEMENTAL BUDGET: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the following Resolution #06-37 for a supplemental budget. Motion Carried. **RESOLUTION #06-37 TO ADOPT A SUPPLEMENTAL BUDGET:** WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND:** Invasive Species Management \$50,000 (Repairs & Maint - \$15,000 & Chemicals - \$35,000) Jail \$70,000 (Salary- \$50,000, Medical-\$10,000 & Blood Tests - \$10,000). **FIRE PROTECTION FUND** Fire Protection – Grants -\$15,000. 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 November, 2006 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 November, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS CONNIE DOUGLAS, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

8:22 a.m. EXECUTIVE SESSION: Moved-Seconded (Opitz-Weisenberg) to go into executive session to discuss personnel issues with Joe Harmon. Motion Carried. 8:25 a.m. the Board reopened for regular business.

SPEARFISH CREEK: Bruce Outka updated the Board on the status of the Spearfish Creek Petition. Outka stated DENR is allowing comments which are due on Tuesday the 29th of November. Outka stated at this time he is unable to give any clear direction to the Board because of unanswered questions. Outka suggested sending a letter to DENR requesting additional time for the County to comment on the request. Douglas stated she would like the AG Committee to look at the issue and submit comments to the County. Moved-Seconded (Seward-Ewing) to authorize Outka to send a letter, on behalf of the Board, to DENR requesting additional time for the County to comment. Motion Carried.

The AG Committee meets on the second Monday in December. Douglas stated to the citizens in the room to attend the meeting and voice their concerns at that meeting so the AG Committee can incorporate them in their comments to the Board.

Dick Fort stated this petition does not affect “water rights”. Fort stated this is where the unanswered questions are coming from. Lynn Namminga stated his support of the petition and presented a letter from Nancy Hilding, President of the Prairie Hills Audubon Society in support. Jim Nelson, President of the Spearfish Canyon Owners Association stated their main concern is water flow and quality. Nelson stated this is the first nomination under this law and they are concerned about unintended consequences. Jack Cole voiced concerns about a law that has never been used before and not having enough time to investigate it completely.

MAPPING WEBSITE: Darlene Piekkola and Jason Writer were present to propose a county website for maps. Writer explained what maps the public would have access to with no fees. Examples were parcel, zoning, voting, and emergency services. Piekkola stated expanded information could be available in the future, for a service fee to be determined, to banks, title companies, real estate companies, and etc. The Board voiced their support for the project.

ABATEMENTS:

LEAD/DEADWOOD SCHOOL DISTRICT: Moved-Seconded (Seward-Douglas) to approve the 2006 abatement for parcel #31930-01317-000-00, 31930-01832-000-10, 31930-01337-000-00, 31930-01389-000-00, 31920-00032-000-00, 31930-01320-000-00, 31930-01118-000-00, and 26760-01832-000-15, because the property was transferred from Homestake Mine to the Lead/Deadwood School District which is tax exempt. Motion Carried.

CITY OF LEAD: Moved-Seconded (Seward-Ewing) to approve the 2006 abatement for parcel #31510-02400-050-30, 31810-01400-000-10, 31510-02400-050-30, and 31810-01400-000-10 because the property was transferred from Homestake Mine to the City of Lead which is tax exempt. Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Seward-Ewing) to approve the 2006 abatement for parcel #2000-00602-154-10 and 20000-00602-143-10 because the property was transferred from Homestake Mine to the City of Spearfish which is tax exempt. Motion Carried.

SD SCIENCE & TECHNOLOGY AUTHORITY: Moved-Seconded (Seward-Weisenberg) to approve the 2006 abatement for parcel #26090-00100-000-00, 26090-00200-000-00, 31910-00100-000-00 and 31735-00000-090-000 because the property was transferred from Homestake Mine to the SD Science and Technology Authority which is tax exempt. Motion Carried.

SD GAME FISH & PARKS: Moved-Seconded (Seward-Weisenberg) to approve the 2006 abatement for parcel #20000-00602-221-10, 20000-00602-223-00, 26340-00991-000-10, 26340-00953-000-20, 20000-00602-221-00, 20000-00602-232-10 because the property was transferred from Homestake Mine to the SD Game Fish & Parks which is tax exempt. Motion Carried.

CITY OF LEAD: Moved-Seconded (Weisenberg-Douglas) to approve the 2006 abatement for parcel #31870-00600-040-55 because the property was transferred from John & Gail Bunch to the City of Lead which is tax exempt. Motion Carried.

CITY OF SPEARFISH: Moved-Seconded (Seward-Douglas) to approve the 2006 abatement for parcel #32650-00602-140-20 because the property was transferred from Clair Donovan & John Heck to the City of Spearfish which is tax exempt. Motion Carried.

FRANK & SALLY NORRIS: Moved-Seconded (Seward-Weisenberg) to deny the 2006 abatement on parcel #08300-00303-340-10 because the 2006 property valuation needed to be appealed to the Board of Equalization. Motion Carried.

PROPOSED ZONING ORDINANCE #06-04: Brandon Flanagan explained the proposed Ordinance #06-04, and the affects on County procedures. Douglas asked that the proposed Ordinance be sent back to the Planning and Zoning Board for a recommendation. Douglas also asked to have the Planning and Zoning Board define Vacation Rentals.

AIRPORT LAND CONDEMNATION: Bruce Outka presented the proposed Resolution to Obtain Easement by Condemnation for Necessary Improvements to Black Hills Airport/ Clyde Ice Field, on behalf of the Airport Board President Bob Golay. Golay was out of town and unable to attend the Meeting. Outka presented history on the attempted airport land acquisition. Outka stated the Department of Transportation has been negotiating with Chris & Dianne Miller for land acquisition for the Black Hills Airport / Clyde Ice Field Project #5519678. Outka stated an agreement on the price has failed between the parties and in order for the Airport Project to continue this property needs to be purchased.

Outka read the following proposed Resolution: LAWRENCE COUNTY RESOLUTION 2006-38: A RESOLUTION TO OBTAIN EASEMENT BY CONDEMNATION FOR NECESSARY IMPROVMENTS TO BLACK HILLS AIRPORT/CLYDE ICE FIELD. WHEREAS, the State of South Dakota, acting by and through its Transportation Commission, has set up for

improvement, Project No. 5519678 Black Hills Airport/Clyde Ice Field - Runway 1230 Safety Enhancement and Extension Project the same being in Lawrence County, South Dakota, more particularly described as follows: Black Hills Regional Airport/Clyde Ice Field, AND WHEREAS, the purpose of the proposed action is to enhance the utility and safety of Black Hills Airport/Clyde Ice Field to accommodate current and projected levels of aviation activity by the design aircraft family and provide Instrument Flight Rules capability. The need for the proposed action is related to compliance with FAA standards for BII large aircraft, specifically runway length and instrument approaches, AND, WHEREAS, the construction of said project as planned will require the acquiring of additional land for right of way, borrow pits, cutslopes, fillslopes, either by purchase or condemnation, AND, WHEREAS, Lawrence County, acting by and through South Dakota Transportation Commission, has been unable to acquire easement to the following described parcels necessary for the construction of said project by purchase or agreement with the owners, to-wit: Tract 10 Located In the SE 1/4 of Section 7, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota as depicted in the attached exhibit #1. Said Tract 10 contains 87.345 acres, more or less, and Tract 11 Located In the SW1/4 of Section 7, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota as depicted in the attached exhibit #2. Said Tract 11 contains 118.669 acres, more or less. IT IS HEREBY FURTHER DECLARED NECESSARY, to obtain said parcels by condemnation for public purpose and as a matter of public necessity. The Lawrence County Commission does hereby authorize the Lawrence County State's Attorney's Office, Lawrence County Airport Board and the South Dakota Department of Transportation to institute proceedings for condemnation of said above described land for public purpose, to take all other action required, and if necessary, file a Declaration of Taking in accordance with the provisions of SDCL 31-19 and amendments thereto.

Weisenberg asked Miller when the last time was that they listed their property for sale. Miller stated it had been several months ago. Weisenberg and Ewing both stated they could not support condemnation procedures. Opitz stated they are dealing with a neighbor, affecting 200 acres more or less, and changing the operation of neighboring landowners, affecting many people, and he could not support condemnation procedures.

Moved-Seconded (Seward-Douglas) to approve Resolution #2006-38. Aye-Seward & Douglas. Nay-Weisenberg, Opitz and Ewing. Motion Failed.

BILLS: Moved-Seconded (Seward-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-\$3,454.15; Aud-\$7,740.56; Treas-\$8,650.88; Comp-\$5,096.06; States Atty-\$12,693.88; Pub Def-\$6,130.68; Gen Govt Bldg-\$6,440.17; Equal-\$11,237.94; Rod-\$5,5972.02; Vso-\$1,003.32; Disp-\$9,795.12; Sher-\$29,361.73; Jail-\$18,678.37; Emerg Mgnt-\$2,869.98; E911-\$1,402.40; Highway-\$32,645.85; Air-\$569.84; Ext-\$1,266.16; Weed-\$2,373.50; Pz-\$2,613.99; **Bills:** Dias,G-\$43.39; Larson,P-\$346.03; McCormick,R-\$14.73; Rear,K-\$7.50; Runge,B-\$128.00; Tridle,D-\$69.00; Watts,J-\$29.60; A&B Business Equip-\$834.88; A&B Welding Supply-\$299.73; A&J Supply-\$191.26; A&M Transport-\$87.50; A.B.C-\$50.00; Abc

Business Supply-\$146.36; Alltel-\$195.69; Avera University Psych Assoc-\$134.44; BH Chemical Company-\$262.95; BH Federal Credit Union-\$9,711.00; BH Medical Ctr Pharmacy-\$2,887.65; BH Power & Light-\$6,522.27; Bickle's Truck & Diesel-\$164.98; Biegler,G-\$60.00; Black Hills Urology, Pc-\$435.25; Bp-\$841.04; Brady Pluimer-\$63.01; Butte County Sheriff-\$60.88; Cdw Government-\$7,570.05; Central Parts-\$1,199.50; City/County Alcohol &Drug-\$2,524.00; Coburn First Western Ins-\$75.00; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$59.50; Dakota Discount-\$113.27; Dakota Graphics-\$185.00; Deadwood, City Of-\$94,055.83; Dept Of The Treasury-\$39,253.25; Diamond Mowers-\$88.02; Division Of Motor Veh-\$93.00; Eddie's Truck Sales/Serv-\$203.81; Election Sys & Software-\$4,542.08; Fast Break Screen Printing-\$445.00; Fastenal-\$50.19; Fisher Sand & Gravel-\$1,794.36; Glenney,T-\$90.00; Great Western Tire-\$616.40; Greens Alignment-\$1,041.71; Havemeier,L-\$87.40; Heisler Hardware-\$28.67; Henry Schein-\$142.37; High Plains Business Forms-\$333.20; Highway Improvement-\$78,500.00; Holiday Inn Express Oacoma-\$47.00; Huron Culvert & Tank Co-\$2,100.00; Iaa-\$175.00; Ikon Office Solutions-\$138.81; Integrity Ford-\$131.02; Int'l Security Products-\$378.31; Jacobs Precision Welding-\$139.65; Janke,W-\$720.00; Kar Products-\$195.64; Kelly Inn-\$120.00; Knecht True Value-\$23.56; LC Extension-\$23.20; LC Highway-\$9.95; LC Journal-\$48.00; LC Sheriff-\$165.29; LC Treasurer-\$100.00; Laboratory Corp Of America-\$78.70; Lexisnexis On-Line-\$361.00; M&M Sanitation-\$42.50; May,Johnson,Doyle& Becker-\$1,960.59; Mid-Continent Testing-\$775.00; Midwest Alarm-\$84.00; Minnehaha County Sheriff-\$7.50; Montana-Dakota Util-\$3,310.67; Morgan County Sheriff-\$36.00; Nebraska Salt & Grain-\$8,617.94; Neve's Uniforms-\$185.90; Office Depot-\$626.46; Office Of Child Support-\$177.23; Office Technology/Supply-\$36.83; Pennington Co Jail-\$995.55; Pennington County Sheriff-\$7.50; Phillips Petroleum Co-\$105.04; Prairiewave Communications-\$997.21; Pronto Auto Supply-\$210.80; Queen City Rocket Lube-\$20.99; Quill Corp-\$131.16; Qwest-\$43.66; RC Journal-\$180.00; RC Regional Hospital-\$11,830.12; Rabe Elevator-\$1,222.11; Radio Shack/Kazco-\$59.94; Rapidcare-\$140.00; Regan Battery Maint Services-\$519.89; Reindl,S-\$4,920.85; Reliable-\$15.57; Rollin Oil-\$265.55; SD Assn Of Co Comm-\$2,898.22; SD Federal Property Agency-\$103.00; Sand Creek Printing-\$105.00; SD Ltap/Sdsu-\$60.00; Sdae4-He-\$100.00; Sdrs Supplemental Retirement-\$597.00; Servall Towel & Linen-\$375.31; Sharon Green Counseling-\$180.00; Slate Creek Counseling-\$820.19; Sofitel Hotel-\$366.30; Southside Oil Co-\$96.29; Southside Service-\$41.50; Spearfish Auto Supply-\$724.51; Spearfish Building Supply-\$87.15; Spearfish Fire Dept-\$12,998.90; Spearfish Husky-\$67.00; State Bar Of South Dakota-\$1,435.00; The Hersrud Co-\$3,567.41; The Mercantile-\$608.98; Tigerdirect-\$92.87; Twin City Hardware & Lumber-\$151.07; US Postal Service-\$200.00; Usd School Of Law-\$33.02; Verizon Wireless-\$958.72; Victims Of Violence-\$745.00; Walmart Store-\$741.37; Welke,L-\$90.00; Wells Fargo Business Card-\$699.14; Wells Plumbing & Farm Supp-\$65.29; Westcoast Sales & Marketing-\$473.03; West Group-\$437.00; West River Anesthesiology-\$229.08; West River International-\$16.89; Western Communication-\$12,964.75; Williams Standard Serv-\$63.75; Wolff's Plumbing & Heating-\$594.30; Z&S Dust Control-\$3,651.23; **Witness & Jurors:** Apa,M-\$51.92; Fremont,D-\$62.80; Rans,D-\$62.80; Ryder,B-\$55.76; Stoneberger,C-\$53.20; Vangorp,R-\$59.60; James,E-\$29.60; Alspaw,D-\$32.80; Anderson,M-\$20.64; Berry,I-\$29.60; Diede,L-\$29.60; Egemo,T-\$43.84; Gomez,D-\$29.60; Harlan,R-\$29.60; Harmon,K-\$262.10; Harwood,N-\$29.60; Heffron,J-\$20.64; Johnson,J-\$29.60; Keehn,M-\$65.76; Lehto,L-\$39.20; Little,T-\$29.60; Lux,H-\$21.92; Mcbride,P-\$20.64; Noren,K-\$28.32; Seamands,J-\$29.60; Zoellner,S-\$21.92

ADJOURN: 9:55 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 12, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 12, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Weisenberg) to approve the minutes of November 28th, 2006. Motion Carried.

PERSONNEL:

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Seward) to approve Sherryl Schulz as a Recording Clerk Grade 3 at \$12.34 an hour, effective 1-1-2007. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Ewing-Seward) to approve Amber Vogt as Planning and Zoning Deputy, Grade 1, at the base rate of \$14.68 an hour, effective 1-1-2007. Motion Carried.

AUDITOR/REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Seward) to approve the advertising of a shared full-time accounting clerk for the Auditor/Register of Deeds and various offices. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to approve Jennifer Beving as a Full-Time Deputy Public Defender at the base salary of \$39,000 a year, effective 12-18-2006. Motion Carried. Salary will be reviewed in 6 months.

INVASIVE SPECIES MANAGEMENT BOARD: Moved-Seconded (Ewing-Opitz) to appoint Richard Sleep to the Invasive Species Management Board to fill Dan Hefner's unexpired term to end 01-2008. Motion Carried.

SUPPLEMENTAL BUDGET HEARING – PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Opitz) to set a supplemental budget hearing for December 28, 2006 at 8:15 a.m. for Public Defender Salary \$10,000. 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, 2006 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)-\$95,031.45; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$6,216.55; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$7,976,400.22; GNAMS-\$1,031.52; Total \$12,177,431.74.

2007 COMMUNITY HEALTH AGREEMENT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the 2007 Contract for Community Health Services between Lawrence County and the SD Department of Health. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted: Spearfish Diesel 2367 Gallons: (prices per gallon) Cenex Oil Co. \$2.356; Southside Oil - \$2.325*; Rollin Oil - \$2.3735.

(*represents lowest quote)

Spearfish Unleaded 1000 Gallons (prices per gallon) Cenex Oil Co. \$1.99*; Southside Oil - \$1.995; Rollin Oil - \$2.014. (*represents lowest quote)

Deadwood Diesel 3863 Gallons (prices per gallon) Cenex Oil Co. \$2.266*; Southside Oil - \$2.31; Rollin Oil - \$2.3235. (*represents lowest quote)

Deadwood Unleaded 7732 Gallons (prices per gallon) Cenex Oil Co. \$1.906*; Southside Oil - \$1.98; Rollin Oil - \$1.964. (*represents lowest quote)

Whitewood Diesel 750 Gallons (prices per gallon) Cenex Oil Co. \$2.356; Southside Oil - \$2.325*; Rollin Oil - \$2.3735. (*represents lowest quote)

TERRY VALLEY ROAD DISTRICT: Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the following Order Declaring Area Incorporated And Subject To Vote Terry Valley Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE TERRY VALLEY 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: Consisting of Lot 1, Lot 2 Revised, Lot 3 Revised, Lots 4 Thru 12 And Lots 17 Thru 25 Block 1, Lots 1 Thru 19, Block 2, Lot M, Lot 3a And Lots 5 Thru 12, Block 3, Lots 2 Thru 17, Lot 18 Revised, Lots 21 Thru 22, Lot 23r, Lot 24r, Lots 25 Thru 34, And Lot 35 Revised, Block 4, Lots 12 Thru 24, Block 5, Lots 1 Thru 3, Lots 4r & 6r, Lots 7 Thru 21, Block 6, Lots 1 Thru 7, Lots 8a & 10a, Lots 11 Thru 42, Block 7, Lots 1 Thru 23, Lots 41 And 42, Block 8, Lots 14 & 15, Block 9, Lots 1 Thru 4 And Lot 5a, Block 12, Lots 1 Thru 11, Block 13, Lots 1 Thru 4, Block 16 And Lots 1 Thru 2, Block 17 In Tract A, Lot 1, Block 1, Lot 1 Block 2 In Tract B, Lots 1 Thru 5, Block 1, Lots 1 Thru 24, Lot 56a And Lot 57 Thru 61, Block 2, Lots 1 Thru 6, Block 3 In Tract C, Lot B Being A Portion Of Tract C And A Portion Of Angelina M.S. 1942 And Tracts A, B And C Of The Pendegrift Tract Being A Portion Of Tract C And A Portion Of Busby M.S. 1942, Lost Camp Valley Acreage, Including Portions Of Mineral Survey Nos. 1119, 1139, 1205, 1310, 1341, 2044, 2050 And 2066, All Located In Sections 2, 3 And 11 T4n, R2e, Bhm, Lawrence County, South Dakota. SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Terry Valley Road District. DATED this 12th day of December 2006. Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor

CANCELED CHECK RESOLUTION 06-39: Moved-Seconded (Weisenberg-Ewing) to approve the following Resolution #06-39 to cancel checks that have not been presented for payment within two years for a total of \$340.40. Motion Carried. RESOLUTION # 06-39: 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 12th day of December 2006. Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor

HIGHWAY UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Opitz-Seward) to approve the Application for Permit to Occupy County Highway Right of Ways .3 Miles West of 14A on Cutting Mine Road to Same T5N, R3E, Sec 29, SW1/4 to provide electricity with a 7,200 volt power line. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Seward) to approve the Application for Permit to Occupy County Highway Right of Ways from the intersection of Hwy 385 and Two-Bit Road, ¼ mile NE on Two-Bit Road to same T4N, R3E, Sec 12, to provide electricity with a 7,200 volt power line. Motion Carried.

SHERIFF VEHICLE BIDS: Moved-Seconded (Seward-Weisenberg) to set the bid opening for three patrol vehicles (4 wheel drive sports utility vehicles) for January 9, 2006 at 9:30 a.m.; and to declare the 2002 Ford Explorer (1FMZU73E52UC63703, 2003 Ford Explorer (1FMZU73K63ZA76870) and 2001 Dodge Durango (1B4HS28NX1F600478) surplus and allow to be traded in. Motion Carried.

EMERGENCY MANAGEMENT FFY2007 AGREEMENT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairman to sign the Emergency Management FFY 2007 State and Local Agreement between the State of South Dakota and Lawrence County. Motion Carried.

2006 HOMELAND SECURITY: Paul Thomson stated Homeland Security Grants are now managed on a regional basis and asked the Board to appoint four representatives to attend the regional meeting. The Board stated Bob Ewing, Paul Thomson, Rick Mowell and one volunteer from LEPC will be the representatives. The Board asked Thomson to report back to the Board on the volunteer from LEPC.

RETAIL (ON-SALE) LIQUOR LICENSE TRANSFER: A public hearing was held on a transfer of Liquor License. No public input was voiced and the hearing was closed. Moved-

Seconded (Seward-Opitz) to approve the following Retail (on-sale) Liquor License. Motion Carried. Previous License: Gary L & Lisa M Lutz, Spearfish Canyon Bar. Transfer To: Chophouse Inc., Spearfish Chophouse & Whiskey Bar: Lot 3b Of Tract A Of The Sw1/4sw1/4 S14 T6n R2e Bhm.

2007 LIQUOR LICENSE RENEWALS: Moved-Seconded (Weisenberg-Seward) to renew the following liquor licenses for 2007: Package Liquor - Off Sale License: Dan Martin, Nemo Mercantile; Lonny & Susan Smith (St.Onge Bar & Grill); Retail Or Retail And Sunday On-Sale License Chophouse Inc., Chophouse & Whiskey 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; Nemo Guest Ranch Restaurant; Cheyenne Crossing Store; Mystic Hills Cabins & Campground. Motion Carried.

9:05 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Ewing) to go into executive session to discuss personnel issues. Motion Carried. 9:15 a.m. the Board reopened for regular business.

GRAY SUBDIVISION: Moved-Seconded (Weisenberg-Seward) to approve the preliminary and final plat of Tract 4R2, Tract 1A1, Tract 1A2, Tract 1A3, Tract 1A4, and Tract 1A5 of Gray Subdivision. Motion Carried.

CONDITIONAL USE PERMIT #336: A Public Hearing was held on Conditional Use Permit #336-Arena/Training Facility. Owner/Representative: Jerry Bergum/Jean Brakke. Legal Description: Tract 1A of Gray Subdivision, Section 36, T6N, R4E. Location: Whitewood East. Purpose: Arena and training & boarding facility for horses Zoning: PF. Mrs. Roberts was present and voiced concerns about the manure odor and drainage into Spring Creek, and questioned if camping would be allowed on the property. The Board stated camping is not allowed on the property. Bergum stated drainage into Spring Creek is not an issue as the manure is piled far enough away from the creek. Opitz asked Bergum's to find another place to pile the manure, so it is not offensive to the neighbors. Douglas asked the Bergum's to submit in writing their waste management and fly control program. The public hearing was closed and discussion followed. Moved-Seconded (Ewing-Seward) to approve Conditional Use Permit #336 with conditions on file in the Planning and Zoning Office. Motion Carried.

CONDITIONAL USE PERMIT #293: An annual review of Conditional Use Permit #293 Catherine Edler - Retreat Center Located off Elk Creek Road was held. No complaints were received and will be reviewed in one year.

CONDITIONAL USE PERMIT #314: An annual review of Conditional Use Permit #314 - Warren Whalen - Animal Clinic Located on West Highway 14 was held. No complaints were received and will be reviewed in one year.

CONDITIONAL USE PERMIT #316: An Annual Review of Conditional Use Permit #316 - Mt. View Baptist Church - Located on Kellem Lane was held. The project is still in progress. Moved-Seconded (Seward-Weisenberg) to grant an extension on Conditional Use Permit #316 and will be reviewed in one year. Motion Carried.

CONDITIONAL USE PERMIT #300: An Annual Review of Conditional Use Permit #300 - Doug & Jodi Lindgren - Hay Creek Camp Located off Nemo Road was held. A complaint letter from Gary and Penny Sparks was received and the Board reviewed the letter. Sparks were in attendance. Supporters of the Hay Creek Ranch were also in attendance. Discussion followed on the access to the Ranch. Moved-Seconded (Weisenberg-Douglas) to add a condition that Lindgrens must erect a sign on their property stating guests can not exit onto the private easement. Motion Carried. The Board reminded Lindgren of Condition #13 that hay brought into the camp shall be certified weed free, and hay has to be certified weed free if traveling on Forest Service roads. The Forest Service has asked Lindgren to remove all signs on Forest Service Property. Conditional Use Permit #300 will be reviewed in one year.

AIRPORT IMPROVEMENT PROJECT: 10:02 a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Ewing) to go into executive session to discuss contractual issues. Motion Carried. 10:55 a.m. the Board reopened for regular business. Douglas stated no action was taken, as negotiations are on-going.

DUMONT ENVIRONMENTAL ASSESSMENT: Eric Jennings was present and submitted a draft letter to Game Fish & Parks on the Dumont EA. Moved-Seconded (Ewing-Seward) to accept the letter from the Agriculture Committee and forwarded it to Game Fish and Parks, contingent upon legal review and approval of Bruce Outka. Motion Carried.

SPEARFISH CREEK: Eric Jennings presented the following statement. Nomination of Spearfish Creek as Special and Unique Stream: Dick Fort and Lynn Namminga, representing the Spearfish Canyon Preservation Association presented information on their nomination of Spearfish Creek as a Special and Unique Stream. The S.D. State Water Commission accepted the nomination but has not scheduled any public hearings or state meetings regarding the nomination. Following a discussion there were many unanswered questions. Everyone at the

meeting agreed that they want to protect the water quality of Spearfish Creek. How the Special and Unique designation will further protect Spearfish Creek was not answered. Since the nomination is in the preliminary phase and there is limited information available at this time the Lawrence County Agricultural Committee made no recommendations.

2007 CONFLICT COUNSEL CONTRACT: Joe Kosel, Johns & Kosel Attorneys at Law, discussed the 2007 Conflict Counsel Contract with the Board. Kosel presented an itemized statement of cases in 2006. The Public Defender Board recommended continuing the contract in 2007. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Contract for Legal Representation of Indigent Counsel Conflict Cases for 2007. Motion Carried.

COUNTY EASEMENT / WHITEWOOD SHOP: Roger Hendricks stated he sold a piece of property adjacent to the County Highway Shop in Whitewood. The building on the property is encroaching 1-2 feet on the County Land. Hendricks requested an easement from the County. The Board asked Bruce Outka to review the easement. The Board requested that Lawrence County be added as an additional named insurer and if the building is completely torn down the encroachment is to be corrected. The issue will be discussed further on the December 28, 2006 meeting.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,213.06; Treas-\$8,148.91; Comp-\$4,958.09; States Atty-\$12,577.42; Pub Def-\$6,170.84; Gen Govt Bldg-6,288.06; Equal-\$11,012.66; Rod-\$5,972.02; Vso-\$1,003.32; Disp-\$11,829.96; Sher-\$27,067.84; Jail-\$21,257.23; Emerg Mgnt-\$2,863.98; E911-\$1,402.40; Highway-\$31,762.38; Air-\$337.68; Ext-\$1,182.40; Weed-\$2,373.50; Pz-\$2,581.59; **Bills:** Schumacher,G-\$2.33; Alltel-\$309.08; American Family Life-\$3,227.50; BH Federal Credit Union-\$9,661.00; Blue Cross-\$53,244.19; Credit Collections Bureau-\$50.00; Deadwood Recreation Center-\$158.00; Dept Of The Treasury-\$38,968.00; Fort Dearborn Life Ins Co-\$996.51; LC Treasurer-\$100.00; NH Family Ymca-\$186.00; Office Of Child Support-\$177.23; SD Retirement System-\$64,758.76; Sdrs Supplemental Retirement-\$597.00; Leatherman,D-\$18.69; Mowell,R-\$6,132.00; Rear,K-\$191.30; Sjomeling,C-\$171.00; Zuercher,W-\$5.57; A&B Business Equip-\$894.56; A&B Welding Supply-\$53.60; A&J Supply-\$15.08; Abc Business Supply-\$430.70; Ace Steel & Recycling-\$807.60; Active Data Systems-\$754.89; Altaire Enterprises-\$320.00; Amcon Distributing-\$314.44; American Bar Association-\$95.00; BH Chemical Company-\$766.16; BH Land Analysis-\$652.50; BH Medical Ctr Pharmacy-\$2,111.94; BH Pediatrics & Neonatology-\$100.00; BH Pest Control-\$180.00; BH Pioneer-\$1,191.53; BH Power & Light-\$685.36; BH Recovery Center-\$100.00; Best Business Prod-\$3,518.00; Better Roads-\$24.95; Bickle's Truck & Diesel-\$50.44; Black Hills Pure-\$35.50; Butler Machinery Co-\$90.70; Butte County Sheriff-\$8.26; Butte Electric Coop-\$421.65; Central Parts-\$809.60; Chain Saw Center/Dakota Equip-\$604.28; Christensen Law Office-\$538.75; Clinical Lab Of BH-\$1,721.08; Cna Surety-\$50.00; Community Health Services-\$990.00;

Conoco-\$50.79; Corral West-\$57.90; Culligan Soft Water Serv-\$59.25; Dale's Tire & Retread-\$2,328.50; Deadwood, City Of-\$465.42; Deckers Food-\$40.73; Dietrich,D-\$127.48; Division Of Motor Veh-\$4.00; Esri-\$4,610.98; Extension Service-\$827.16; Family Fun-\$16.95; Farmers Union Oil Co-\$25,088.89; Fast Break Screen Printing-\$70.00; Fastenal-\$1,115.69; First Western Bank-\$275.29; Fisher Sand & Gravel-\$820.96; Four Seasons Sports Center-\$119.98; Frederickson, John R-\$364.80; Gall's-\$100.99; Glaxosmithkline Pharmaceutical-\$253.50; Great Western Tire-\$16.50; Greens Alignment-\$488.24; Grimm's Pump Service-\$184.05; Havemeier,L-\$239.20; Heisler Hardware-\$91.36; High Plains Business Forms-\$800.01; Hillside Disposal Service-\$63.00; Ibm Corp-\$448.99; JH Hilt Engineering-\$50.00; JT Converters-\$550.00; Jacobs Precision Welding-\$176.30; Karpinen,S-\$540.00; Ken's Camper Sales-\$410.70; Kinney,M-\$266.28; Knecht True Value-\$150.06; Kooistra,N-\$15.00; Kosel,J-\$4,166.67; LC Journal-\$1,236.83; LC Reg Of Deeds-\$9.40; LC Sheriff-\$668.08; Language Line Services-\$61.35; Lavallie,T-\$224.24; Lead, City Of-\$66.42; Lead-Deadwood Regional-\$114.56; Lead-Deadwood Regional Hospital-\$1,656.73; Lead-Deadwood Sanitary-\$266.94; Lee,J-\$15.00; Lexisnexis On-Line-\$361.00; Mcarthur,J-\$45.00; Mcclure,S-\$90.00; Meade County Sheriff-\$7.50; Menards-\$718.93; Mid America Specialties-\$300.10; Miner County Sheriff-\$7.50; Montana-Dakota Util-\$501.16; Moss, William Psy-\$200.00; Nebraska Salt & Grain-\$1,770.33; Nelson,C-\$180.00; Nelson,T-\$315.00; Neve's Uniforms-\$31.90; Newman Traffic Signs-\$104.05; Office Max-\$359.91; Office Technology/Supply-\$170.00; Pennington Co Jail-\$781.60; Pennington County Sheriff-\$9.78; Performance One-\$811.00; Pizza Hut-\$124.73; Postmaster, Deadwood-\$234.00; Prairiewave Communications-\$870.04; Pro Rental Management-\$430.00; Pronto Auto Supply-\$353.53; Queen City Rocket Lube-\$117.95; Quill Corp-\$301.37; Qwest-\$986.40; RC Regional Hospital-\$815.51; Rabe Elevator-\$626.72; Radio Shack/Kazco-\$29.97; Regan Battery Maint Services-\$1,622.18; Rehfuss,C-\$15.00; Reliable-\$298.61; Reserve Account-\$10,000.00; Richard L Leir-\$700.00; Rjs Maps & Graphics-\$180.00; Robinson,P-\$20.88; Rombough,D-\$88.00; SD State Treasurer-\$435.06; Sanitation Products-\$9,060.00; Scott Peterson Motors-\$721.79; Servall Towel & Linen-\$375.31; Smith,J-\$389.40; Southside Oil-\$7,037.78; Spearfish Auto Supply-\$665.19; Spearfish Fire Dept-\$48,643.18; Spearfish Husky-\$265.50; Spearfish Motors-\$676.36; Spearfish Regional Hospital-\$911.79; State Bar Of South Dakota-\$655.00; Street Image-\$485.00; Sturgis Regional Hospital-\$228.53; Superior Lamp And Supply-\$1,028.07; Tigerdirect-\$354.96; Tollefson,J-\$84.76; Triple K Tire & Repair-\$335.88; Twin City Hardware & Lumber-\$957.35; Valley Auto-\$35.00; Voelker & Adams-\$220.40; Waste Connections-\$452.82; Wells Plumbing & Farm Supp-\$21.28; West Group-\$273.50; West River International-\$72,636.75; Western Communication-\$77.00; Western SD Juvenile Serv-\$8,140.00; Wolff's Plumbing & Heating-\$1,253.07; Xerox Corporation-\$51.60; Yankton County-\$96.05; **Witness & Jurors:** Stephenson,C-\$135.00; Bowles,B-\$60.88; Coffield,K-\$59.60; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Ladson,J-\$59.60; Looney,D-\$60.24; Moench,M-\$57.04; Addington,T-\$11.92; Anderson,K-\$10.64; Auer,M-\$17.68; Bryan,N-\$29.20; Carrillo,W-\$20.88; Cederstrom,J-\$22.16; Deppe,D-\$20.88; Dugger,S-\$106.40; Eatherton-Kerr,B-\$19.60; Erickson,R-\$10.64; Fejfar,D-\$19.60; Ferrell,D-\$29.20; Follette,K-\$121.76; Garry,J-\$19.60; Gillies,B-\$21.52; Gross,G-\$26.00; Hart,D-\$12.56; Heberlig,G-\$119.20; Higgins-Munro,H-\$26.00; Hood,K-\$22.80; Johnson,E-\$20.88; Johnson,S-\$123.04; Lambert,T-\$132.00; Langer,R-\$115.36; Larson,B-\$16.40; Loften,H-\$112.80; Mattson,R-\$12.56; Mckenny,L-\$140.96; Mckie,M-\$119.20; Metzger,D-\$11.92; Munger,L-\$19.60; Nichols,R-\$119.20; Novotny,E-\$22.80; Olhausen,M-\$22.80; Olsby,E-\$10.64;

Roberts,B-\$19.60; Roberts,P-\$11.92; Salzer,M-\$10.64; Samson,M-\$20.88; Sandidge,L-\$110.24; Shockey,A-\$22.80; Walker,V-\$19.60; Wright,H-\$119.20;

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

DATE APPROVED

ATTEST:

CONNIE H. DOUGLAS, Chairman

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 14, 2006

Chairperson Connie H. Douglas called the special meeting of the Lawrence County Commissioners to order at 2:00 p.m. on December 14, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

AIRPORT IMPROVEMENT PROJECT: 2:00 p.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Douglas) to go into executive session to discuss contractual issues. Aye-4, Nay-Seward. Motion Carried. 3:20 p.m. the Board reopened for regular business. Douglas stated no action was taken, as negotiations are on-going with the landowner.

DECEMBER 18, 2006 SPECIAL MEETING: A special meeting was scheduled for December 18, 2006 at 2:00 p.m.

ADJOURN: 3:20 p.m. there being no further business it was Moved-Seconded (Seward-Douglas) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 18, 2006

Chairperson Connie H. Douglas called the special meeting of the Lawrence County Commissioners to order at 2:00 p.m. on December 18, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

AIRPORT IMPROVEMENT PROJECT: 2:00 p.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Douglas) to go into executive session to discuss contractual issues. Motion Carried. 2:50 p.m. the Board reopened for business.

Douglas stated the Department of Transportation held negotiations, on behalf of the County, for the purchase of land in question but negotiations failed. The County voted on a condemnation resolution and it did not pass. The County started negotiations once again for the purchase of land. Douglas stated the County is not able to meet the demands for the purchase of property and it is now or never for the Airport Project.

Moved-Seconded (Seward-Douglas) to adopt and authorize the Chairperson to sign the following Resolution #2006-38. Aye-Seward, Opitz and Douglas. Nay-Weisenberg & Ewing. Motion Carried.

LAWRENCE COUNTY RESOLUTION 2006-38: A RESOLUTION TO OBTAIN PROPERTY BY CONDEMNATION FOR NECESSARY IMPROVMENTS TO BLACK HILLS AIRPORT/CLYDE ICE FIELD. WHEREAS, the State of South Dakota, acting by and through its Transportation Commission, has set up for improvement, Project No. 5519678 Black Hills Airport/Clyde Ice Field - Runway 1230 Safety Enhancement and Extension Project the same being in Lawrence County, South Dakota, more particularly described as follows: Black Hills Regional Airport/Clyde Ice Field, AND WHEREAS, the purpose of the proposed action is to enhance the utility and safety of Black Hills Airport/Clyde Ice Field to accommodate current and projected levels of aviation activity by the design aircraft family and provide Instrument Flight Rules capability. The need for the proposed action is related to compliance with FAA standards for BII large aircraft, specifically runway length and instrument approaches, AND, WHEREAS, the construction of said project as planned will require the acquiring of additional land for right of way, borrow pits, cutslopes, fillslopes, either by purchase or condemnation, AND, WHEREAS, Lawrence County, acting by and through South Dakota Transportation Commission, has been unable to acquire easement to the following described parcels necessary for the construction of said project by purchase or agreement with the owners, to-wit: Tract 10 Located In the SE 1/4 of Section 7, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota as depicted in the attached exhibit #1. Said Tract 10 contains 87.345 acres, more or less, and Tract 11 Located In the SW1/4 of Section 7, Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota as depicted in the attached exhibit #2. Said Tract 11 contains 118.669 acres, more or less. IT IS HEREBY FURTHER DECLARED NECESSARY, to obtain said

parcels by condemnation for public purpose and as a matter of public necessity. The Lawrence County Commission does hereby authorize the Lawrence County State's Attorney's Office, Lawrence County Airport Board and the South Dakota Department of Transportation to institute proceedings for condemnation of said above described land for public purpose, to take all other action required, and if necessary, file a Declaration of Taking in accordance with the provisions of SDCL 31-19 and amendments thereto. Dated this 18th day of December, 2006. FOR THE BOARD: Connie H. Douglas, CHAIR. ATTEST: Connie Atkinson, Auditor.

ADJOURN: 2:55 p.m. there being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

DATE APPROVED

CONNIE H. DOUGLAS, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 28, 2006

Chairperson Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 28, 2006 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners, James J. Seward, Terry W. Weisenberg, Bob Ewing, and George Opitz present.

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

MINUTES: Moved-Seconded (Seward-Douglas) to approve the minutes of December 12, 14 & 18, 2006. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Opitz-Weisenberg) to approve Kesha Nelson as Criminal Analyst G3 base rate of \$15.59 an hour, effective 1-1-2007. Motion Carried.

Moved-Seconded (Ewing-Seward) to approve Colin Thompson as a Reserve Deputy G3 at the base rate of \$14.07 an hour, effective 10-7-2006. Motion Carried.

AIRPORT: Moved-Seconded (Ewing-Weisenberg) to approve James Harmon as a ¾ time Airport Maintenance Worker G3 at the base rate of \$14.07 an hour, effective 1-1-2007. Motion Carried. A \$22,000 supplement will be needed in the 2007 budget to cover the expense.

EQUALIZATION: Moved-Seconded (Seward-Weisenberg) to approve Scott Sandvig as 1st Deputy G1 at the base rate of \$16.64, effective 1-1-2007. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Seward-Ewing) to approve Rene Larson as an Administrative Secretary G2 at the base rate of \$12.34 an hour, effective 1-1-2007. Motion Carried.

ELECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Seward-Opitz) to approve an automatic supplement of \$6,588.96 in the Elections Budget (elections) to cover grant fund expenditures. Motion Carried.

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Opitz-Weisenberg) to approve an automatic supplement of \$96,021.98 in the Emergency Management - Grant Budget to cover grant fund expenditures. Motion Carried.

CONTINGENCY TRANSFER: Moved-Seconded (Weisenberg-Douglas) to approve a contingency transfer of \$12,000 from Commissioners Contingency to Court Appointed Attorney. Aye-4, Nay-Seward. Motion Carried.

RESOLUTION #06-41 SUPPLEMENTAL BUDGET: Moved-Seconded (Weisenberg-Opitz) to approve and adopt the following Resolution #06-41 Supplemental Budget. Motion Carried. RESOLUTION #06-41 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2006, 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 2006, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: PUBLIC DEFENDER / Salary \$10,000. DOMESTIC ABUSE FUND: Domestic Abuse - \$,1500. 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, 2006 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, 2006. FOR THE BOARD OF COUNTY COMMISSIONERS - CONNIE H. DOUGLAS, Chairperson. ATTEST:CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

FEDERAL FORESTRY PAYMENTS /PILT: The Board discussed the Secure Rural Schools and Community Self-Determination Act of 2000. (Federal Forestry Payments) Opitz suggested drafting a letter to be sent to the Congressional Delegation in support of continuing the payments due to the impact on the Counties and Schools. The letter will be reviewed at the next meeting.

AMBULANCE AGREEMENTS: Moved-Seconded (Weisenberg-Seward) to approve and authorize the chairman to sign the ambulance agreements with Lead/Deadwood Regional Hospital and Spearfish Emergency Ambulance Service for the year of 2007. Motion Carried.

TRAVEL REQUEST: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for David Heck to attend the 2007 North Dakota Annual Weed and Pest Conference on January 8-11, 2007. Motion Carried.

BROWN BAG PERMIT: Moved-Seconded (Seward-Ewing) to approve a brown bag permit for January 5, 2007 from 5:00 p.m. to 7:00 p.m. at the Airport for a customer appreciation. Motion Carried.

WELFARE GUIDELINES RESOLUTION #2006-40: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign Resolution #2006-40 Welfare Guidelines. Motion Carried.
LAWRENCE COUNTY RESOLUTION #06-40 AMENDMENT #10 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 January 1, 2007, 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 28th day of December 2006. BOARD OF COUNTY COMMISSIONERS: Connie H. Douglas, Chairperson, Terry W. Weisenberg, Bob Ewing, George Opitz and James J. Seward. ATTEST: Connie Atkinson, Auditor.

ABATEMENTS:

HERBERT HALTINER: Moved-Seconded (Opitz-Weisenberg) to approve the abatement for Herbert A. Haltiner on parcel #31510-03000-100-00 because the house burned on July 1, 2006. Motion Carried.

HIGHWAY BUSINESS: Dick Birk, Highway Superintendent, stated the Department of Transportation is hosting a training class on March 13, 2007 in Brookings for right of way acquisitions for federally funded projects. Birk stated he will be attending and will also ask Bruce Outka to attend.

COUNTY EASEMENT / WHITEWOOD SHOP: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign an Easement Agreement for Jenwood, LLC on Lot 12 of Block 28 of the Original Town of Whitewood. Motion Carried.

SPEARFISH ANNEXATION PETITION / WARD DEVELOPMENT: Moved-Seconded (Seward-Ewing) to approve and authorize the Chairperson to sign, on behalf of the County, the Voluntary Annexation Petition in regards to the Ward Development. Motion Carried.

UNCOLLECTIBLE MOBILE HOME TAX: Moved-Seconded (Opitz-Seward) to declare the 2004 and 2005 taxes uncollectible on a 1977 Marshfield Mobile Home located at 1316 Pine, Whitewood, SD. Motion Carried.

TREASURER TAX TRUST: Moved-Seconded (Ewing-Seward) to delay taking action to take Treasurer's Deed and accept partial payment of taxes for Sylvia Trentz on 57 Lincoln, Deadwood, SD 57732.

OLD TOBOGGAN HILL SUBDIVISION: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Memorandum of Agreement with Keystone Land Development LLC. Motion Carried.

WILDERNESS ESTATES: Moved-Seconded (Weisenberg-Seward) to authorize the Wilderness Estates Bond release. Motion Carried.

AIRPORT PROJECT:

LETTER OF COMMITMENT: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign a letter of commitment and intent to utilize all federal funding available for the airport improvement project to Steven J. Obenauer, Federal Aviation Administration. Motion Carried.

NOTICE TO PROCEED: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign a letter of notice to proceed, authorizing Kadrmas, Lee & Jackson to undertake the completion of all necessary engineering work and planning required for the completion of the Airport Improvement Project at Black Hills Airport/Clyde Ice Field. Motion Carried.

HANSEN PROPERTY: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairperson to sign the closing statement and authorize payment for the Hansen Property of 18.2 acres. Motion Carried. The Board reviewed the plat of Tract 9 of Hansen Addition.

SEVERANCE TAX FUNDS: Moved-Seconded (Seward-Weisenberg) to send a letter to the Governor's Office of Economic Development, seeking approval to spend \$1,000,000 from Severance Tax Fund for the purchase of property for the Airport Project. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-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-\$3,454.15; Aud-\$6,188.84; Treas-\$8,172.76; Comp-\$4,958.80; States Atty-\$12,577.42; Pub Def-\$6,920.84; Gen Govt Bldg-\$6,270.31; Equal-\$11,040.32; Rod-\$5,872.42; Vso-\$1,003.32; Disp-\$8,357.54; Sher-\$26,361.63; Jail-\$17,586.75; Emerg Mgnt-\$2,692.48; E911-\$1,408.40; Highway-\$31,410.46; Ext-\$1,209.40; Weed-\$2,652.28; Pz-\$2,581.59; **Bills:** Barrett,T-\$9.00; Ewing,R-\$105.72; Locken,W-\$225.92; Seward,J-\$1,119.84; Thomson,P-\$13.47; Watts,J-\$29.60; Weisenberg,T-\$50.00; A&B Business Equip-\$871.53; A&B Welding Supply-\$136.12; A&J Supply-\$30.24; A-Z Shredding-\$67.00; Abc Business Supply-\$761.38; Ace Steel & Recycling-\$132.58; Air Connection-\$158.44; Alltel-\$765.90; Amcon Distributing-\$253.90; American Family Life-\$3,559.40; Armstrong Extinguish-\$1,570.50; BH Federal Credit

Union-\$19,322.00; BH Pediatrics & Neonatology-\$100.00; BH Pioneer-\$622.69; BH Power & Light-\$7,186.91; BH Regional Multiple-\$100.00; BH Window Cleaning-\$2,735.00; Baker,P-\$359.48; Bennett,M-\$53.20; Best Business Prod-\$18.00; Blue Cross-\$53,382.28; Boyer,J-\$311.52; Bp-\$77.39; Brady Pluimer, PC-\$5,557.52; Brady,T-\$211.44; Butte County Sheriff-\$8.26; Campbell Supply-\$1,755.37; Cdw Government-\$799.00; Central Parts-\$1,267.03; Christensen Law Office-\$557.75; City/County Alcohol & Drug-\$2,564.00; Clarke,N-\$415.20; Coburn,B-\$175.00; Cooperative Extension Service-\$166.76; Credit Collections Bureau-\$100.00; Culligan Soft Water Serv-\$120.50; Dakota Graphics-\$119.00; Deadwood Recreation Center-\$158.00; Dept Of Hlth Lab Services-\$801.00; Dept Of The Treasury-\$73,486.78; Deweese,R-\$346.00; Election Sys & Software-\$2,453.75; Equipment Service Prof-\$1,140.44; Et Sports-\$855.07; Extension Service-\$370.23; Fastenal-\$405.60; Fort Dearborn Life Ins Co-\$996.51; Fox, Youngberg & Lewno-\$156.24; Frederickson, John-\$3,952.50; Golay,B-\$415.20; Great Western Tire-\$994.15; Greens Alignment-\$463.97; Grosfield Electric-\$329.25; Gullickson,S-\$103.80; Havemeier,L-\$130.00; Hefner,D-\$322.92; Heisler Hardware-\$27.61; Hewlett-Packard Company-\$1,702.00; Hickok's Iron Horse Inn-\$67.86; Holiday Inn Spearfish-\$65.02; Ikon Office Solutions-\$138.81; Jacobs Precision Welding-\$48.45; Janke,W-\$225.00; Jerrold A. Hansen-\$120,640.71; Karpinen,S-\$810.00; Kaul,B-\$292.60; Ken's Camper Sales-\$19.20; Key City Glass-\$200.00; Kimball-Midwest Co-\$604.94; Kinney,Matthew J-\$3,088.60; Knecht True Value-\$345.99; Koala Electric-\$5,333.37; LC Journal-\$605.63; LC Sheriff-\$113.60; LC Treasurer-\$200.00; Lawson Products-\$315.17; Lead-Deadwood Regional Hospital-\$360.00; Light & Siren-\$725.90; M&M Sanitation-\$48.50; Mailworks Plus-\$30.00; Mattson,B-\$197.40; Mcarthur,J-\$135.00; Meade County Sheriff-\$21.50; Mickelson,C-\$176.20; Mid America Specialties-\$464.20; Miller,P-\$396.00; Miller,S-\$15,935.57; Mineral Palace Hotel-\$47.00; Mobile Electronic Service-\$2,870.00; Montana-Dakota Util-\$7,013.78; Morman Law Firm-\$2,458.58; Moss,William Psy-\$400.00; Motorola-\$14,438.28; Msu Extension Publications-\$20.00; NH Family Ymca-\$204.60; Nebraska Salt & Grain Co-\$3,379.59; Niesent,R-\$137.80; Nelson,T-\$360.00; Neve's Uniforms-\$332.10; New World Systems-\$14,000.00; Newman Traffic Signs-\$258.52; Odea,M-\$246.68; Office Depot-\$163.66; Office Max-\$94.27; Office Of Child Support-\$354.46; Outdoor Motor Sports-\$39.04; Paasd-\$475.00; Pennington Co Jail-\$974.40; Pennington County Sheriff-\$8.26; Pheasantland Industries-\$236.22; Phillips Petroleum Co-\$41.53; Pitney Bowes-\$1,197.00; Pizza Hut-\$433.45; Postmaster, Spearfish-\$500.00; Prairiewave Communications-\$1,260.27; Quill Corp-\$856.63; Qwest-\$242.58; RC Finance Office-\$1,225.00; RC Medical Center-\$346.10; RC Regional Hospital-\$2,575.50; Rapidcare PC-\$140.00; Reindl, Staci-\$990.20; Reliable-\$36.95; Rice Honda Suzuki-\$546.58; Rombough,D-\$59.20; Root Spring Scraper-\$6,715.85; Royal Electric-\$764.91; SD Retirement System-\$41,339.60; SD Aao-\$275.00; SD Dept Of Corrections-\$115.40; SD Dept Of Health-\$20.00; SD Dept Of Transportation-\$1,252.80; SD Planners Association-\$75.00; SD Sheriff's Association-\$475.00; SD Sheriff Assoc (Parker)-\$107.52; Sand Creek Printing-\$18.00; Schmitz,T-\$1,440.00; Sdrs Supplemental Retirement-\$1,194.00; Servall Towel & Linen-\$375.31; Sleep,R-\$29.80; Smith,J-\$36.80; Software House International-\$3,915.06; Spearfish Auto Supply-\$343.43; Spearfish Chamber Of Commerce-\$100.00; Spearfish Electric & Heating-\$764.00; Spearfish Husky-\$65.61; Summit Signs & Supply-\$40.00; Tellinghuisen & Gordon-\$6,441.24; The Cad Zone-\$299.00; The Mercantile-\$16.49; Tigerdirect-\$3,342.06; Triple K Tire & Repair-\$73.75; Twin City Hardware & Lumber-\$290.48; Tysdal,R-\$176.20; Uap Timberland-\$38,736.15; Verizon Wireless-\$1,540.53; Victims Of Violence-\$525.00; Walmart Store-\$1,031.00; Weathercraft Co-\$22,214.70; Wells Fargo Business Card-\$1,302.61; Western Communication-

\$3,153.89; Western Communication-\$128,815.52; Western Stationers-\$282.00; Williams Standard Serv-\$42.95; Wolff's Plumbing & Heating-\$3,274.58; Zep Manufacturing Co-\$194.60;**Witness & Jurors:** Derby,P-\$21.92; Bowles,B-\$60.88; Coffield,K-\$59.60; Heimbaugh,C-\$59.60; Hendricks,J-\$59.60; Johnson,M-\$53.20; Ladson,J-\$59.60; Looney,D-\$60.24; Moench,M-\$57.04; Richards,J-\$62.80; Deis,D-\$29.60; Anderson,A-\$25.76;Baade,D-\$164.00; Witcraft,P-\$59.20; Anderson,M-\$20.00; Little,T-\$59.20; Anderson,T-\$48.80; Curry,S-\$29.60; Dillard,C-\$29.60; Evans,J-\$27.04; Fanger,K-\$29.60; Johnson,J-\$48.80; Keeste,M-\$29.60; Kendall,A-\$20.00; Krom,A-\$29.60; Lance,M-\$20.64; Loup,D-\$29.60; Niehaus,B-\$29.60; Pederson,H-\$29.60; Sano,E-\$21.92; Seieroe,K-\$46.24; Wood,T-\$29.60; Zebroski,E-\$29.60; Donner,L-\$25.76

ADJOURN: 10:08 a.m. there being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

Date approved: January 2, 2007

James J. Seward, Chairman

ATTEST:

CONNIE ATKINSON, Auditor