

LAWRENCE COUNTY COMMISSIONERS MEETING – January 2, 2007

Connie H. Douglas called the regular meeting of the Lawrence County Commissioners to order at 9:00 a.m. on January 2, 2007 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 Tommy Thompson present.

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

Judge Macy was present to swear in the newly elected County Commissioners Connie H. Douglas, Bob Ewing and Tommy Thompson; and Officials Connie L. Atkinson, Auditor and Judy R. Meverden, Register of Deeds.

2007 ANNUAL APPOINTMENTS & DESIGNATIONS

CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Seward as the Chairperson of the Lawrence County Commissioners for 2007. Motion Carried.

VICE-CHAIRPERSON OF COUNTY COMMISSIONERS: Moved-Seconded (Ewing-Seward) to appoint Commissioner Weisenberg as the Vice-Chairperson of the Lawrence County Commissioners for 2007. Motion Carried.

LEGAL NEWSPAPERS: Moved-Seconded (Weisenberg -Thompson) to designate the B.H. Pioneer and the Lawrence County Journal as the legal newspapers for 2007. Motion Carried.

SHERIFF'S OFFICE POSITIONS: Moved-Seconded (Douglas-Weisenberg) To restate the full time positions in the Lawrence County Sheriff's office for 2007 as follows: (1) Chief Deputy (1) Captain, (1) Lieutenant, (3) Squad Sergeant, (4) Deputies, (1) Detective, (2) Process Servers, (4) Office Personnel (11) Jailers, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

INDIGENT FUNERAL EXPENSE: Moved-Seconded (Weisenberg -Ewing) 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 (Douglas- Weisenberg) to appoint Commissioner Seward as representative for 2007. Motion Carried. Moved-Seconded (Weisenberg-Seward) to appoint Rodney DeWeese for a five-year term to end 1-2012. Motion Carried.

EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN: Moved-Seconded (Douglas-Weisenberg) to appoint Commissioner Ewing for 2007. Motion Carried.

ENVIRONMENTAL REVIEW PLAN TIMBER COMMITTEE ORDINANCE: Moved-Seconded (Weisenberg-Ewing) to appoint Bill Coburn, and Dean Rasmuson for a three year term to expire 1-2010

EXTENSION BOARD: Moved-Seconded (Weisenberg-Douglas) To appoint Marla Loken, Stephanie Crowley, Joanne Goodrich, Kate Johnson and Richard Sleep for a one-year term to expire 1-2008. Motion Carried. Moved-Seconded (Weisenberg-Douglas) To appoint Commissioner Thompson for a one-year term to expire 1-2008. Motion Carried.

FAIR BOARD: Moved-Seconded (Thompson-Weisenberg) to appoint Reata Weyrich for a (3) year term to expire 1-2010. Motion Carried. Moved-Seconded (Ewing-Seward) To appoint Commissioner Thompson for 2007. Motion Carried.

HOUSING & REDEVELOPMENT COMMISSION: Moved-Seconded (Weisenberg-Douglas) to appoint Coreen Lerwick to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2011. Motion Carried.

INSURANCE COMMITTEE: Moved-Seconded (Weisenberg-Seward) to appoint Commissioner Douglas for 2007. Motion Carried.

INVASIVE SPECIES MANAGMENT: Moved-Seconded (Weisenberg-Thompson) to appoint Marv Sophusson and Ron Niesent for a three-year term to expire on 1-2010; and appoint Commissioner Ewing for 2007. Motion Carried.

MENTAL ILLNES BOARD: Moved-Seconded (Weisenberg-Seward) to appoint Barbara Hansen for a three year term to expire 1-2010. Motion Carried.

PLANNING & ZONING BOARD: Moved-Seconded (Douglas-Weisenberg) to appoint Commissioner Ewing for 2007 and Commissioner Weisenberg as alternate for 2007; and to appoint Tom Brady and Bill Coburn for a five year term to expire 1-2012. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Thompson-Douglas) To appoint Commissioner Ewing, Commissioner Weisenberg and Jerry Apa to the Public Defender Board for 2007. Motion Carried.

HIGHWAY & PHYSICAL PLANT: Moved-Seconded (Weisenberg-Seward) to appoint Richard Birk as the Highway & Physical Plant Superintendent for a two year term to expire 1-2009. Motion Carried.

B.H. COUNCIL OF LOCAL GOVERNMENTS: Moved-Seconded (Ewing-Thompson) to appoint Commissioner Weisenberg as Representative and Commissioner Douglas as Alternate for 2007. Motion Carried.

LAWRENCE COUNTY REVOLVING LOAN FUND: Moved-Seconded (Douglas-Seward) to appoint Terry Weisenberg, Marlene Barrett, Chuck Vanderziel and Joe Peterson to the Lawrence County Revolving Loan Fund Board for 2007. Motion Carried.

LIBRARY BOARD: Moved-Seconded (Douglas-Seward) to appoint Commissioner Thompson for 2007. Motion Carried.

SPEARFISH ECONOMIC DEVELOPMENT BOARD: Moved-Seconded (Weisenberg-Ewing) to appoint Commissioner Douglas to the Spearfish Economic Development Board for 2007 and Commissioner Seward as the alternate for 2007. Motion Carried.

STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES: Moved-Seconded (Douglas-Ewing) to appoint Chairperson Seward and Emergency Management Director, Paul Thomson for 2007. Motion Carried.

MULTIPLE USE COMMITTEE: Moved-Seconded (Weisenberg-Douglas) to appoint Commissioner Seward to the Multiple Use Committee for 2007. Motion Carried.

WESTERN SD COMMUNITY ACTION: Moved-Seconded (Weisenberg-Ewing) to appoint Ida Marie Snorteland for 2007. Motion Carried.

WESTERN SD JUVENILE SERVICES CENTER COMPACT: Moved-Seconded (Weisenberg-Seward) To appoint Commissioner Thompson to a three-year term to expire Feb 2010.

LEAD OPERA HOUSE: Moved-Seconded (Ewing-Seward) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2007. Motion Carried.

BH CENTRAL RESERVATIONS: Moved-Seconded (Douglas-Seward) to appoint Commissioner Weisenberg to the BH Central Reservation Board for 2007. Motion Carried.

LOCAL RULE OF ORDER: Moved-Seconded (Douglas-Weisenberg) to adopt the local rule of order requiring three commission members approval to pass a motion for 2007. Motion Carried.

RULES OF ORDER: Moved-Seconded (Weisenberg-Douglas) to adopt the Modern Edition of Roberts Rules of Order for 2007. Motion Carried.

2007 WAGES & SCALES: Moved-Seconded (Douglas-Weisenberg) to accept the following 2007 wage scales and wages for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective December 24, 2006. Motion Carried.

2007 BASE WAGES (per SDCL 6-1-10): Commissioners: Douglas, Connie-9,920.30; Ewing,Bob-9,920.30; Tommy Thompson-\$9,920.30; Seward,James-\$9,920.30; Weisenberg,Terry-9,920.30; Barrett,Marlene-46,684.61; Auditor: Atkinson,Connie-53,538.79; McGruder,Brenda-17.37; Nelson,Melody-14.51; Sargent,Debbie-14.07. Treasurer: Tridle,Debora-49,641.18; Atkinson,Sally-14.08; Ehnes,Tamera-12.72; Hagerty,Sharon-15.05; Haupt,Janice-14.55; Peck,Ina-12.72; Podoll, Keri-\$10.99; Sjomeling,Carol-16.53; Winters,Doris-14.29. Computer: Dias,Gregory-61,334.30; Leatherman, Debra-\$14.49; McGruder,Randall-21.24. States Attorney: Fitzgerald, John-

65,830.25; Baumann,Michelle-17.62; Fox, Teryl M.-\$12.05, Kelley,John-49,877.10; Lopez,Amber \$51,995.68; Outka,Bruce -\$51,995.68; Silvernail,Janice-14.90; Stoflet,Margie-15.33. Public Defender: Whitcher,Eric-57,750; Beving,Jennifer-40,950; Pike,Matthew-\$45,150; Smith,Molly-16.17; Turnbow,Jamie-\$15.35. Maintenance: Frerichs,Richard-21.75; Carr,Zoe-12.37; Caserio,Clifford-16.70; Lee,Laura-10.33; Mattson,Robert-10.99; Varland,Robyn-10.26. Director of Equalization: Piekkola,Darlene-58,335.37; Bridenstine,Nancy-14.89; Carrico,Linda-14.46; Hodson,Timothy-13.73; Runge,Brett-\$16.02; Sandvig,Scott-17.47; Symonds,Carmet-14.04; Woodle,Sharon-14.74; Writer,Jason-16.66. Register of Deeds: Meverden,Judy-\$49,621.05; Feterl,Florence-12.96; Green,Sheree-16.08; Schulz,Sherry-12.96; Slane,Mary-14.77. Veterans Service Officer: Locken,William-\$27,378.16. Sheriff: Mowell, Richard-60,347.13; Harmon,Joe-53,010.36; Black,Sue-15.81; Dragoo,Shelley-15.02; Fitzgerald,Megan-15.02; Fitzgerald,Sara-15.02; Frederickson,Lori-15.02; Greeley,Laurie-15.02; Hamilton,Marian-15.30; Schumacher,Kristy-15.02; Steffen,Peggy-15.02; White,Richard-\$15.08; Ahlers,Theron-12.78; Chavez,Michael-17.78; Davis,Judy-16.14; Dean,Brian-21.66; Deneui,Kimberly-11.07; Ensor, Frank-12.78; Gabriel,Larry-16.69; Goetsch,Julie-11.07; Goetsch,Martin-20.40; Hagerty,Richard-16.24; Hansen,Paul-20.18; Harmon,Joseph D.-\$15.75; Jansevics,Jake-12.78; Jones,Scott-12.78; Kaiser,Daniel-12.78; Lechner,Shelly-11.07; Lechner,Tim-11.07; Lehto,James-12.78; Leighty,Brooke-19.33; Leighty,Jennifer-11.07; Leveque,Victor-19.03; Liggett,Toni-11.07; Little,Tavis-19.99; Mykleby,Geraldine-14.01; Nelson,Kesha-15.59; Nicholas,Verla-11.07; Rear, Kay-11.07; Ruffatto,Robert-18.74; Shafer, Mike-19.98; Siedschlaw,Robert-12.78; Thompson,Colin-14.77; Upton,Laurie-11.07; Utecht,Jerome-12.78; Utecht,Julie-11.07; Vrem,Laurie-14.06; Allen,Dawn-15.02; Armstrong,Nicholas-15.02; Asheim,Roger-15.24; Brady,Daniel-14.43; Brennan, Seth-15.08; Cook,Ryan-17.78; Culver,Kim-15.08; Eggebo,Rachel-15.02; Fish,Kevin-15.02; Harris,Katrina-13.06; Kelloff,Susan-15.02; Klingaman,Nathan-13.06; Kotak,Joe-12.16; McGruder,Wade-13.06; Mckee,Angela-15.02; Peck,Maria-13.06; Rosenau,Randall-20.96; Ruggiero,Raymond-13.06; Soucy,Alicia-13.06; Williams,Robert C.-16.09; Zweber-Nolan,Wendy-15.02. Emergency Management: Thomson,Paul-47,444.29; Larson,Rene-\$13.01. E911: Sandvick,Thomas-18.10; Highway: Birk,Richard-\$57,750; Agena,Timothy-17.84; Barret,Tim-17.62; Bey,John-21.84; Burleson, Norman-17.78; Dahl,Dennis-18.48; Eide,Curtis-18.44; Engel,Paul-17.56; Fystro,Terry-18.44; Grenstiner,Edwin-18.80; Harper,Jeffrey-17.56; Heying,Bradley-17.82; Hudson,Roger-17.64; Keller,Robert-17.56; Larimore,Mark-17.56; Lensegrav, Richard-18.04; McCormick,Robert-22.38; Patino,Mark-17.63; Ryan,Steve-22.22; Silvernail,Dennis-18.40; Vandenberg,Maria-13.03; Wright,Bonnie-17.10. Airport: Harmon,James-14.77; Extension: Bertch,Alyce-15.45; McGuinness,Sherry-10.99; Rahja,Carol-10.99. Weed: Heck,David-40,286.75; Zuercher,Walter-12.40; Ackerman, Callie-\$11.10; Gray, William-\$9.92; Klipfel, Brittney-\$9.92; Schneider, Shad-\$9.92; Tetrault, Tanner-\$9.92;. Planning&Zoning: Flanagan,Brandon-43,526.70; Vogt,Amber-14.68.

POSITION	G1	G2	G3	POSITION	G1	G2	G3
ACCT CLK / REC CLK	10.99	11.66	12.96	SHERIFF			
SECRETARY / LEGAL SEC I	12.05	12.72	14.01	DISPATCHER I	12.48	12.77	13.06
ADMIN SECRETARY	12.16	12.96	14.29	DISPATCHER II	14.43	14.72	15.02
LEGAL SECRETARY II	12.72	13.52	14.85	DISPATCHER III	15.02	15.31	15.61
				E-911 COORDINATOR	17.27	17.58	17.86
APPRAISERS:				GUARDS/TRANSPORT	11.07	NA	NA
APPRAISER I	12.50	NA	NA	TRAINEE	8.36	NA	NA
APPRAISER II	13.44	13.73	14.04	CORRECTIONAL I	12.48	12.77	13.06
APPRAISER III	14.73	15.03	15.33	CORRECTIONAL II /	14.43	14.72	15.02
APPRAISERS IV	16.02	16.31	16.60	COOK	15.02	15.31	15.61
				CORRECTIONAL			
				SERGEANT	15.02	15.31	15.61
				COOK I	11.56	11.87	12.16
ADM ASSISTANTS				PROCESS SERVER	15.60	15.89	16.18
HIGHWAY ADM ASST	15.27	15.90	16.53	RESERVE DEPUTY I	NA	NA	12.78
P&Z DEPUTY	14.68	15.27	15.86	RESERVE DEPUTY II	NA	NA	14.77
SHERIFF ADM ASST	14.68	15.27	15.86	DEPUTY I	17.19	17.47	17.78
S'ATTY & P'DEF LEGAL	15.35	16.20	17.05	DEPUTY II	18.74	19.03	19.33
ASST							
COMPUTER SPECIALIST	18.81	19.99	21.17	SQUAD SERGEANT	19.31	19.60	19.90
EQUAL 1ST DEPUTY	17.47	18.07	18.66	DETECTIVE	19.54	19.82	20.12
INVESTIGATOR/PARA-				LIEUTENANT	20.12	20.43	20.76
LEGAL	15.52	15.82	16.12				
				CAPTAIN	20.81	21.12	21.40
AIRPORT				CRIMINAL ANALYST	14.59	15.09	15.59
MAINTENANCE WORKER	13.59	14.16	14.77				

HWY & MAINT				OFFICIALS 1ST DEPUTY			
				AUDITOR	NA	NA	16.92
PT. TIME CUSTODIAN	NA	NA	8.14	TREASURER	NA	NA	15.57
CUSTODIAN I	NA	NA	10.26	REG OF DEEDS	NA	NA	15.57
CUSTODIAN II	NA	NA	12.31				
MAINT. WORKER I	NA	NA	10.99	WEED			
MAINT. WORKER II	NA	NA	13.36	SPRAYER / GPS	9.92	11.10	12.40
LIGHT EQUIPMENT OP	NA	NA	16.70	GPS	10.63	11.22	11.81
HEAVY EQPMT / MECH	NA	NA	17.56				
FOREMAN/SHOP	NA	NA	21.30				

NEWLY ELECTED BASE	2007 BASE	SDCL #
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 #07-01 / ELECTION OFFICIALS COMPENSATION: Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution #2007-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2007-01 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 2nd day of January 2007. For the Board, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #07-02 POLLING PLACES & PRECINCTS: Moved-Seconded (Ewing-Thompson) to approve the following resolution setting the polling places and precincts in 2007. Motion Carried. **WHEREAS**, SDCL 12-14-1 requires that the Lawrence County Commission shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, NOW, **THEREFORE**, for all county elections, except where elections by ward or a boundary other than a precinct is required, the following polling places shall be established for the precincts in Lawrence County: **Lead** - Golden Hills Resort & Convention Center; **Deadwood**-Lawrence County Administrative Annex; **Spearfish 1st Ward**-Senior Citizen's Center; **Spearfish 2nd Ward**-Senior Citizen's Center; **Spearfish 3rd Ward**-Senior Citizen's Center; **Nemo**-Nemo Church; **Rural #1**-Lawrence County; Administrative Annex; **St. Onge**-St. Onge Community Hall; **Whitewood**-Whitewood City Hall; **Valley 1**-Spearfish Park Pavilion; **Valley 2**-Spearfish Park Pavilion. **DATED** this 2nd day of January 2007. For the Board, Connie Douglas, Chairperson. ATTEST: Connie Atkinson, Auditor.

RESOLUTION #06-03 TO ESTABLISH OFFICIAL DEPOSITORIES: Moved-Seconded (Ewing-Weisenberg) to approve the following Resolution #07-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 07-03 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 2003: 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; Black Hills FCU 835 Main St. Spearfish SD; Northern Hills FCU 134 E Ryan Road Spearfish SD; Dakota territory FCU 78 Cliff St Deadwood SD; and Be It Therefore Resolved, that the Lawrence County Board of Commissioners designates the above named financial institutions as official depositories for Lawrence County for the fiscal year 2007. Dated this 2nd day of January 2007. For the Board of County Commissioners: James J. Seward, Chairperson Attest: Connie Atkinson, Auditor

COMMISSION MEETINGS: Moved-Seconded (Douglas-Seward) to continue the 2007 regular commission meetings on the second and fourth Tuesday's of the month at 8:00 a.m. Motion Carried.

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

IVESTMENT POLICY: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Investment Policy dated 1-2-2007. Motion Carried.

ADJOURN: 9:30 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

DATE APPROVED

James J. Seward, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 9, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 9, 2007 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 Tommy Thompson present. Connie H. Douglas was absent.

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

MINUTES: Moved-Seconded (Ewing-Thompson) to approve the minutes of January 2, 2007. Motion Carried.

PERSONNEL:

TREASURER/EQUALIZATION: Moved-Seconded (Weisenberg-Ewing) to approve Tammy Ehnes as a full-time employee, effective 1-8-2007. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Susan Kellogg as a Correctional II/Cook G3 at the base rate of \$15.02, effective 1-8-2007. Motion carried.

SHERIFF: Moved-Seconded (Ewing-Thompson) to approve Katrina Harris as a Correctional II G2 at the base rate of \$14.72, effective 1-8-2007. Motion carried.

SHERIFF: Moved-Seconded (Weisenberg-Thompson) to approve the temporary classification promotion and pay increase (Correctional Sergeant II G3 at the base rate of \$15.61) for Angie Mckee, effective 1-8-2007. Motion carried.

BOARD APPOINTMENTS:

HOMELAND SECURITY: Moved-Seconded (Weisenberg-Thompson) to appoint Dave Peters as the at large representative for regional Homeland Security Grant meetings. Motion Carried.

ENVIRONMENTAL REVIEW PLAN TIMBER COMMITTEE: Moved-Seconded (Weisenberg-Seward) to appoint Paul Schipke for a three year term to expire 1-2010. Motion Carried.

ENVIRONMENTAL REVIEW PLAN AG COMMITTEE: Moved-Seconded (Weisenberg-Thompson) to appoint Chris Miller to fill a term to expire 6-2008. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for January 23, 2007 at 8:15 a.m. for Public Defender \$72,000 (Salary-\$48,000, OASI-\$3,000, Retirement-\$3,000, Grp Ins-\$18,000; Airport \$22,000 (Salary-\$13,000, OASI-\$1,000, Retirement-\$1,000, Grp Ins-\$7,000); Nurse \$900 (SD Dept Health-\$900). Motion Carried.

Moved-Seconded (Ewing-Seward) to set a supplemental budget hearing for January 23, 2007 at 8:15 a.m. for Sheriff \$38,000 (Computer supp) for a new digital camera system. 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 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)-\$52,386.19; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,004.61; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$5,638,535.78; GNAMS-\$949.85; Total \$9,895,761.43.

BH NATIONAL FOREST LETTER: Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to send a letter with the Ag Committee to Black Hills National Forest requesting a copy of information in regards to the North Zone Range Project. Motion Carried.

UTILITY PERMIT:

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-of-Way for Black Hills Power located 2.5 miles south of Kirk Rd on Yellow Creek Rd to 2.8 miles south of Kirk Rd on Yellow Creek Rd. Motion Carried.

HIGHWAY VEHICLES: Moved-Seconded (Ewing-Thompson) to approve the purchase of two 3/4 ton extended cab Ford F250 pickups off of state base bid of \$20,914 plus any additional feature add-on. Motion Carried. The Board asked Dick Birk to check with the local dealers to see if they will match state bid.

SHERIFF VEHICLE BID OPENING: No bids were received for three SUV type patrol vehicles. Moved-Seconded (Ewing-Thompson) to approve the purchase of three 2007 Dodge Durango's off of state bid for \$25,298. Motion Carried.

PRELIMINARY PLATS:

FRAWLEY RANCH EAST PHASE II: Moved-Seconded (Weisenberg-Ewing) to follow Planning and Zoning recommendation and approve and authorize the Chairman to sign the preliminary plat for Frawley Ranch East Phase II with the understanding of a centralized water system. Motion Carried.

PARADISE ACRES III: Moved-Seconded (Ewing-Weisenberg) To follow Planning and Zoning recommendation and approve and authorize the Chairman to sign the preliminary plat for Paradise Acres III Lots 67-92. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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.

Bills: Larson,P-\$10.00; Mowell,R-\$6,720.00; A&B Business Equip-\$1,299.21; A&B Welding Supply-\$64.26; A-Z Shredding-\$103.50; Abc Business Supply-\$117.22; Active Data Systems-\$2,000.00; Alco Store-\$12.68; Altaire Enterprises-\$20.00; American Inn Hotel & Suites-\$127.33; BH Chemical Company-\$1,127.29; BH Land Analysis-\$1,125.00; BH Medical Ctr Pharmacy-\$42.24; BH Pest Control-\$95.00; BH Pioneer-\$31.04; BH Power & Light-\$494.28; BH Window Cleaning-\$15.00; Behavior Mngt Systems-\$20,655.00; Black Hills Pure-\$13.50; Black Hills Vision-\$10,000.00; Butler Machinery Co-\$65.46; Butte Electric Coop-\$140.53; Central Parts-\$36.56; City/County Alcohol & Drug-\$1,901.00; Conoco-\$32.15; D Ware-\$975.00; Danko Emergency Equipment-\$10,900.00; Deadwood Carnegie Library-\$83,267.00; Deadwood Home Center-\$6.99; Deadwood, City Of-\$461.48; Dietrich,D-\$70.79; Division Of Motor Veh-\$15.00; Esri-\$400.00; Et Sports-\$6.24; Federal Express Corp-\$41.93; First Western Bank-\$9.75; Fsh Communications-\$55.00; Genpro Power Systems-\$471.86; Grace Balloch Mem Library-\$208,999.00; Heisler Hardware-\$43.95; Hickok's Iron Horse Inn-\$85.95; Ibm Corp-\$42.51; Jacobs Precision Welding-\$67.50; Knecht True Value-\$99.88; LC Conservation Dist-\$5,000.00; LC Journal-\$637.33; Lab Safety Supply-\$1,190.56; Lawrence Title Company-\$317.29; Lead, City Of-\$98,673.90; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional Hospital-\$240.00; Lead-Deadwood Sanitary-\$262.08; Lee,J-\$15.00; Looyenga,Dr-\$350.00; Martin,J-\$13.20; Mcclure,S-\$17.68; Mcleod's Office Supply-\$410.66; Mid States Organized-\$150.00; NH Family Ymca-\$200.00; Nacvso-\$30.00; Nasppg-\$2,718.30; Northern Hills Casa-\$6,000.00; Opitz,G-\$244.48; Orion Industries-\$4,050.64; Outdoor Motor Sports-\$67.20; Pennington Co Auditor-\$190.00; Pennington County Sheriff-\$1.52; Pitney Bowes-\$127.68; Prairiewave Communications-\$548.84; Queen City Rocket Lube-\$20.99; Quill Corp-\$121.47; Radio Shack/Kazco-\$43.99; Rapid Delivery-\$4.80; Reindl,S-\$5,112.40; Rice Honda Suzuki-\$11,538.00; SD Association Of County-\$195.00; SD Cvso-\$50.00; SD Municipal League-\$68,802.00; SD Public Assur Alliance-\$33,233.35; SD State Treasurer-\$14,254.81; Sdaco-\$1,683.12; Servall Towel & Linen-\$250.94; Slowey,Y-\$50.00; Spearfish Auto Supply-\$92.32; Spearfish Emergency-\$5,225.00; Spearfish Senior Citizens-\$2,000.00; Stephenson,C-\$90.00; Stretch's Glass & Mirror-\$930.50; Twin City Hardware & Lumber-\$101.21; Twin City Senior Citizens-\$2,000.00; United Parcel Service-\$8.64; Waste Connections-\$486.96; Weathercraft Co-\$5,165.30; Western Sd Juvenile Serv-\$3,885.00;

Whitewood Library-\$55,619.00; Whitewood Senior Citizens-\$1,000.00; Wolff's Plumbing & Heating-\$67.52; Xerox Corporation-\$172.30; Yankton Co Sheriff-\$16.50; **Witness & Jurors:** Andersen,A-\$11.92; Bartow,J-\$59.60; Bouska,B-\$52.56; Bruns,C-\$18.32; Cook,J-\$57.68; Daczewitz,R-\$22.80; Fonder,B-\$59.60; Grabher,M-\$19.60; Harbert,S-\$17.04; Haselhorst,D-\$58.32; Heisz,D-\$60.24; Hubenka,N-\$19.60; Iverson,C-\$11.92; Jennings,D-\$15.76; Kreutz,M-\$22.80; Mader,L-\$66.00; Moore,J-\$59.60; Peterson,J-\$29.20; Popelka,P-\$59.60; Rech,B-\$66.64; Sargent,J-\$26.00; Stamp,F-\$59.60; Uhrig,A-\$51.92; Wehner,A-\$16.40; Apa,M-\$51.92; Dardis-Rosenau,S-\$66.00; Massey,K-\$57.68; Rantapaa,G-\$51.92; Ryder,B-\$55.76; Shearer,C-\$62.80; Stoneberger,C-\$53.20; Vangorp,R-\$59.60; Aline,K-\$24.72; Allerdings,E-\$51.92; Becht,L-\$62.80; Berke-Hutchison,N-\$10.64; Brown,N-\$20.24; Burdick,P-\$20.24; Burns,D-\$11.92; Burns,J-\$60.24; Dunham,S-\$21.52; Eckhart,D-\$13.84; Fanning,K-\$19.60; Flink,M-\$20.24; Goehner,V-\$20.88; Gropper-Miller,L-\$19.60; Grosfield,A-\$20.24; Harrison,K-\$11.92; Hart,J-\$56.40; Heupel,M-\$13.84; Jennings,J-\$18.96; Johnson,L-\$13.20; Kline,N-\$19.60; Koan,R-\$19.60; Koski,C-\$62.80; Ladson,M-\$19.60; Lavin,C-\$14.48; Mcgeeney,J-\$11.92; Meiners,V-\$11.92; Merkel,A-\$22.80; Mikkelson,D-\$18.96; Morcom,R-\$59.60; Myers,M-\$21.52; Nolan,J-\$11.92; Olson,J-\$11.92; Osborn,J-\$62.80; Pearson,K-\$20.88; Perez,A-\$60.24; Randall,N-\$19.60; Smith,A-\$25.36; Stearns,M-\$54.48; Toavs,S-\$17.68; Ulmer,B-\$22.16; Watson,J-\$22.80; Williams,J-\$22.80; Wolff,N-\$59.60;

ADJOURN: 9:45 a.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

DATE APPROVED

James J. Seward, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – January 23, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on January 23, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson 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 9, 2007. Motion Carried.

PERSONNEL:

AUDITOR/REGISTER DEEDS: Moved-Seconded (Douglas-Weisenberg) to approve Davida Hansen as a full-time Accounting Clerk G2, at the base rate of \$11.66 an hour, effective 1-22-2007. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Weisenberg-Ewing) to accept the resignation of Anita McNeal and appoint Eric Whitcher as the Lawrence County Public Defender. Motion Carried.

FAIR BOARD: Moved-Seconded (Douglas-Weisenberg) to appoint Ky Simmons to the Fair Board, for a term to expire 1-2008, to replace Gary Larive who resigned. Motion Carried.

WILDLAND FIRE COORDINATOR RESOLUTION #2007-06: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2007-06. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2007-06: 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 41-20-8.1; 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 during calendar year 2007: James J. Seward, Chairman & Paul Thomson, Emergency Management Director. Dated this 23rd day of January, 2007. FOR THE BOARD: James J. Seward, CHAIR. ATTEST: Connie Atkinson, AUDITOR

AMENDMENT #11 LAWRENCE COUNTY WELFARE GUIDELINES: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the following Resolution #2007-04. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2007-04: AMENDMENT #11: LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX D. BURIAL AND FUNERAL ASSISTANCE. 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 reviews rates set for indigent burials on an annual basis; and WHEREAS, the Lawrence County Commissioners wish to raise the opening and closing rates for gravesites to reflect increased costs and allow for a wintertime differential; NOW THEREFORE BE IT RESOLVED that effective January 1, 2007, and until otherwise revised, the attached revisions and amendment setting forth these new rates in the Lawrence County Welfare Guidelines are hereby adopted. Dated this 23rd day of January, 2007. FOR THE BOARD: James J. Seward, CHAIR. ATTEST: Connie Atkinson, AUDITOR

FAIR AGREEMENT: Moved-Seconded (Weisenberg-Douglas) to approve and authorize the Chairman to sign the Butte-Lawrence County Fair Agreement for 2007. Motion Carried.

LAWRENCE COUNTY LIEN: The board discussed a request from Michael Zaugg, Attorney, representing Gerald Heath. Moved-Seconded (Ewing-Douglas) to deny the request to waive the county lien for Mr. Heath. Motion Carried.

DELINQUENT TAXES REPORT: Per SDCL 7-21-35 the total 2005 taxes levied for in 2006 was \$27,035,407.70 and the total unpaid as of 12-31-06 was \$400,316.35 which represents a 1.48% delinquency. *Moved-Seconded* (Weisenberg-Douglas) to accept the Delinquent Taxes Report of 2006 levied and unpaid taxes as reported by the Auditor. Motion carried.

SURPLUS VEHICLE: Moved-Seconded (Thompson-Ewing) to keep the following vehicles that were previously declared surplus: 2003 Ford Explorer (1FMZU73K63ZA76870) for the Equalization Office and the 2001 Dodge Durango (1B4HS28NX1F600478) for the Invasive Species Management Department.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Douglas-Weisenberg) to set a supplemental budget hearing for February 13, 2007 at 8:15 a.m. for Severance Tax Budget \$1,000,000. Motion Carried.

8:13 a.m. EXECUTIVE SESSION: Moved-Seconded (Seward-Ewing) to go into executive session to discuss personnel issues with John Fitzgerald. Motion Carried. 8:26 a.m. the Board reopened for regular business.

Moved-Seconded (Weisenberg-Ewing) to approve the advertising of a full-time Deputy States Attorney. Motion Carried.

RESOLUTION #07-05 SUPPLEMENTAL BUDGET: Moved-Seconded (Weisenberg-Douglas) to approve and adopt the following Resolution #07-05 Supplemental Budget. Motion Carried.
RESOLUTION #07-05 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: Public Defender \$72,000 (Salary-\$48,000, OASI-\$3,000, Retirement-\$3,000, Grp Ins-\$18,000); Airport \$22,000 (Salary-\$13,000, OASI-\$1,000, Retirement-\$1,000, Grp Ins-\$7,000); Nurse \$900 (SD Dept Health-\$900); Sheriff \$38,000 (Computer supp). 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 January, 2007 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 January, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS. JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

UTILITY PERMITS:

OAK MOUNTAIN ESTATES: Moved-Seconded (Ewing-Weisenberg) to approve the application for permit to occupy county highway right of way for Oak Mountain Estates Road District located from Hwy 14A north on 76 Ranch Road to the Corner of 76 Ranch & Mountain Meadows for a 2" water line from the Deadwood well to the pump house. Motion Carried.

APPLE SPRINGS INC.: Moved-Seconded (Ewing-Thompson) to approve the application for permit to occupy county highway right of way for Apple Springs Inc. located from Washington Blvd to North Wildberger Road on the Wildberger Road for a public water system. Motion Carried.

PLANNING & ZONING: Brandon Flanagan discussed the process for public hearings with the County Commissioners. The Board stated they wanted an informational meeting first and then they

would set the public hearing. Flanagan will work with Outka and research any ordinance revisions needed.

Flanagan presented the 2006 staff report for the years activity. Flanagan will review the report further, at budget time, when a proposed building inspector position is discussed.

ANNEXATION OF UNPLATTED LANDS BY CITY OF SPEARFISH: The Board reviewed the proposed Resolution approving annexation of unplatted lands by the City of Spearfish for the Ward Development. Discussion was held on the roads and why the City of Spearfish did not take in the roads. Jayna Watson, City Planner, stated the City of Spearfish was still discussing the issue of roads as the development is still in the beginning process. The Board stated they understood that the City of Spearfish would take over the roads when the annexation took place. The Board stated an agreement would need to be reached, as the development of the property progresses, that the City of Spearfish would take over the roads. The Board discussed not approving the resolution until an agreement was reached, but decided they would trust that the City of Spearfish, would in good faith, come to an agreement with the County on road ownership and maintenance.

Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign the Annexation of Unplatted Lands Resolution #2007-07.

RESOLUTION NO. 2007-07A RESOLUTION APPROVING ANNEXATION OF UNPLATTED LANDS BY THE CITY OF SPEARFISH, SOUTH DAKOTA: WHEREAS, the City of Spearfish, South Dakota desires to extend its municipal boundaries pursuant to SDCL 9-4-1; WHEREAS, the territory proposed to be annexed represents roughly 620 acres lying north and east of Interstate 90 in Lawrence County and is comprised of the properties set forth below: NW1/4 of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Frank and Charlotte Ward) LOT BE-1 POR. OF NW1/4 SW1/4, of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Butte Electric) W1/2 NW1/4 SW1/4 EX LOT BE-1 (2A), EX LOT PE-1(.251), & EX POR LOT H-1 & POR H-2, of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Spring Creek LLC) E1/2 NW1/4 SW1/4 EX POR H-1 & POR H-2 of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Wayne and Kelly Klein) HMC LOT B-1 EX H2(.243 AC) of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Wayne and Kelly Klein) HMC LOT B-2 of Section 33, T7N, R2E, BHM, Lawrence County, South Dakota (Frank, Charlotte, Clark, and Nancy Ward) HMC LOT C of Section 33 and 34, T7N, R2E, BHM, Lawrence County, South Dakota (Spike and Pearl Jorgensen) HMC LOT E of Section 34, T7N, R2E, BHM, Lawrence County, South Dakota (Faraz Farrokhi dba Custom Corners) Lot A of E1/2 SW1/4 of Section 34, T7N, R2E, except Lot X of Lot A, BHM, Lawrence County, South Dakota (State of South Dakota) Lot X of Lot A of E1/2 SW1/4 of Section 34, T7N, R2E, BHM, Lawrence County, South Dakota (Lawrence County) Southeast Quarter (SE1/4) of Section 34, T7N, R2E, BHM, Lawrence County, South Dakota, EXCEPT right-of-way to MDU in Book 361, page 166, Lawrence County Register of Deeds records, and containing 147.929 acres, more or less. (Clare Meier Trust) Government Lot 3 lying East of the I-90 Right-of-Way EXCEPT Tract 2 of Conservation Addition to the City of Spearfish, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota (Meier - Della Vecchia Family Trust) Government Lot 2 lying East of the I-90 Right-of-Way EXCEPT Tract 2 of Conservation Addition to the City of Spearfish, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota (Meier - Della Vecchia Family Trust) West Half (W 1/2) of Lot 1, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota (Meier - Della Vecchia Family Trust) East Half (E 1/2) of Lot 1, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota, containing 21.92 acres, more or less. (Clare Meier Trust) South Half of the Northeast Quarter (S1/2NE1/4) lying East of the I-90 Right-of-Way EXCEPT Tract 2 of Conservation Addition to the City of Spearfish, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota. (Meier - Della Vecchia Family Trust) Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) EXCEPT Tract 2 of Conservation Addition to the City of Spearfish, Section 3, T6N, R2E, BHM, Lawrence County, South Dakota. (Meier - Della Vecchia Family Trust) The following are all the registered voters residing in the area and have signed the petition for annexation: Trent Mossett, Sasha Sankey, Tim Olson, Chandy Olson, Ephrem Peacemaker, Ephariel Peacemaker, Wayne Klein, Kelly Klein (Wayne and Kelly are also signed as landowners) There is one property owner that is not signing the petition annexation and is a registered voter/landowner of the following: HMC LOT D of Section 34, T7N, R2E, BHM, Lawrence County, South Dakota (Marcella Gunderson) All as more fully set forth on the annexation parcel map attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has

been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31 and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the annexation by the City of Spearfish of any unplatted land and/or agricultural land as defined in SDCL 10-6-31 by the City Spearfish, South Dakota as more fully set forth herein. Dated this 23 day of January, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

APPLE SPRINGS: Moved-Seconded (Weisenberg-Douglas) to release the present bonding for Apple Springs Inc.; to approve the new Letter of Credit 5311530 for \$415,404 and approve and authorize the Chairman to sign the Memorandum of Agreement with Apple Springs Inc. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$3,703.32; Aud-\$5,735.20; Treas-\$9,105.12; Comp-\$5,217.43; States Atty-\$13,241.98; Pub Def-\$7,979.30; Gen Govt Bldg-\$6,548.92; Equal-\$12,682.56; Rod-\$6,553.50; Vso-\$1,053.01; Disp-\$12,485.48; Sher-\$30,433.65; Jail-\$22,273.54; Emerg Mgnt-\$2,883.60; E911-\$1,454.00; Highway-\$33,130.78; Air-\$1,137.32; Ext-\$1,236.00; Weed-\$3,389.66; Pz-\$2,848.51; **Bills:** Eide,C-\$9.00; Fitzgerald,J-\$9.60; Smith,M-\$26.88; A&B Business Equip-\$954.32; A&I Distributors-\$1,805.95; A&J Supply-\$190.40; A-Z Shredding-\$12.00; Abc Business Supply-\$174.53; Alco Store-\$14.17; Alltel-\$161.98; BH Council Of Local Govt-\$7,519.40; BH Federal Credit Union-\$9,711.00; BH Medical Ctr Pharmacy-\$3,042.19; BH Pioneer-\$809.50; BH Power & Light-\$8,850.34; Baseco-\$1,529.69; Behavior Mngt Systems-\$390.00; Binger Law Office-\$2,094.75; Black Hills Pure-\$11.50; Bob Barker Company-\$199.21; Bp-\$1,477.31; Brady Pluimer-\$1,270.56; Butler Machinery Co-\$34.59; Butte Electric Coop-\$331.40; Central Parts-\$83.26; Christensen Law Office-\$847.50; Cna Surety-\$50.00; Correctional Billing-\$21.58; Credit Collections Bureau-\$50.00; Culligan Soft Water Serv-\$110.50; Dakota Graphics-\$70.00; Deckers Food-\$19.96; Dept Of The Treasury-\$42,916.68; Dietrich,D-\$131.18; Fastenal-\$60.56; Graveman,S-\$12.56; Havemeier,L-\$27.20; Heartland Paper Co-\$2,865.92; Heisler Hardware-\$11.57; High Plains Business Forms-\$378.99; Hobart Sales & Service-\$491.70; Huron Culvert & Tank Co-\$9,600.00; Ibm Corp-\$9,129.80; JH Hilt Engineering-\$2,504.10; Jenner Equipment Co-\$66.29; Karpinen,S-\$450.00; Kelly Inn-\$59.00; Kooistra,N-\$15.00; Kosel,Joseph-\$4,242.67; LC Journal-\$24.00; LC Sheriff-\$127.49; LC Treasurer-\$100.00; Lawson Products-\$106.01; Lead-Deadwood Regional-\$280.64; Lead-Deadwood Regional Hospital-\$2,281.83; Lexisnexis On-Line-\$361.00; Looyenga,Dr Robert-\$1,050.00; Mcarthur,J-\$45.00; Mcclure,S-\$180.00; Mid America Specialties-\$265.46; Montana-Dakota Util-\$410.62; Multnomah County Crt House-\$12.00; Nelson,C-\$270.00; Nelson,T-\$585.00; Neve's Uniforms-\$914.15; New View Optical-\$28.50; Office Depot-\$41.94; Office Of Child Support-\$177.23; Paradeis,D-\$60.00; Pennington Co Jail-\$356.00; Pennington County Sheriff-\$59.40; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$87.29; Pitney Bowes-\$263.44; Pizza Hut-\$99.13; Praire Hills Transit-\$7,500.00; Prairiewave Communications-\$942.41; Queen City Rocket Lube-\$174.96; Quill Corp-\$645.02; Qwest-\$1,227.63; RC Finance Office-\$1,960.00; Rabe Elevator-\$652.83; Radio Shack/Kazco-\$339.97; Rehfuss,C-\$15.00; Rice Honda Suzuki-\$466.32; SD Assoc Of Weed & Pest Boards-\$400.00; SD Dept Of Corrections-\$57.70; SD Dept Of Transportation-\$94,705.01; SD Human Services Center-\$210.20; Salzsieder,M-\$3,735.00; Sanitation Products-\$6,650.00; Sdrs Supplemental Retirement-\$609.00; Secretary Of State-\$50.00; Servall Towel & Linen-\$250.94; Spearfish Auto Supply-\$15.78; Spearfish Husky-\$88.75; Stampe,S-\$62.80; State Radio Communication-\$2,400.00; Strawn,E-\$466.00; Schatz,K-\$19.60; Teen Court-\$10,000.00; Tigerdirect-\$198.98; Trugreen Chemlawn-\$240.35; Twin City Hardware & Lumber-\$266.51; US Marshalls Service-\$828.29; Verizon Wireless-\$1,508.31; Victims Of Violence-\$845.00; Voelker & Adams-\$1,053.35; Walmart Store-\$65.00; Wells Fargo Bank-\$31.83; Wells Fargo Business Card-\$3.00; West Group-\$135.00; West River International-\$34.78; Williams Rentals-\$327.00; Yankton Co Sheriff-\$16.50; **Witness & Jurors:** Bryant,L-\$50.64; Burtzlaff,D-\$22.80; Cook,T-\$59.60; Daniels,A-\$18.32; Dunbar,K-\$19.60; Emme,D-\$66.00; Green,M-\$12.56; Hall-Grass,K-\$66.00;

Hammett,B-\$66.00; Hanson,D-\$59.60; Harris,H-\$21.52; Hauge,J-\$17.68; Himrich,D-\$62.80; Houston,M-\$17.68; Jacobs,M-\$11.92; Jakeway,S-\$18.96; Kleinsasser,M-\$19.60; Knutson,P-\$19.60; Kracht,P-\$51.92; Martin,D-\$22.80; Mattern,J-\$63.44; Meisel,V-\$58.96; Miles,F-\$12.56; Narem,S-\$12.56; Peterson,J-\$19.60; Quenzer,C-\$11.92; Quigley-Roth,M-\$60.88; Rummel,L-\$12.56; Studt,R-\$26.64; Wanhanen,K-\$58.32; Webster,C-\$11.92; Adams,J-\$62.80; Alley,D-\$11.92; Bierema,C-\$19.60; Burke,S-\$16.40; Burr,D-\$10.64; Christensen,M-\$20.88; Clark,J-\$62.80; Colesanti-Nelson,J-\$26.00; Dillman,C-\$51.92; Enninga,R-\$11.92; Everson,D-\$13.20; Finkbeiner,R-\$21.52; Goodrich,C-\$59.60; Guilbert,S-\$10.64; Harlan,A-\$11.92; Hoffman,T-\$21.52; Horst,M-\$51.92; Jennings,R-\$58.32; Kari,R-\$59.60; Klumb,R-\$20.24; Kokesh,J-\$21.52; Larson,J-\$16.40; Lyons,A-\$20.88; Mannion,C-\$59.60; Martin,W-\$13.20; Morgan,J-\$19.60; Morrison,R-\$51.92; Papka,P-\$62.80; Parks,H-\$59.60; Ring,J-\$22.80; Schenk,R-\$22.80; Scherer,N-\$19.60; Schipke,J-\$13.84; Skaley,C-\$24.08; Warrick,D-\$19.60; Zebroski,H-\$18.32; Churchill-Aurand,D-\$29.60; Eide,K-\$21.92; Emme,D-\$28.32; Feyen,T-\$96.80; France,M-\$21.92; Greenwood,T-\$28.32; Heisinger,C-\$29.60; Johnson,P-\$28.32; Lloyd,K-\$20.64; Mckillop,A-\$28.32; Niehaus,B-\$29.60; Ochsner,R-\$29.60; Voorhees,M-\$29.60; Weber,E-\$29.60

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

DATE APPROVED

James J. Seward, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 13, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 13, 2007 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 Tommy Thompson present. Connie H. Douglas was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Thompson) to approve the minutes of January 23, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Thompson) to approve Joe Leveque as a Deputy II G3 at the base rate of \$19.33 an hour, effective 02/01/2007. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Ken Fouty and Zac Bell as Reserve Deputy I G3, at the base rate of \$12.78 an hour, effective 01/01/2007. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Ralph R Harter as a part time Correctional II/Cook GI, at the base rate of \$14.43 an hour, upon the completion of 40 hours of training at \$8.36 an hour, effective 2/05/2007. Motion Carried.

COUNTY ATTORNEY: Moved-Seconded (Weisenberg-Ewing) to approve the job description of County Attorney and to appoint Bruce Outka as the County Attorney, effective 3-1-2007. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Ewing-Thompson) to allow employees to donate sick leave to Jamie Turnbow. Motion Carried.

EQUALIZATION: Moved-Seconded (Weisenberg-Seward) to approve Carmen Symonds as an Appraiser III G1 at the base rate of \$14.73 an hour, effective 2-19-2007. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Timothy Hodson as an Appraiser II G3 at the base rate of \$14.04 an hour, effective 2-19-2007. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to approve Brett Runge as an Appraiser IV G2 at the base rate of \$16.31 an hour, effective 2-19-2007. Motion Carried.

EM/FIRE: Moved-Seconded (Ewing-Weisenberg) to appoint Paul Thomson as the Lawrence County Fire Coordinator, effective 2-13-2007 and to draft a new job description. Motion Carried.

BOARD APPOINTMENTS / EXTENSION: Moved-Seconded (Weisenberg-Thompson) to appoint Robin Dirksen to the Extension Board for a term to expire 12/31/2007. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of January 31, 2007 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$55,16.54; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,480.73; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$5,003,735.42; GNAMS-\$849.49; Total \$9,266,057.18.

VOLUNTEER FIRE DEPARTMENT MEMBERS: Moved-Seconded (Thompson-Weisenberg) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. Nemo: Tony Balistreri, Carl Buettner, Teresa Buettner, Virginia Clark, Paul Dangel, Cheryl Eggers,

Justin Henrichsen, Jerry Hood, Patrica Hood, Casey Keough, Douglas Miller, Greg Nepstad, Vince Pfeifle, Joan Rech, Larry Rhodes, Clint Schell, Terry Schmitz, Fred Schumann, Chad Solaas, Cindy Solaas, Gary Solaas, John Urbas, Lyle Wickman. Brownsville: 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, Chris Bergman, Frank Stamp, Jerry Plooster, Rollin Sieveke, Donley Townsend.

Moved-Seconded (Weisenberg-Thompson) to approve the following list of Volunteer Fire Fighters for insurance purposes. Motion Carried. St. Onge: Burtzloff, Leonard; Day, Steve; Jensen, Cliff; Johnson, Matthew; Kari, Jack; Kari, Jason; Kari, Jacob; Kari, Wendy; Kinghorn, Ray; Millar, Neilon; Millar, Russell; Rehorst, Denny; Stephen, Devin; Tetrault, Jim; Tetrault, Tim; Olson, Curt; Olson, Brent; Olson, Ryan; Bossert, Chuck; Bossert, Sunday; Callaway, Tom; Geigle, J.D.; Woledge, Joshua; Olson/Eastman, Kristy; Moe, Terry; Moe, Warren; Stephen, Glen; Fierro, Todd;

SEVERANCE TAX SUPPLEMENTAL BUDGET: The supplemental budget hearing for Severance Tax Funds was cancelled because approval has not been received from the Governor's Office of Economic Development.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Ewing-Thompson) to set a supplemental budget hearing for February 27, 2007 at 8:15 a.m. for Severance Tax Budget \$1,000,000; E911 – Surcharge City of Spearfish - \$115,000; and County Assistance - \$88,000. Motion Carried.

TERRY VALLEY ROAD DISTRICT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the following Order Declaring Terry Valley Road District Incorporated. Motion Carried.

ORDER DECLARING TERRY VALLEY ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Terry Valley Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on January 30, 2007. 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 19 (Nineteen), together with the number of 16 (Sixteen) voting for and the number of 3 (Three) voting against incorporation; WHEREAS, The Territory 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. 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 Terry Valley Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 13th day of February, 2007. James J. Seward, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor.

HIGHWAY BUSINESS:

FOREST ROAD AGREEMENT: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Forest Road Agreement between the U.S. Department of Agriculture, Forest Service, Black Hills National Forest and Lawrence County. Motion Carried.

SUPPLIES / DUMP BODIES & HOIST BID OPENING: Moved-Seconded (Weisenberg-Thompson) to set a bid opening for March 27, 2007 at 8:30 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates and de-icing sand and for 2-New 2007 Dump Bodies & Hoists. Motion Carried.

HIGHWAY – CULVERT BIDS: Moved-Seconded (Ewing-Thompson) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from Huron Culvert & Tank Co. for 2007. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

ABATEMENTS:

HELFENSTEIN: Moved-Seconded (Ewing-Seward) to approve the abatement for Troy & Theresa Helfenstein on parcel #26745-01764-010-00 because they applied for owner occupied status but it was missed in the file. Motion Carried.

SDDOT: Moved-Seconded (Weisenberg-Seward) to approve the abatement for SD Department of Transportation on parcel #31920-00041-000-00 because the property was transferred from HMC and is now tax exempt. Motion Carried.

HOMESTAKE MINE: Moved-Seconded (Ewing-Weisenberg) to approve the abatement for Homestake Mine on parcel #26340-00991-000-30 because the property was deeded to SD Game Fish and Parks & parcel #26620-01443-000-00 because the property was deeded to the SD Science and Technology Authority. Motion Carried.

ORDINANCE #06-04 / CONDITIONAL USES WITHIN ZONING DISTRICTS: A public hearing was held on proposed Ordinance #06-04. No public input was available and the public hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign Ordinance #06-04 Allowed and Conditional Uses Within Zoning Districts. Motion Carried.

FINAL PLAT / OLD TOBOGGAN HILL: Moved-Seconded (Ewing-Weisenberg) to approve the final plat for Old Toboggan Hill Plat of Lots 1,,8,9,10,13,14 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened). Motion Carried.

FINAL PLAT / APPLE SPRINGS DEVELOPMENT: Moved-Seconded (Weisenberg-Ewing) to approve the final plat for Apple Springs Development Lots 1-7, Blk 8 / Lots 1-11, Blk 9 / Lots 1-9, Blk 10 of Apple Springs Subdivision of Section 14, T5N, R4E. Motion Carried.

CHANGE OF ZONING #260 & 261 / FRED & GEAN BEETS TRUST / NEAL BEETS: A public hearing was held on Change of Zoning #260-A-1 to A-2: Owner/Representative: Fred and Gean Beets Trust/Neal Beets/NJS Engineering. Legal Description: SE1/4SE1/4 of Section 1, T6N, R1E., Located west of Spearfish. Purpose: Residential Subdivision. Zoning: A-1 and Change of Zoning #261-A-1 to PF. Owner/Representative: Fred and Gean Beets Trust/Neal Beets/NJS Engineering. Legal Description: NE1/4 and N1/2SE1/4 of Section 1, T6N, R1E., Location: W of Spearfish. Purpose: Residential Subdivision. Zoning: A-1. No public input was voiced and the public hearing was closed.

Moved-Seconded (Thompson-Ewing) to approve Change of Zoning #260 – An Ordinance Amending Lawrence County Zoning Ordinance Number One from A-1 General Agriculture to PF Park Forest. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve Change of Zoning #261 – An Ordinance Amending Lawrence County Zoning Ordinance Number One from A-1 General Agriculture to A-2 Residential Agriculture District. Motion Carried.

CHANGE OF ZONING #262 / LAWRENCE COUNTY/KEN REINERT: A public hearing was held on Administrative Change of Zoning #262-RR to A-2. Owner/Representative: Lawrence County/Ken Reinert. Legal Description: N1/2NE1/4,N1/2S1/2NE1/4, Section 12, ZT6N, R1E. Location: Crow Peak Bench. Purpose: Administrative Change- Down zoning. Zoning: RR. Flanagan explained at the time of the approval of COZ # 259, Ken Reinert self restricted himself to the 10 acre+/- lot size and agreed to change his current RR to the A-2 zoning once it was available. No public input was voiced and the public hearing was closed.

Moved-Seconded (Ewing-Weisenberg) to approve Change of Zoning #262 – An Ordinance Amending Lawrence County Zoning Ordinance Number One from RR – Rural Residential to A-2 Residential Agriculture District. Motion Carried.

GOVERNMENT DAY: Bev Hink was present to thank the Board for their past participation in Government Day and asked the Board to participate in 2007. 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 (Ewing-Seward) to participate in Government Day for 2007 and donate \$50.00 for the luncheon. Motion Carried. Marlene Barrett volunteered to be the County Coordinator.

“POD” POINT OF DISTRIBUTION GRANT: Moved-Seconded (Ewing-Thompson) to authorize the “POD” Exercise on March 6, 2007, utilizing the reimbursement grant funds of \$2,000. Motion Carried.

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

FIRE SUPPRESSION ASSISTANCE: Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign Resolution No. 07-08 Authorizing A Fire Protection Agreement and Designation of Personnel with Authority to Request Fire Suppression Assistance. Motion Carried.

RESOLUTION NO. 07- 08 LAWRENCE COUNTY COMMISSION RESOLUTION
AUTHORIZING A FIRE PROTECTION AGREEMENT AND DESIGNATION OF PERSONNEL
WITH AUTHORITY TO REQUEST FIRE SUPPRESSION ASSISTANCE: WHEREAS, the State
of South Dakota may enter into cooperative agreements with counties for the provision of assistance
in fire prevention and suppression efforts pursuant to SDCL §§ 41-20-4, 41-20-4, 41-20-8.1 and the
Joint Powers provisions of SDCL Ch. 1-24, and WHEREAS, Lawrence County may cooperate with
the Secretary of Agriculture for the protection of range, farm and forest lands in Lawrence County
from fire pursuant to SDCL §§ 34-31-1, 34-31-2 and the Joint Powers provision of SDCL Ch. 1-
24,'and WHEREAS, such cooperative assistance between the State of South Dakota and Lawrence
County is highly desirable and increases the effectiveness of the protection of range, farm and forest
lands in Lawrence County from wildfire, and WHEREAS, pursuant to SDCL § 41-20-8.1, the South
Dakota Wildland Fire Coordinator may assist in the suppression of rangeland fires within the
county upon request of a Board of county commissioners or its designee(s), and WHEREAS, the
South Dakota Wildland Fire Coordinator has requested that a person(s) be officially designated by
the Lawrence County Commissioners to make such requests, and NOW, THEREFORE, BE IT
HEREBY RESOLVED, by the Lawrence County Board of Commissioners that Lawrence County
enter into a County Rangeland Fire Protection Agreement with the State of South Dakota
Department of Agriculture to cooperate in fire prevention and suppression efforts, and BE IT
HEREBY FURTHER RESOLVED, that the list of individuals set forth below are hereby authorized
to request assistance, on behalf of Lawrence County, for suppression of rangeland fires within
Lawrence County as specified in SDCL § 41-208.1. The authority to request assistance as herein
provided shall continue in full force and effect until terminated or modified by resolution of the
Lawrence County Board of Commissioners. James J. Seward, Chair County Commission
Paul Thomson, Emergency Management Coordinator. Duly passed and adopted at a regular meeting
of the Lawrence County Commission on the 13th day of February, 2007. James J. Seward, Chairman
ATTEST: Connie Atkinson, Lawrence County Auditor

SURPLUS PROPERTY & EQUIPMENT TRANSFERS: Moved-Seconded (Weisenberg-Seward) to declare the following equipment surplus and transfer to the respective entities. Motion Carried. Search & Rescue snowmobile SN-1SU4BS27C717279 to City of Spearfish Fire Department; 2007 Ford F2550 Cab & Chassis to the Brownville Fire Department; and tank, flatbed rack and two compartments to the Nemo Fire Department.

COUNTY HEALTH FAIR: Moved-Seconded (Thompson-Ewing) Due to the overwhelming success of the health fair in 2006, the Health Fair for the County Employee's will be an annual event.

WHITEWOOD ANNEXATION:

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the following Resolution No. 07-10 Approving Annexation of Unplatted Lands by the City of Whitewood. Motion Carried.

RESOLUTION NO. 2007-10: A RESOLUTION APPROVING ANNEXATION OF UNPLATTED LANDS BY THE CITY OF WHITEWOOD, SOUTH DAKOTA: WHEREAS, the City of Whitewood, South Dakota desires to extend its municipal boundaries pursuant to SDCL 9-4-1; WHEREAS, the territory proposed to be annexed represents roughly 74 acres lying south of Interstate 90 contiguous to the boundaries of the City of Whitewood in Lawrence County; WHEREAS, the City of Whitewood has prepared a Resolution of Intent to Annex which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-4.11 all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Whitewood includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31 and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the Resolution of Intent To Annex prepared by the City of Whitewood so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 13th day of February, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

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-\$7,406.64; Aud-\$12,403.19; Treas-\$17,545.86; Comp-\$10,434.84; States Atty-\$26,483.96; Pub Def-\$15,661.70; Gen Govt Bldg-\$13,250.23; Equal-\$25,492.82; Rod-\$12,899.02; Vso-\$2,106.02; Disp-\$20,005.26; Sher-\$58,625.02; Jail-\$37,896.27; Emerg Mgnt-\$5,788.20; E911-\$2,952.20; Highway-\$68,665.33; Air-\$1,912.75; Ext-\$2,553.00; Weed-\$5,529.40; Pz-\$5,697.02; **Bills:** Alltel-\$34.09; American Family Life-\$3,642.90; BH Federal Credit Union-\$19,422.00; Blue Cross-\$53,228.38; Bp-\$87.34; Clerk Of Courts-\$1,277,286.80; Deadwood Recreation Center-\$181.00; Dept Of The Treasury-\$82,383.82; Fort Dearborn Life Ins-\$999.76; LC Treasurer-\$250.00; Montana-Dakota Util-\$9,148.56; NH Family Ymca-\$253.00; Office Of Child Support-\$354.46; Prairiewave Communications-\$860.29; SD Dept Of Corrections-\$115.40; SD Retirement System-\$46,397.71; Sdrs Supplemental Retirement-\$1,500.50; Verizon Wireless-\$399.17; Walmart Store-\$522.00; Barrett,M-\$11.92; Mowell,R-\$6,732.00; Rombough,D-\$89.60; Rosenau,R-\$6.72; Smith,J-\$138.24; A&B Business Equip-\$961.31; A&B Welding Supply-\$165.23; A&I Distributors-\$260.25; A&M Transport-\$175.00; Abc Business Supply-\$179.25; Active Data Systems-\$107.33; Agbio Communications Unit-\$54.48; Aldinger Funeral Home-\$2,435.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$256.82; BH Chemical Company-\$2,571.07; BH Land Analysis-\$945.00; BH Medical Ctr Pharmacy-\$2,593.13; BH Pest Control-\$95.00; BH Pioneer-\$848.04; BH Power & Light-\$1,075.66; BH Windshield Repair-\$50.00; Behavior Mngt Systems-\$426.22; Best Business Prod-\$18.00; Black Hills Pure-\$25.00; Brady Pluimer-\$208.64; Bullberry Systems-\$6,950.00; Butler Machinery Co-\$26.30; Butte Electric Coop-\$522.89; Cdw Government-\$127.67;

Center Revolving-\$25.00; Central Parts-\$3,177.43; City/County Alcohol & Drug-\$1,503.00; Clauser Machine Works-\$19.00; Coburn First Western-\$3,833.00; Conoco-\$271.99; Consolidated Plastics Co-\$67.10; Contractors Insulation-\$640.16; Corral West-\$29.95; Correctional Billing-\$6.20; Culligan Soft Water Serv-\$90.00; Dakota Discount-\$331.99; Dakota Graphics-\$156.00; Dale's Tire & Retread-\$584.00; Dash Medical Gloves-\$43.11; Deadwood Home Center-\$102.34; Deadwood, City Of-\$430.43; Deckers Food-\$111.79; Diamond Mowers-\$830.25; Division Of Motor Veh-\$28.00; Driscoll, W-\$600.00; Ecolab-\$105.50; Edm Publishers-\$98.78; Evercom Systems-\$1,050.00; Executone Of The BH-\$453.00; Extension Service-\$116.18; Fastenal-\$94.53; First Western Bank-\$512.77; Fish, V-\$24.00; Frontier Glass-\$211.50; Frederickson, J-\$1,515.60; Fsh Communications-\$55.00; Gall's-\$109.99; Great Plains Chemical-\$90.00; Grizzly Sign & Design-\$100.00; Harmelink, Fox & Ravensborg-\$209.44; Havemeier, L-\$199.60; Hrs Food Service-\$582.80; Huerta, L-\$678.87; Ikon Office Solutions-\$138.81; Integrity Ford-\$94.50; Jacobs Precision Welding-\$35.85; Karpinen, S-\$315.00; Key City Glass-\$220.00; Kinney, M-\$128.16; Knecht True Value-\$361.74; Kosel, J-\$4,166.67; Kreislers-\$42.14; LC Journal-\$737.24; LC Sheriff-\$56.00; Language Line Services-\$49.75; Lead, City Of-\$46.55; Lead-Deadwood Regional-\$395.18; Lead-Deadwood Regional Hospital-\$1,223.69; Lead-Deadwood Sanitary-\$242.64; Lee, J-\$15.00; Lexisnexis On-Line-\$361.00; Light & Siren-\$479.85; M&M Sanitation-\$300.00; McArthur, J-\$45.00; McClure, S-\$45.00; Medicap Pharmacy-\$18.11; Miller, S-\$6,602.18; Morman Law Firm-\$73.35; Mossman, Rick-Nasar-\$250.00; Mutchler, T-\$650.50; NH Alcohol & Drug Services-\$10,000.00; NH Community Development-\$1,000.00; Nacvso-\$250.00; National 4-H Council Sup Serv-\$46.00; National Business Furniture-\$4,055.20; National Sheriff's Assoc-\$100.00; Neafcs-Sd Affiliate Treasurer-\$105.00; Nelson, T-\$405.00; Neve's Uniforms-\$109.39; Office Depot-\$55.00; Office Technology/Supply-\$171.71; Outdoor Motor Sports-\$123.80; Pennington Co Auditor-\$104.00; Pennington County Sheriff-\$20.30; Pennington County Sts Attny-\$200.00; Postmaster, Deadwood-\$160.00; Public Safety Equip Co-\$418.88; Queen City Motors-\$26.98; Queen City Rocket Lube-\$113.51; Queen City Tire-\$30.36; Quill Corp-\$374.19; Qwest-\$1,175.66; Radio Shack/Kazco-\$129.95; Rapid Delivery-\$11.40; Reindl, S-\$6,820.12; SD Emergency Mngt Association-\$90.00; SD Human Services Center-\$23.20; SD State Treasurer-\$7,410.62; Sand Creek Printing-\$92.10; Scott Peterson Motors-\$16,260.00; Servall Towel & Linen-\$633.91; Shell Fleet Management-\$54.54; Silverado-\$675.45; Slate Creek Counseling-\$706.86; Spearfish Auto Supply-\$968.43; Spearfish Building Supply-\$53.58; Spearfish Emergency-\$12.00; Spearfish Fire Dept-\$12,625.14; Spearfish Husky-\$72.00; State Bar Of South Dakota-\$265.00; Stephenson, C-\$90.00; Street Image-\$835.00; Teen Court-\$2,138.24; The Glass Shop-\$20.00; Tigerdirect-\$1,844.40; Triple K Tire & Repair-\$1,092.57; Turbiville Industrial Electric-\$257.33; Twin City Hardware & Lumber-\$1,508.44; United Parcel Service-\$48.29; Waste Connections-\$558.96; Western Communication-\$310.50; Western Dakota Tech-\$75.00; Western State Fire Protection-\$475.00; Wyoming State Archives-\$12.00; Xerox Corporation-\$65.13; Yankton County-\$118.05; **Witness & Jurors:** Allerdings, E-\$51.92; Becht, L-\$62.80; Burns, J-\$60.24; Hart, J-\$56.40; Koski, C-\$62.80; Morcom, R-\$59.60; Osborn, J-\$62.80; Perez, A-\$60.24; Stearns, M-\$54.48; Wolff, N-\$59.60; Anderson, S-\$11.92; Bailey, A-\$19.60; Bibler, T-\$16.40; Carmichael, S-\$117.92; Couch, H-\$121.76; Deichert, M-\$16.40; Dillman, T-\$11.92; Haggberg, D-\$126.88; Hanson, C-\$11.92; Hanson, S-\$19.60; Hill, H-\$110.24; Humphrey, M-\$17.68; Jensen, G-\$111.52; Johnson, L-\$14.48; Johnson, T-\$19.60; Koski, A-\$20.88; Lehman, K-\$13.20; Logan, K-\$19.60; Lopez, J-\$19.60; Magnell, D-\$121.76; Mccue, M-\$22.80; Olson, K-\$18.32; Parrett, J-\$121.76; Peldo, J-\$26.00; Schlumbohm, B-\$21.52; Sogge, A-\$18.96; Suzuki, N-\$115.36; Telleen, E-\$101.28; Van Well, B-\$12.56; Wermers, A-\$16.40; Wermers, J-\$105.12; Wetch, S-\$115.36; Zwaschka, M-\$120.48; Acevedo, C-\$29.60; Balkenol, F-\$20.00; Fiedler, J-\$29.60; Gabel, B-\$20.00; Merkel, R-\$20.00; Norton-Mohr, C-\$20.00; Pickett, J-\$29.60; Purchase, A-\$20.00; Purchase, R-\$20.00; Weiland, N-\$20.00; Zephier, R-\$29.60

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

DATE APPROVED

James J. Seward, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – February 27, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on February 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson 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 February 13, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Douglas) to approve Julie Schmiedt as a part-time, as needed, transport officer at the base rate of \$11.07 an hour, effective 2-1-2007. Motion Carried.

TRAVEL REQUESTS:

HIGHWAY: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Dick Birk to attend the SD DOT Right of Way acquisition training and the Highway Short Course training in Brookings on March 13-15, 2007. Motion Carried.

COMMISSION: Moved-Seconded (Ewing-Seward) to approve the travel request for Bruce Outka to attend the SD DOT Right of Way acquisition training March 13, 2007 in Brookings. Motion Carried.

SHERIFF: Moved-Seconded (Douglas-Ewing) to approve the travel request for Tom Sandvick, Marian Hamilton, Kristy Schumacher and Peggy Steffen to attend the ND/SD APCO / NENA Training Conference in Bismarck, ND on March 19-22, 2007. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Amber Vogt to attend the 2007 American Planners Conference in Philadelphia on April 14-18, 2007. Motion Carried.

FUEL QUOTES: The following fuel quotes were submitted as of February 15, 2007: Spearfish Diesel 4400 Gallons: (prices per gallon) Cenex Oil Co. \$2.08*; Southside Oil - \$2.166; Rollin Oil - \$2.1495. (*represents lowest quote). Spearfish Unleaded 1020 Gallons (prices per gallon) Cenex Oil Co. \$1.918*; Southside Oil - \$1.956; Rollin Oil - \$1.955. (*represents lowest quote)

The following fuel quotes were submitted as of February 20, 2007: Deadwood Diesel 7200 Gallons: (prices per gallon) Cenex Oil Co. \$2.125750*; Southside Oil - \$2.19; Rollin Oil - \$2.216. (*represents lowest quote). Deadwood Unleaded 5300 Gallons (prices per gallon) Cenex Oil Co. \$1.975*; Southside Oil - \$2.00; Rollin Oil - \$2.016. (*represents lowest quote)

SEVERANCE TAX SUPPLEMENTAL BUDGET: The supplemental budget hearing for Severance Tax Funds was cancelled because approval has not been received from the Governor's Office of Economic Development.

RESOLUTION #07-09 SUPPLEMENTAL BUDGET: Moved-Seconded (Weisenberg-Thompson) to approve and adopt the following Resolution #07-09 Supplemental Budget. Motion Carried. RESOLUTION #07-09 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL

FUND: County Assistance-\$88,000; E911 FUND: Surcharge-\$115,000. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 27th day of February, 2007 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 27th day of February, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS. JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

TREASURER TRUST: Moved-Seconded (Douglas-Ewing) to cancel the Treasurer's Trust Agreement on "PI" and authorize the Treasurer to start action to take the property. Motion Carried.

STRIPING AGREEMENT: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign the 2007 County Striping Program Agreement with the Department of Transportation. Motion Carried.

WEIGHT LIMIT ENFORCEMENT: Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the Lawrence County Weight Enforcement Resolution 2007-12. Motion Carried.

LAWRENCE COUNTY WEIGHT LIMIT ENFORCEMENT RESOLUTION 2007-12:

WHEREAS, seasonal climatic changes can be detrimental to our highways and WHEREAS, the Lawrence County Board of County Commissioners desires to protect existing Lawrence County Highways, ultimately saving tax dollars and WHEREAS, the Lawrence County Board of County Commissioners desire the enforcement of weight limitation of Lawrence County Roads as set forth and posted by the Lawrence County Highway Superintendent. NOW THEREFORE BE IT RESOLVED: WHEREAS, the limits on Lawrence County Highways shall be set as six (6) ton per axle on Designated asphalt surface roads during spring thaw period and when limit signs are in place. That the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations on Lawrence County Roads. BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55. Vote of Lawrence County Commission AYE-5 NAY-0. Dated this 27th day of February 2007, at Lawrence County South Dakota. James J. Seward, Lawrence County Commission Chairperson. Attest: CONNIE ATKINSON, Lawrence County Auditor.

ABATEMENTS:

SPARGUR & HALSTEAD: Moved-Seconded (Ewing-Seward) to approve the abatement for Alice Spargur and Donna & Paula Halstead on parcel #24000-00702-313-50 because the house was demolished in March of 2006. Motion Carried.

LEGACY BUILDING CONCEPTS LLC: Moved-Seconded (Douglas-Weisenberg) to deny the abatement request from Legacy Building Concepts LLC on parcel #32670-00200-000-00 because they did not appeal the assessment to the Board of Equalization. Motion Carried.

TOBACCO FREE RESOLUTION #2007-11: The Board discussed a tobacco free policy for Lawrence County property. Complaints have arisen on the smoking at the entrances of the buildings. The Board discussed the concerns from the Judges on Witnesses and Jurors. The Judges suggested building shelters away from the entrances. The Board questioned if the State would have funds available to cover the costs. Bernie Lungren, Circuit Administrator, stated the State would not have the funds to pay for the shelters. Douglas felt a ban on tobacco use on the property was harsh and suggested limiting tobacco use within 50-100 feet from the entrances.

Moved-Seconded (Ewing-Weisenberg) to adopt and authorize the Chairperson to sign the following Resolution No. 2007-11 A Resolution Declaring Tobacco-Free Property Policy. Aye-Seward, Weisenberg, Ewing and Thompson. Nay-Douglas. Motion Carried.

RESOLUTION NO. 2007-11 - A RESOLUTION DECLARING TOBACCO-FREE

PROPERTY POLICY: WHEREAS, tobacco use is the single largest cause of preventable, premature death in the U.S.; **WHEREAS**, more than 70% of tobacco users want to quit, and worksite policies like this are one of the most effective ways to help them accomplish their goal. These policies also reduce the death and disease caused by tobacco use such as heart attacks, lung cancer, oral cancer and other serious and costly illnesses; **WHEREAS**, the Lawrence County Commission has an obligation to its employees and the public to take action known to protect peoples' health; **WHEREAS**, the use of tobacco products by employees or visitors compromises the mission of the Lawrence County Commission providing a safe and healthy place to conduct business, **NOW, THEREFORE BE IT RESOLVED**, that Lawrence County Commission does hereby declare ALL areas of the workplace and property are now tobacco-free, without exception. This includes the building grounds, parking lots, and county owned vehicles at all times; **IT IS FURTHER RESOLVED THAT**, enforcement of this policy is the shared responsibility of all Lawrence County personnel. All employees are authorized and encouraged to communicate this policy with courtesy, respect, and diplomacy, especially with regard to visitors. If difficulties arise with compliance of this policy, notify the Lawrence County Sheriff's Office; and **IT IS FURTHER RESOLVED THAT**, the Lawrence County Commission encourages all employees who use tobacco to quit. Tobacco cessation information is available from the South Dakota Quitline's toll-free number 1-866-737-8487, or by visiting the Tobacco Control Program's website at: <http://www.state.sd.us/doh/Tobacco/>. Dated this 27th day of February, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

NATIONAL FOREST SERVICE: Craig Bobzien, Black Hills National Forest Supervisor, introduced Rhonda O'Byrne as the new District Ranger and Dennis Jaeger as the new Deputy Forest Supervisor. Discussion followed on what issues are important to the Black Hills District.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$3,693.32; Aud-\$6,574.71; Treas-\$8,622.88; Comp-\$5,217.42; States Atty-\$13,241.97; Pub Def-\$8,453.40; Gen Govt Bldg-\$6,696.13; Equal-\$12,672.81; Rod-\$6,450.11; Vso-\$1,053.01; Disp-\$9,854.53; Sher-\$28,118.57; Jail-\$17,125.16; Emerg Mgnt-\$2,895.59; E911-\$1,475.00; Highway-\$35,917.70; Air-\$886.20; Ext-\$1,236.00; Weed-\$2,541.50; Pz-\$2,848.51; **Bills:** Chavez,M-\$19.60; A&B Business Equip-\$683.36; A&J Supply-\$17.38; A-Z Shredding-\$13.00; Abc Business Supply-\$7.75; Alltel-\$196.07; Amcon Distributing-\$208.53; American Family Life-\$3,618.61; American Legion Post 31-\$50.00; BH Chemical Company-\$591.00; BH Federal Credit Union-\$9,811.00; BH Pioneer-\$27.20; BH Power & Light-\$7,240.28; Blue Cross-\$53,220.11; Bp-\$619.53; Brady Pluimer, PC-\$563.74; Butte County Sheriff-\$23.78; Calkota Properties-\$330.00; Canon Usa-\$5,073.00; Central Parts-\$19.06; Chemical Sanitizing Sys-\$28.36; Chemsearch-\$166.92; Chris Supply Co-\$1,123.85; Clinical Lab Of BH-\$2,924.52; Cna Surety-\$50.00; Contractors Insulation-\$110.00; Control Industries-\$769.06; Culligan Soft Water Serv-\$88.50; Dakota Graphics-\$75.00; Deadwood Recreation Center-\$181.00; Dept Of The Treasury-\$40,829.82; Diamond Mowers-\$135.85; Dietrich,D-\$24.29; Division Of Motor Veh-\$53.00; Election Sys & Software-\$3,556.00; Ellingson,J-\$2,059.76; Executone Of The BH-\$33.00; Extension Service-\$72.79; Farmers Union Oil-\$36,853.03; Fisher Sand & Gravel-\$181.76; Fort Dearborn Life Ins-\$1,020.19; Gold Dust-\$86.10; Grimm's Pump Service-\$167.20; Grosfield Electric-\$64.65; Havemeier,L-\$13.80; Heartland Paper Co-\$2,218.70; Heisler Hardware-\$16.74; Hewlett-Packard Company-\$7,076.00; Human Services Agency/D Madsen-\$20.00; Ibm Corp-\$42.04; Ikon Office Solutions-\$138.81; Interstate Supply-\$108.99; Intoximeters-\$222.50; J D Evans-\$1,403.75; Jacobs Precision Welding-\$94.80; Janke,W-\$23.20; Kadrmas, Lee And Jackson-\$8,031.87; Kearney County Clerk Courts-\$1.75; Kieffer,T-\$349.60; Kimball-Midwest Co-\$158.46; LC Treasurer-\$100.00; Lawson Products-\$156.49; Lead-Deadwood Regional Hospital-\$63.80; Lewis & Clark-\$130.00; Lueders-\$37.26; M&M Sanitation-\$114.00; Macdonald,S-\$40.13; Mcgas Propane-\$809.63; Meade County Sheriff-\$56.90; Menards-\$414.37; Midwest Alarm Co-\$84.00; Mobile Electronic Service-\$1,400.00; Montana-Dakota Util-\$6,727.79; NH Family Ymca-\$286.00; National Assoc Legal Assistant-\$50.00; National Business Furniture-\$2,797.20; Nelson,C-\$405.00; Neve's Uniforms-\$42.50; North Dakota Apco-\$240.00; Office Depot-\$480.00; Office Of Child Support-\$177.23; Office Technology/Supply-\$642.25; Pennington Co Jail-\$1,848.40; Pennington County Sheriff-\$13.96; Performance Automatics & Serv-\$2,878.12; Prairiewave Communications-

\$1,321.73; Quill Corp-\$233.46; Qwest-\$58.18; RC Finance Office-\$1,680.00; RC Regional Hospital-\$618.19; Rabe Elevator- \$658.05; Radio Shack/Kazco-\$33.74; Regan Battery Ma Services-\$239.74; Reliable-\$61.13; Root Spring Scraper-\$372.98; SD Assn Of Co Comm-\$100.00; SD Dept Of Corrections-\$57.70; SD Public Assur Alliance-\$102,110.84; SD Retirement System-\$45,095.25; Spearfish Police Dept-\$12,663.38; Sand Creek Printing-\$200.50; Sdrs Supplemental Retirement-\$891.50; Servall Towel & Linen-\$267.97; Sign Express-\$285.09; Spearfish Alt/Starter Rebuild-\$110.00; Spearfish Auto Supply-\$566.01; Stadler Ind Service-\$257.10; Stretch's Glass & Mirror-\$2,852.73; Tellinghuisen & Gordon-\$378.75; Tie-\$295.00; Tigerdirect-\$2,382.77; Twin City Hardware & Lumber-\$323.24; US Postal Service-\$800.00; United Parcel Service-\$35.68; Verizon Wireless-\$1,487.98; Victims Of Violence-\$535.00; Walmart Store-\$720.16; Wells Fargo Business-\$266.49; Western SD Juvenile Serv-\$4,200.00; Wsi Corp-\$756.60; Wyoming State Archives-\$6.00; **Witness & Jurors:** Brown,N-\$60.24; Flink,M-\$120.48; Goehner,V-\$60.88; Grosfield,A-\$120.48; Heupel,M-\$107.68; Koan,R-\$119.20; Merkel,A-\$125.60; Williams,J-\$125.60; Anderson,T-\$48.80; Benson,B-\$40.48; Cain,H-\$26.40; Corean,J-\$26.40; Diede,L-\$29.60; Gomez,D-\$20.00; Kinghorn,P-\$30.88; O'connor,R-\$29.60; Bell,S-\$51.92; Blumenthal,N-\$19.60; Boden,N-\$19.60; Burrell,S-\$62.80; Cameron,N-\$52.56; Gainey,P-\$19.60; Green,K-\$19.60; Grenstiner,L-\$11.28; Hart,A-\$22.80; Heinrich,D-\$19.60; Lehman,T-\$53.20; Loneman,K-\$19.60; Mcgrath,W-\$22.80; Meade,K-\$19.60; Miller,R-\$59.60; Moe,T-\$19.60; Morford,S-\$60.24; Nations,K-\$20.88; Nauman,E-\$60.24; Neisent,P-\$18.32; Ring,J-\$13.84; Roth,O-\$11.92; Sand,C-\$59.60; Sather,P-\$19.60; Siemonsma,A-\$19.60; Silva,A-\$57.68; Silvernagel,S-\$18.96; Stodolski,S-\$60.88; Vandeest,S-\$66.00; Wagner,C-\$17.68; Webster,A-\$16.40; Young,B-\$62.80; Thomas,M-\$30.88; Boggs,R-\$30.88

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

DATE APPROVED

James J. Seward, Chairman

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 13, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 13, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Weisenberg-Douglas) to approve the minutes of February 27, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Douglas) to approve Nathan Hedin as a part time Correctional I at the base rate of \$13.06 an hour, upon completion of 40 hours of training at \$8.36 an hour, effective 3-1-2007. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of February 28, 2007 showed the following: Total amount of actual cash-\$1,250.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$48,960.57; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$1,901.43; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$4,334,251.84; GNAMS-\$766.57; Total \$8,588,765.41.

ST. ONGE TOWNSHIP CLERK BOND: Moved-Seconded (Ewing-Weisenberg) to approve the St. Onge Township Clerk Bond for \$20,000 on Susan K Smith. Motion Carried.

VOLUNTEER SEARCH & RESCUE MEMBERS: Moved-Seconded (Douglas-Weisenberg) to approve the following list of Volunteer Search & Rescue members for insurance purposes. Motion Carried. Bernards, Roger; Culver, Kathleen; Hanson, Steven; Huhnerkock, Chris; Langer, David; Lillehaug, Arlando; Lillehaug, Gary; Mattox, Rob; McFarling, William; Millard, Raymond; Raubach, Fred; Rear, Kay; Regan, Daniel; Sanchez, Sharon; Siedschlaw, Robert; Simonyak, Erik; Stahl, Mike; Thomson, Paul; Tollefson, Melanie; Tollefson, Jamey; and Ell, Collin.

FUEL QUOTES: The following fuel quotes were submitted as of March 13, 2007: Whitewood Diesel 900 Gallons: (prices per gallon) Cenex Oil Co. \$2.389; Southside Oil - \$2.349*; Rollin Oil - \$2.385. (*represents lowest quote).

BUREAU OF LAND MANAGEMENT: Marion Atkins, South Dakota Field Office for Bureau of Land Management was present to discuss cooperating status with the County. Atkins explained the time line for the development of a Resource Management Plan (RMP) that includes land located in Lawrence County. Atkins explained options available for cooperating status and presented a sample MOU for the Board to review. The Board stated they would be requesting cooperating status and will review the options available.

ABATEMENTS:

LLOYD, KIM: Moved-Seconded (Ewing-Thompson) to deny the abatement request for Kim Lloyd on parcel #31090-02600-020-00 because they did not appeal to the Board of Equalization. Motion Carried.

BUILDING VENT CLEANING: Darlene Piekkola, Director of Equalization, asked the Board for a policy requiring the vents in the ceiling to be cleaned at least twice a year. Piekkola stated she felt

it was best for the health of the employees. The Board asked if a work order was completed and if Dick Birk was notified of the request. Piekkola stated she did not fill out a work order because she didn't feel a work order was necessary for general building maintenance. Piekkola stated if a policy is not done, she didn't feel the work would get completed. Douglas stated a policy is not necessary and they will notify Dick Birk of her concerns.

PLANNING & ZONING: Brandon Flanagan presented an overview of the recent Planning and Zoning meeting. Flanagan asked the Board for an executive session to discuss personnel issues.

9:12 a.m. Moved-Seconded (Weisenberg-Thompson) to go into executive session to discuss personnel issues. Motion Carried. 9:20 a.m. the Board opened for business. Flanagan announced that he would be resigning as of April 30, 2007 to pursue other interests.

Moved-Seconded (Weisenberg-Thompson) To accept the resignation, with regret, of Brandon Flanagan as Planning and Zoning Director as of April 30, 2007. Motion Carried.

EXTENSION / WELLMARK GRANT: Deb Rombough, Extension Agent, was present to explain a Wellmark Mini-Grant and request that the County sponsor the grant as the pass through agent. Moved-Seconded (Ewing-Thompson) to sponsor the Wellmark Grant as the pass through Agent. Motion Carried.

EXTENSION MEMORANDUM OF UNDERSTANDING: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Memorandum of Understanding between the Cooperative Extension Service and Lawrence County. Motion Carried.

US GEOLOGICAL SURVEY: Mark Anderson and Larry Putnam, US Geological Survey, reviewed the Characterization of Ground-Water Flow and Water Quality for the Madison and Minnelusa Aquifers in Northern Lawrence County.

SD DEPARTMENT OF LABOR: Duke Goodell, SD Department of Labor, presented an overview of the programs available.

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-\$3,703.32; Aud-\$6,656.34; Treas-\$8,624.48; Comp-\$5,217.42; States Atty-\$13,163.65; Pub Def-\$8,054.30; Gen Govt Bldg-\$6,635.07; Equal-\$12,795.04; Rod-\$6,450.11; Vso-\$1,053.01; Disp-\$11,792.78; Sher-\$28,760.68; Jail-\$19,745.60; Emerg Mgnt-\$2,892.59; E911-\$1,457.00; Highway-\$34,562.07; Air-\$1,019.16; Ext-\$1,299.00; Weed-\$2,552.28; Pz-\$2,848.51; **Bills:** Larson,R-\$37.28; Mowell,R-\$6,522.00; Rombough,D-\$129.60; Smith,J-\$264.30; Smith,M-\$48.00; A&B Business Equip-\$308.14; A&B Welding Supply-\$37.65; Abc Business Supply-\$864.86; Accurint Account-\$75.00; Altaire Interprises-\$320.00; Amcon Distributing-\$279.07; Avera Mckennan Hospital-\$580.00; BH Chemical Company-\$3,041.86; BH Federal Credit Union-\$9,811.00; BH Medical Ctr Pharmacy-\$1,628.01; BH Pest Control-\$95.00; BH Pioneer-\$431.28; BH Power & Light-\$583.88; Baseco-\$2,106.25; Best Business Prod-\$18.00; Black Hills Pure-\$25.00; Bob Barker Company-\$312.36; Branch Banking & Trust-\$39.75; Burger King-\$100.00; Butler Machinery Co-\$1,966.08; Butte Electric Coop-\$580.71; Campbell Supply-\$1,829.91; Cedar Shore-\$185.85; Central Parts-\$976.12; Chris Supply Co-\$149.22; Christensen Law Office-\$552.25; City/County Alcohol & Drug-\$768.00; Clinical Lab Of BH-\$2,009.50; Commercial Door & Special-\$720.00; Conoco-\$273.68; Contractors Insulation-\$2,124.01; Dakota Discount-\$45.11; Deadwood Home Center-\$73.80; Deadwood, City Of-\$466.03; Deckers Food-\$3.78; Dept Of Hlth Lab Services-\$105.00; Dept Of The Treasury-\$41,814.08; Ellingson,J-\$741.43; First Western Bank-\$397.96; Frederickson,J-\$140.40; Fsh Communications-\$60.00; Gene's Lock Shop-\$209.80; Great Western Tire-\$537.96; Havemeier,L-\$179.60; Heartland Paper Co-\$437.05; Heisler Hardware-\$10.98; Hewlett-Packard Company-\$703.00; Huhnerkoch,C-\$85.84; JH Hilt Engineering-

\$5,643.15; Jackley,M-\$856.40; Janke,W-\$360.00; Jordan,K-\$100.00; Kar Products-\$231.50; Karpinen,S-\$495.00; Kennedy,Rokahr,Pier & Knoff-\$135.80; Kinney,M-\$723.86; Kosel,J-\$4,242.67; LC Assessor-\$30.97; LC Auditor-\$6.00; LC Journal-\$339.66; LC Sheriff-\$179.60; LC Treasurer-\$100.00; Language Line Services-\$50.00; Lead, City Of-\$28.00; Lead-Deadwood Sanitary-\$266.94; Lee,J-\$15.00; Lexisnexis On-Line-\$361.00; Macks Auto Body-\$1,210.44; Mcarthur,J-\$135.00; McClure,S-\$315.00; Medicap Pharmacy-\$350.06; Montana-Dakota Util-\$1,134.13; Motorola-\$1,064.00; National Business Furniture-\$5,882.38; Nelson,T-\$540.00; Neve's Uniforms-\$351.47; Niesent,R-\$164.16; Novus-\$733.00; Office Of Child Support-\$177.23; Pitney Bowes-\$198.47; Postmaster,Spearfish-\$31.20; Pottawattamie Co Sher Office-\$18.00; Prairiewave Communications-\$522.68; Pronto Auto Supply-\$66.46; Queen City Medical Center-\$41.98; Queen City Rocket Lube-\$132.94; Quill Corp-\$46.98; Qwest-\$1,126.45; RC Regional Hospital-\$224.00; Rabe Elevator-\$193.99; Rapid Delivery-\$16.80; Regional Behavioral Health-\$184.27; Reindl,S-\$448.69; Reliable-\$6.19; SD Dept Of Labor Unemployment-\$2,434.25; SD Dept Of Transportation-\$13,658.89; SD Paralegal Association-\$50.00; SD Sheriff's Association-\$31.97; SD State Treasurer-\$14,623.45; Sanchez-Kirkpatrick,S-\$253.05; Sdrs Supplemental Retirement-\$916.50; Servall Towel & Linen-\$396.11; Shell Fleet Management-\$44.74; Sioux Valley Hospital-\$88,289.44; Slate Creek Counseling-\$249.48; Spearfish Auto Supply-\$359.92; Summit Signs & Supply-\$82.65; Superior Lamp And Supply-\$804.90; Tigerdirect-\$996.88; Triple K Tire & Repair-\$582.98; Twin City Hardware & Lumber-\$646.27; Verizon Wireless-\$355.50; Warne Chemical-\$1,961.07; Waste Connections-\$486.96; West River International-\$2,064.17; Western Communication-\$60.50; Western Hills Humane Society-\$3,000.00; Wheeler Lumber-\$269.90; Xerox Corporation-\$51.60; **Witness & Jurors:** Allerdings,E-\$51.92; Becht,L-\$62.80; Burns,J-\$60.24; Koski,C-\$62.80; Morcom,R-\$59.60; Osborn,J-\$62.80; Perez,A-\$60.24; Wolff,N-\$59.60

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

Date Approved

James J. Seward, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – March 27, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on March 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Weisenberg-Douglas) to approve the minutes of March 13, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Michelle Lynn Thompson and David Trentz as part-time corrections officers at the base rate of \$13.06 an hour, upon completion of 40 hours of training at \$8.36 an hour. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Ewing-Thompson) to appoint Amber Vogt as the Planning & Zoning Director at the base rate of \$36,000 a year, with a one year probation period, effective May 1, 2007. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to advertise for a full-time Administrative Secretary for the Planning and Zoning Office. Motion Carried.

INVASIVE SPECIES MANAGEMENT BOARD APPOINTMENT: Moved-Seconded (Weisenberg-Thompson) to appoint John Popowski to the Invasive Species Management Board to fill Paul Millers term to expire 1-2009. Motion Carried.

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

INVASIVE SPECIES MANAGEMENT SUPPLEMENT: Moved-Seconded (Ewing-Thompson) to set April 24th, 2007 at 8:15 a.m. for a supplemental budget for Invasive Species Management – Capitol Assets - \$26,000. Motion Carried.

COOPERATIVE LAW ENFORCEMENT AGREEMENT: Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the Cooperative Law Enforcement Agreement between the Lawrence County Sheriff and US Department of Agriculture. Motion Carried.

COUNTY LIEN RELEASE REQUEST: Moved-Seconded (Ewing-Thompson) to deny the request to release the county lien for R&G Hines. Motion Carried.

BAD CHECK CHARGES: Moved-Seconded (Thompson-Douglas) to approve and authorize the Chairperson to sign the following Resolution 2007- 13 for Dishonored Checks And Procedure For Collecting For Insufficient Fund Or No Account Checks. Motion Carried. RESOLUTION NO. 2007- 13 A RESOLUTION FIXING COSTS AND EXPENSES CHARGEABLE FOR DISHONORED CHECKS AND PROCEDURE FOR COLLECTING FOR INSUFFICIENT FUND OR NO ACCOUNT CHECKS: WHEREAS, Lawrence County receives insufficient fund or no account check from individuals conducting business with Lawrence County; WHEREAS, Lawrence County incurs costs and expenses collecting insufficient fund or no account checks; WHEREAS, pursuant to SDCL 57A-3-422 Lawrence County is authorized to collect thirty dollars for costs and expenses from any person who issues a check or other draft to Lawrence County, including any of its departments, which is not honored upon presentation; WHEREAS, pursuant to SDCL 7-11-4.2, if a county receives an insufficient fund or not account check, the county shall institute a collection

procedure; and WHEREAS, SDCL Ch. 22-30A details the procedure for collecting insufficient fund or no account checks; NOW, THEREFORE, BE IT RESOLVED, any person who issues a check or other draft to Lawrence County, including any of its departments, which is not honored upon presentation, may be charged a fee of \$30.00 for costs and expenses incurred in collection; IT IS FURTHER RESOLVED THAT, that the Lawrence County Treasurer shall follow the procedure for collecting insufficient fund or no account checks as set forth in SDCL 22-30A and according to any other applicable statute or rule. Dated this 27TH day of March, 2007. James J. Seward, Chairman.
ATTEST: Connie Atkinson, Auditor

BUILDING VENT CLEANING: Dick Birk, Highway Superintendent, reported the air vents are cleaned in the evenings after business hours. Birk stated the time sheets reflect the vents being cleaned within the last six months.

DUMP BODIES & HOISTS BIDS: Moved-Seconded (Weisenberg-Ewing) to accept the only bid from Northern Truck Equipment Corp for two new 2007 dump bodies and hoists for \$11,919 each or \$23,838 total. Motion Carried.

HIGHWAY SUPPLIES BIDS:

MAGNESIUM CHLORIDE: Moved-Seconded (Weisenberg-Thompson) to accept the only bid from Z&S Dust Control at \$94.30 per ton and \$8.50 per ton application. Motion Carried.

HOT MIX ASPHALT: Moved-Seconded (Weisenberg-Douglas) to accept the only bid received for hot mix asphalt from Hills Material for \$55.00 per ton E1 and \$57.00 per ton E2 at the Centennial Plant Site. Motion Carried.

COLD MIX ASPHALT: Moved-Seconded (Weisenberg-Thompson) to accept the only bid received for cold mix asphalt from Hills Material for \$47.00 per ton. Motion Carried.

GRAVEL SURFACING AGGREGATE: Moved-Seconded (Weisenberg-Opitz) to accept all bids received for Gravel Surfacing Aggregate from Hills Material for \$6.80 per ton Gravel Surfacing, \$7.95 Gravel Base, \$10.10 ³/₄ clean rock, \$10.10 ¹/₂ clean rock, and \$.30 loading cost at the Centennial Pit; \$6.40 per ton Gravel Surfacing, \$6.40 Gravel Base, and \$.30 loading cost at the Hanson Pit; \$6.40 per ton Gravel Surfacing, \$6.40 Gravel Base, \$7.40 1" inch clean rock, per ton at the Kost Pit; and \$.25 load cost and Fisher Industries for \$4.50 per ton Gravel Base, Motion Carried. The bid from H&S Sand & Gravel was rejected because it did not meet specifications.

DE-ICING SAND: The following bids were received for De-Icing Sand: Hills Material \$21.90 per ton and \$.30 Loading; Fisher Industries \$10.25 per ton. Moved-Seconded (Douglas-Ewing) to accept the low bid of Fisher Industries at \$10.25 per ton. Motion Carried.

GARIBOLDI ISOLATED TRACT: Chairman Seward excused himself from the meeting and Vice-Chairman Weisenberg presided. Pat McBride, Agent for Joseph Gariboldi, presented a petition for an Isolated Tract. Bruce Outka outlined the history of the property in question. McBride stated the negotiations, between the parties involved, have failed to result in an agreement. McBride stated at one time or another there were at least 5 old trails leading into the property, but none are available to them now. Jim D. Seward, Attorney for Fred Enning, requested the County defer their decision to the Circuit Court to determine first if it truly is an isolated tract. Seward stated they would like to come to an agreement with Mr. Gariboldi so an appeal would not need to be filed.

Moved-Seconded (Ewing-Weisenberg) to acknowledge receipt of the petition, to defer any action at this time to allow Outka time to review the materials received, and to set a time on the April 24th meeting at 10:00 a.m. to revisit the request. Motion Carried. Aye-4, Absent Seward.

Chairman Seward returned to the meeting.

OPTIMIST CLUB RAFFLE: Moved-Seconded (Weisenberg-Ewing) to approve the Optimist Club Raffle for a lot of land at Two Bit Ranch Estates. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to allow a temporary sign in Two Bit Ranch Estates, not to exceed 20 sq feet until the drawing on August 25, 2007. Motion Carried.

BUREAU OF LAND MANAGEMENT AGREEMENT: Moved-Seconded (Ewing-Weisenberg) to authorize David Heck, on behalf of the County, to continue the application for project funding with the Department of Interior / Bureau of Land Management for the treatment of noxious weeds on public lands in Lawrence County. Motion Carried.

10:00a.m. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Thompson) to go into executive session to discuss personnel issues. Motion Carried. 10:13 a.m. the Board reopened.

REGISTER OF DEEDS RECORDS DESTRUCTION: Moved-Seconded (Douglas-Seward) to accept the 1/2007 Records Destruction Manual for the Register of Deeds. 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-\$5,703.16; Aud-\$6,622.55; Treas-\$8,626.08; Comp-\$5,217.42; States Atty-\$11,242.15; Pub Def-\$8,054.30; Gen Govt Bldg-\$6,583.42; Equal-\$12,765.85; Rod-\$6,450.11; Vso-\$1,053.01; Disp-\$10,727.91; Sher-\$28,637.39; Jail-\$18,083.89; Emerg Mgnt-\$12,895.59; E911-\$1,475.00; Highway-\$32,938.93; Air-\$886.20; Ext-\$1,236.00; Weed-\$1,629.04; Pz-\$2,848.51; **Bills:** Fitzgerald,J-\$320.60; Lopez,A-\$10.88; A&B Business Equip-\$893.47; A-Z Shredding-\$13.00; Abc Business Supply-\$106.90; Alltel-\$199.22; BH Federal Credit Union-\$9,811.00; BH Pioneer-\$99.01; BH Power & Light-\$7,379.90; Best Western Ramkota Inn-\$225.00; Billion Auto Center Of Salem-\$75,894.00; Binger Law Office-\$1,536.60; Black Hills Pure-\$225.00; Blue Cross-\$52,413.77; Bp-\$531.77; Butler Machinery Co-\$168.30; Butte County Sheriff-\$17.28; Canon Usa-\$1,146.00; Center Revolving-\$70.00; Central Parts-\$584.64; City/County Alcohol & Drug-\$345.00; Clark Printing-\$50.05; Clerk Of Courts-\$6.25; Culligan Soft Water Serv-\$28.50; Dakota Bus Service-\$360.00; Deadwood Home Center-\$1.84; Deadwood Recreation Center-\$181.00; Dept Of The Treasury-\$40,015.72; Dietrich,D-\$132.18; Eagle Aviation-\$231.00; Executone Of The BH-\$4,782.70; Fastenal-\$282.71; Finkbeiner Feed & Seed-\$150.00; Fort Dearborn Life Ins Co-\$1,020.19; Frederickson, John R-\$360.20; Havemeier,L-\$75.60; Heartland Paper Co-\$437.05; Heisler Hardware-\$33.33; Hillside Disposal Service-\$63.00; Rhino Linings Of Belle Fourche-\$1,030.00; Ikon Office Solutions-\$138.81; Kadrmas, Lee And Jackson-\$24,303.59; Kieffer,T-\$34.00; Kimball-Midwest Co-\$198.63; Kooistra,N-\$15.00; Kustom Signals-\$1,450.00; LC Sheriff-\$19.26; LC Treasurer-\$100.00; Lavallie,T-\$203.80; Lawson Products-\$177.68; Lester L Davis Jr-\$350.00; Light & Siren-\$264.90; M&M Sanitation-\$59.50; Mcarthur,J-\$90.00; McGowan & Hensley Law Office-\$771.46; Mcleod's Office Supply-\$110.75; Meade County Sheriff-\$92.00; Montana-Dakota Util-\$960.96; NH Family Ymca-\$286.00; National Business Furniture-\$494.85; National Forest Counties-\$1,013.74; Neve's Uniforms-\$751.01; Novus-\$1,218.00; Office Of Child Support-\$177.23; Pennington Co Jail-\$919.10; Pennington County Sheriff-\$13.20; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$147.68; Pitney Bowes-\$1,304.70; Postmaster, Deadwood-\$111.00; Prairiewave Communications-\$973.88; Queen City Rocket Lube-\$62.97; Quill Corp-\$48.54; Qwest-\$103.03; RC Emergency Service \$203.50; RC Finance Office-\$1,505.00; RC Regional Hospital-\$1,454.10; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$39.98; Rehfuss,C-\$15.00; Reindl, Staci-\$2,576.58; Reliable-\$254.12; Reserve Account-\$6,000.00; Rushmore Communications-\$252.00; SD Assn Of Co Comm-\$50.00; SD Assoc Of Weed & Pest Boards-\$200.00; SD Dept Of Transportation-\$2,835.00; SD Human Services Center-\$123.10; SD Retirement System-\$45,451.33; Spearfish Police Dept-\$3,576.92; Safeway-\$90.15; Sand Creek Printing-\$35.00; SD States Attorney Assoc-\$550.00; Sdae4-He-\$45.00; Sdrs Supplemental Retirement-\$966.50; Secretary Of State-\$25.00; Shepherd Reporting-\$25.00; Slate Creek Counseling-\$414.22; Southside Oil-\$1,843.97; Spearfish Ambulance Service-\$22.00; Spearfish Auto Supply-\$31.34; Stadler Ind Service-\$41.50; Tigerdirect-\$443.17; Triple K Tire & Repair-\$386.00; Twin City Hardware & Lumber-\$260.01; US Marshalls Service-\$1,036.89; Verizon Wireless-\$812.17; Victims Of Violence-\$555.00; Walmart Store-\$425.80; Wells Fargo Business Card-\$875.76; Western Communication-\$39.00; Western SD Juvenile Serv-\$8,600.00; Wheeler Lumber-\$113.04; Wolff's Plumbing & Heating-\$69.54; Yankton Co Sheriff-\$16.50; **Witness &**

Jurors: Brown,N-\$60.24; Flink,M-\$60.24; Goehner,V-\$60.88; Grosfield,A-\$60.24; Heupel,M-\$53.84; Koan,R-\$59.60; Williams,J-\$62.80; Bertalot,T-\$25.44; Brandon,D-\$47.52; Calhoon,P-\$20.00; Corean,C-\$29.60; Corkins,T-\$21.92; Daley,P-\$21.28; Harrell,M-\$29.60; Harwood,N-\$25.44; Hermann,B-\$29.60; Hofer,S-\$21.31; Kolano,G-\$29.60; Kurtz,S-\$20.00; Mcdaniel,S-\$20.00; Mclain,M-\$20.00; Moshier,C-\$60.32; Noland,B-\$29.60; Noland,M-\$20.00; Sharp,P-\$29.60; Steger,L-\$29.60

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

Date Approved

James J. Seward, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 10, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 10, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, and Bob Ewing present. Tommy Thompson was absent.

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

MINUTES: Moved-Seconded (Weisenberg-Douglas) to approve the minutes of March 27, 2007. Motion Carried.

TRAVEL REQUESTS:

EQUALIZATION: Moved-Seconded (Ewing-Douglas) to approve the travel request and advance for Darlene Piekola and Scott Sandvig to attend the 2007 NCRAAO Conference in Sioux Falls, SD on June 24-28, 2007. Motion Carried.

PLANNING & ZONING: Moved-Seconded (Ewing-Weisenberg) to approve the travel advance of \$258.00 for Amber Vogt to attend the 2007 American Planners Conference in PA on April 13-18, 2007. Motion Carried.

BOARD APPOINTMENTS: Moved-Seconded (Weisenberg-Ewing) to appoint Bill Coburn as the Bureau of Land Management Lawrence County Representative, in their process to update the South Dakota Resource Management Plan. Motion Carried.

DELTA DENTAL INSURANCE: Douglas presented a proposal for dental insurance for ¾ time + employee's. The premiums for an employee only policy would be \$29.50 and \$79.90 for family coverage. Douglas recommended the County pay 100% of the employee policy and if the employee wants family coverage they would pay the difference. Douglas stated the County budgeted for an increase in health insurance premiums that was not realized, so a supplement would not be needed in the budgets. Moved-Seconded (Douglas-Ewing) to offer the Delta Dental Insurance on a trial basis to Employee's as of July 1, 2007 through December 31, 2007; paying 100% of the Employee only policy. Motion Carried. The Board will review the policy to see if the Employee's are satisfied prior to finalizing the 2008 budget.

NORTHERN HILLS ALCOHOL & DRUG SERVICES: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Agreement with Northern Hills Alcohol & Drug Services as a Core Service Agency. Motion Carried.

TRANSFER OF FUNDS:

ROAD & BRIDGE & EMERGENCY DISASTER: Moved-Seconded (Douglas-Weisenberg) to approve the transfer of \$911,310 from General Fund to Road & Bridge Fund and to transfer \$71,357 from General Fund to Emergency & Disaster Fund. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of March 31, 2007 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)-\$45,372.68; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,785.20; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$4,042,644.02; GNAMS-\$683.19; Total \$8,297,370.09.

GENERAL FUND SURPLUS ANALYSIS: The General Fund Surplus Analysis for Lawrence County as of March 31, 2007 is \$597,420.18 or 3.8% after budgeted transfer of funds.

EMERGENCY MANAGMENT & EXTENSION AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Seward) to approve an automatic supplement of \$2,000.00 in the Emergency Management Grants Budget to cover grant fund expenditures for the Bioterrorism POD Exercise Grant and \$2,153.41 in the Extension Grants Budget to cover grant fund expenditures for the SDSU Federal Mail Grant. Motion Carried.

DUCT CLEANING: Dick Birk stated he has been researching the cost to have the ducts cleaned in the Annex Building twice a year. The estimated cost would be \$28,000. Birk stated Darlene Piekola obtained some information from the home show on filters. However, Birk stated after researching the filters they are the same filters we are currently using. Birk stated they will be doing air quality testing in the building this week to determine if it would be beneficial to clean the ducts at this time.

BRIDGE REPLACEMENTS: Dick Birk presented draft resolutions for the Bridge Replacement Program for Structure No. 41-070-012 Carlson Rd/Dorsett Rd., and Structure No. 41-110-008 Hellmer Rd./Lookout Mtn. Rd. The issue will be placed on the April 24, 2007 Agenda.

WHARF RESOURCES / MINE PERMIT TECHNICAL REVISION: Moved-Seconded (Ewing-Weisenberg) to approve the Mine Permit Technical Revision for an increase of less than 20% of contiguous affected land within the permit area. Motion Carried.

CONDITIONAL USE PERMIT #298-07 CAMPGROUND AMENDMENT: A public hearing was held on an Amendment to Conditional Use Permit # 298-07-Campground: Owner/ Representative: Steve Nothdurft; Legal Description: M.S. 1748 St. John No. 4, Section 1, T3N, R3E. Location: Hwy 385/Custer Peak Road, Purpose: To add 5 full hookups, Zoning: PF. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Ewing) to approve the Amendment for CUP #298-07 with the added condition that a time frame of May 1st thru October 1st be included. Motion Carried.

PLANNED UNIT DEVELOPMENT #6-07 SUBDIVISION AMENDMENT: A public hearing was held on an Amendment To Planned Unit Development #6-07-Subdivision: Owner/ Representative: Terry River Run LLC, Legal Description: Lot 1 and 2, Blk 1 of Tract 1 of Terry Peak Estates, Section 2, T4N, R2E., Location: Terry Peak, Purpose: Townhomes, Zoning: SRD. Chris Kenzy, project manager, Ron Waldner, builder and Tom Marsing, Terry Peak Ski Area were present and in support of the amendment. A letter was received from Terry Valley-Trojan Water Project District in support of the project and will continue to supply water to the lots.

A letter was received from Michael J. Hale, Terry Valley Road District, registering their unanimous objection to the request for town homes. Jon Torgerson, landowner in the area expressed his objection because of the increased traffic and the affect on the Terry Valley Road District Roads. Discussion followed that the area in question could petition the Road District to be annexed.

The public hearing was closed. Weisenberg questioned if off-street parking would be available. Flanagan stated ample parking was available. Douglas questioned vacation rentals. Flanagan stated at this time nothing is in the ordinances.

Moved-Seconded (Weisenberg-Ewing) to approve the Amendment for Planned Unit Development #06-07 with the condition that the lots are treated as 4 units for a total of 9 units in the development for road maintenance issues. Motion Carried.

PLANNING & ZONING UPDATES: Brandon Flanagan and Amber Vogt updated the Board on Planning and Zoning issues.

FINAL PLAT – SMOKEY MOUNTAIN RANCH: Moved-Seconded (Douglas-Weisenberg) to approve the final Plat of Lots 6 & 7 of Smokey Mt Ranch Sub, Section 28 & 33, T6N, R4E. Motion Carried.

10:05 A.M. Moved-Seconded (Weisenberg-Douglas) to recess for the County Board of Equalization. 1:00 p.m. the County Commission Meeting was called back to order.

NEMO HAZARDOUS CONTAMINANT CLEAN-UP PROJECT: Rhonda O’Byrne and Rusty Wilder presented history on the Nemo Hazardous Contaminant Clean-up Project and the Hardy Work Center Site. Wilder stated they are currently monitoring wells, pumping and treating the water and then releasing back into the soil. The Board asked to have a full power point presentation on the project in May.

The Board also expressed concerns on Forest Service Road Closure Areas.

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-\$5,703.16; Aud-\$6,686.39; Treas-\$8,626.08; Comp-\$5,217.42; States Atty-\$11,242.14; Pub Def-\$8,054.30; Gen Govt Bldg-\$6,637.08; Equal-\$12,789.71; Rod-\$6,453.31; Vso-\$1,053.97; Disp-\$10,820.83; Sher-\$29,902.15; Jail-\$17,878.99; Emerg Mgnt-\$2,886.59; E911-\$1,478.00; Highway-\$33,497.80; Air-\$886.20; Ext-\$1,263.00; Weed-\$1,550.30; Pz-\$2,848.51;

Bills: Barrett,M-\$29.00; Larson,P-\$10.24; Mowell,R-\$8,058.00; Outka,B-\$29.00; Rombough,D-\$44.80; Smith,J-\$28.16; Smith,M-\$65.28; Thompson,T-\$29.00; A&B Business Equip-\$1,376.90; A&B Welding Supply-\$48.31; A-Z Shredding-\$20.50; Abc Business Supply-\$214.61; Accurint Account-\$75.00; Altaire Enterprises-\$20.00; Amcon Distributing-\$293.84; American Family Ins-\$3,660.30; Appriver Llc-\$912.00; Aspen Equipment-\$518.02; BH Chemical Company-\$459.75; BH Federal Credit Union-\$9,811.00; BH Pest Control-\$95.00; BH Power & Light-\$464.72; Baseco-\$1,149.28; Best Business Prod-\$18.00; Bickle's Truck & Diesel-\$42.09; Black Hills Pure-\$11.50; Butte Electric Coop-\$415.85; Cdw Government-\$326.99; Central Parts-\$420.88; Chain Saw Center/Dakota Equip-\$26.95; Chris Supply Co-\$6.76; Christensen Law Office-\$256.00; City/County Alcohol & Drug-\$920.00; Clinical Lab Of BH-\$470.00; Cna Surety-\$50.00; Conoco-\$35.70; Cook's Direct-\$1,146.82; Cooperative Extension Service-\$162.06; Culligan Soft Water Serv-\$178.50; Dale's Tire & Retread-\$584.58; Days Inn (Brookings)-\$177.00; Deadwood Home Center-\$15.28; Deadwood Thymes Cafe & Bistro-\$90.00; Deadwood, City Of-\$438.54; Decastro Law Firm-\$172.68; Deckers Food-\$5.67; Dept Of The Treasury-\$40,632.53; Division Of Motor Veh-\$8.00; Election Sys & Software-\$1,848.32; Evercom Systems-\$1,113.00; Fastenal-\$52.69; First Western Bank-\$550.49; Food Groupie-\$168.95; Fox, Youngberg & Lewno-\$183.64; Fsh Communications-\$60.00; Gene's Lock Shop-\$2.75; Gold Dust-\$258.30; Great Western Tire-\$177.89; Greens Alignment-\$194.98; Havemeier,L-\$102.60; Heartland Paper Co-\$79.17; Heisler Hardware-\$52.95; Hickok's Iron Horse Inn-\$56.55; Hills Material Comp-\$515.24; Holiday Inn Express Oacoma-\$235.00; Huron Culvert & Tank Co-\$1,436.00; Jenner Equipment Co-\$494.40; Karpinen,S-\$315.00; Kieffer,T-\$304.00; Kinney,M-\$814.20; Klein's Office Furniture & Sup-\$964.00; Knecht True Value-\$9.50; Kosel,J-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$660.24; LC Sheriff-\$45.74; LC Treasurer-\$100.00; Lar-Jo's-\$2,976.20; Lead, City Of-\$110.42; Lead-Deadwood Regional-\$169.51; Lead-Deadwood Regional Hospital-\$640.33; Lead-Deadwood Sanitary-\$247.50; Lee,J-\$15.00; Lexisnexis On-Line-\$361.00; McClure,S-\$495.00; Mcfarling,B-\$31.79; Medicap-\$60.00; Medicap Pharmacy-\$127.25; Melbourne Medical Clinic-\$10.50; Montana-Dakota Util-\$6,010.67; Nelson,C-\$315.00; Nelson,T-\$765.00; Newman Traffic Signs-\$965.00; Office Of Child Support-\$177.23; Office Technology/Supply-\$79.86; Pennington County Sheriff-\$105.26; Pennington County Sts Attny-\$400.00; Postmaster, Deadwood-\$78.00; Prairiewave Communications-\$844.31; Queen City Rocket Lube-\$27.49; Quill Corp-\$758.46; Qwest-\$1,133.89; Rabe Elevator-\$2,587.00; Radio Shack/Kazco-\$26.47; Rapid Delivery-\$43.20; Ray O'herron Co-\$1,161.81; Regan Battery Ma Services-\$350.00; Reindl,S-\$1,555.85; Roadside Safety Devices-\$349.01; SD Continuing Legal Education-\$150.00; SD Sheriff's Association-\$50.00; SD State Treasurer-\$807.65; Safeway-\$86.26; Salzsieder,M-\$3,735.00; Sdrs Supplemental Retirement-\$966.50; Servall Towel & Linen-\$267.97; Spearfish Auto Supply-\$560.70; Team Lab Chemical Corp-\$3,812.00; Tellinghuisen & Gordon-\$616.65; Tigerdirect-\$284.46; Triple K Tire & Repair-\$13.50; Twin City Hardware & Lumber-\$451.40; United Parcel Service-\$19.10; Waste

Connections-\$430.00; West Group-\$364.00; West River International-\$200.14; West Tire And Alignment-\$654.02; Western Communication-\$120.50; Williams Standard Serv-\$57.90; Xerox Corporation-\$302.45; **Witness & Jurors:** Allerdings,E-\$51.92; Becht,L-\$62.80; Hart,J-\$56.40; Koski,C-\$62.80; Morcom,R-\$59.60; Osborn,J-\$62.80; Perez,A-\$60.24; Stearns,M-\$54.48; Weiland,N-\$24.80; Ladson,T-\$29.60; Mraz,K-\$27.68

ADJOURN: 1:25 p.m. there being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chairman

ATTEST:

Connie Atkinson, Auditor

2007 COUNTY BOARD OF EQUALIZATION April 10th & 24th, 2007

The Lawrence County Board of Equalization was called to order at 10:15 a.m. on Tuesday, April 10, 2007, with the following members present: James J. Seward, Terry W. Weisenberg, Connie H. Douglas, and Bob Ewing. Tommy Thompson was absent.

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

The 2007 Board of Equalization oath was signed.

Date: 04/10/2007

TAX EXEMPT:

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

(1) Moved-Seconded (Weisenberg-Seward) to approve 32090-05200-120-20 **Northern Hills Pregnancy Care Center** as tax exempt. Motion Carried.

COUNTY APPEALS:

#0001 HAMMOND, STEVE A 20120-00602-042-72 APPLE VALLEY S/D LOT 9 OF LOT 1B OF LOTS 4 & 5 SE1/4 SE1/4 Moved-Seconded (Douglas-Weisenberg) No change in land value. Change structure value from \$15,780 to \$14,590 Change structure value from \$4,950 to \$4,260 Motion Carried: Remarks: Hammond stated the land value is too high because the County required him years ago to build with a 25-30 foot setback, leaving the remaining land too small to put in a double wide or larger mobile home. The Equalization Office provided sales and comparables and recommended no change to the land value but recommended changes to the structure values.

#0002 LARSEN, KENNETH N & DARLA M 11000-00401-212-00 T-004 R-01 NE1/4NW1/4-N1/2SE1/4NW1/4-SW1/4SE1/4NW1/4-W1/2SE1/4SE1/4NW1/4 Moved-Seconded (Douglas-Seward) Change land value from \$160,120 to \$215,060 Motion Carried: Remarks: NA-Z \$160,120 will be changed to NA-Z \$215,060- NA-Z value was placed on wrong parcel due to wrong legal description being recorded.

#0003 LARSEN, KENNETH N & DARLA M 11000-00401-163-50 T-004 R-01 NW1/4SW1/4, NE1/4 SW1/4, E1/2SE1/4SW1/4 Moved-Seconded (Douglas-Ewing) Change land value from \$12,040 to \$286,750 Change abstract class from AG to NA Motion Carried: Remarks: AG will be changed to NA-Z \$286,750 NA-Z value was placed on wrong parcel due to wrong legal description being recorded.

#0004 LOCKEN, WILLIAM J & PATRICIA A 06600-00301-280-34 CROOKS TOWER RETR HES 502 LOT 16R & LOT 17 OF SEC. 27 & 28 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure values. Motion Carried: Remarks: Sales and comparables support the assessment.

#0005 TEUPEL, JOHN E & GLADYS M 20000-00602-363-15 T-006 R-02 N2NE4SE4SW4,N2NW4SE4SW4,SW4NW4SE4SW4,N2NW4SW4SW4,S E4NW4SW4SW4,NE4SW4SW4 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0006 VIG, DARRELL K & LOIS E (JACKSON, ROBERT & JANET) 26440-01158-000-66 DEER MT. RESORT #1 M.S. 1 LOT 11 BLK 3 Moved-Seconded (Seward-Douglas) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0007 OTIS, TAMI J 24920-00702-330-20 OTIS S/D LOT C Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0008 BARBER, RONALD & BARBARA 26480-01207-000-25 LAST CHANCE RIDGE S/D M.S BAR E RANCH Moved-Seconded (Weisenberg-Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0009 SCHMIDT-GRIMMIGER, DELF C BELL, MARIA C 26920-00001-004-20
LOST CAMP VALLEY AC. TR A LOTS 1,19 & 20 BLK 4 Moved-Seconded (Douglas-Seward)
Change land value from \$76,810 to \$0 Motion Carried: Remarks: Combined lots with parcel
26920-00001-004-21.

#0010 SCHMIDT-GRIMMIGER, DELF C BELL, MARIA C 26920-00001-004-21
LOST CAMP VALLEY AC. TR A LOT 21A & 22A BLK 4 Moved-Seconded (Seward-
Weisenberg) Change land value from \$73,400 to \$84,200 No change in structure value.
Motion Carried: Remarks: Combine lots with parcel 26920-00001-004-20.

#0011 ANDERSON, MIKE OR ANNALISA MEMMEN 13000-00403-250-11 T-004 R-03
MH SITS ON TR G OF HES 54 & TR 0165 SE1/4 SE1/4 Moved-Seconded (Douglas- Weisenberg)
No change in structure value. Motion Carried: Remarks: Sales and comparables support the
assessment.

#0012 M & A ANDERSON PROPERTIES LLC 24600-00702-330-68 SPF. FAIRGROUNDS
COMM. SW1/4 SW1/4 LOT 35 EX H1(.06 AC) & (1.0 A. MINUS R /W) Moved-Seconded
(Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried:
Remarks: Sales and comparables support the assessment.

#0013 ANDERSON, MICHAEL J & ANNALISA E 13000-00403-250-10 T-004 R-03
TR G(15.14A) OF HES 54 & TR 0165 SE1/4 SE1/4(.49) Moved-Seconded (Douglas-Weisenberg)
No change in land value. No change in structure values. Motion Carried: Remarks: Sales and
comparables support the assessment.

#0014 ANDERSON, KEITH 26680-01725-000-00 MINERAL 1564 THRU 1742 M.S. 1725
FRANK & FRANK #2 Moved-Seconded (Seward-Ewing) Change land value from \$22,590 to
\$16,750 Motion Carried: Remarks: Adjustment due to restrictive access to property.

#0015 ADICKES, DAVID 26420-01158-000-17 MINERAL 1136 THRU 1158 M.S. 1158
EVANGELINE # 3 EX THAT PT PLATTED PLAT 1 998-4890 Moved-Seconded (Douglas-
Seward) Change land value from \$83,600 to \$0 Motion Carried: Remarks: Combined with parcel
#26420-01158-000-21.

#0016 ADICKES, DAVID LLC 26420-01158-000-21 MINERAL 1136 THRU 1158 M.S. 1158
EVANGELINE #1 Moved-Seconded (Douglas-Ewing) Change land value from \$139,270 to
\$198,080 No change in structure value. Motion Carried: Remarks: Combined parcels #26420-
01158-000-17 & 25. Change acres to 29.82

#0017 ADICKES, DAVID LLC 26420-01158-000-25 MINERAL 1136 THRU 1158 M.S. 1158
LOT 1 OF EVANGELINE #2 Moved-Seconded (Ewing-Seward) Change land value from \$81,530
to \$0 Motion Carried: Remarks: Combined with parcel #26420-01158-000-21.

#0018 ALLEY, JAMES MICHAEL & TERRI ANN 26630-01477-000-58 ELKRIDGE S/D
TRACT A (FORMERLY LOTS 54A,55A,56A,57 & 58A) Moved-Seconded (Weisenberg-
Douglas) Change land value from \$194,940 to \$119,960 No change in structure value.
Motion Carried: Remarks: Adjustment for unbuildable land and size.

#0019 ASTLE, WILLIAM F & SALLYE B 11000-00401-163-00 T-004 R-01 SW1/4 SW1/4,
W1/2 SE1/4 SW1/4 Moved-Seconded (Ewing-Seward) Change land value from \$128,090 to \$7,230
Change abstract class from NA to AG Motion Carried: Remarks: Legal description on original
deed was incorrect. NA-Z value placed on wrong parcel.

#0020 B H DEVELOPMENT LLC 26790-01834-090-00 WILDERNESS ESTATES M.S. 1834,
1159 & 1195 LOT 9 Moved-Seconded (Douglas-Seward) Change land value from \$135,000 to
\$124,900 Motion Carried: Remarks: Adjusted to listing price of property.

#0021 B H DEVELOPMENT LLC 26790-01834-010-00 WILDERNESS ESTATES M.S. 1834,
1159 & 1195 LOT 1 Moved-Seconded (Seward-Ewing) Change land value from \$114,000 to
\$89,900 Motion Carried: Remarks: Adjusted to listing price of property.

#0022 BELL, ROBERT & SHARON 26680-01611-000-40 MINERAL 1564 THRU 1742

M.S. 1611 LOT 1 HANNIBAL LODGE Moved-Seconded (Douglas-Seward) Change land value from \$40,730 to \$57,110 Motion Carried: Remarks: Combined with parcel #26680-01611-000-44. Change acreage to 13.324

#0023 BELL, ROBERT & SHARON 26680-01611-000-44 MINERAL 1564 THRU 1742 M.S. 1611 LOT 3 HANNIBAL LODGE Moved-Seconded (Ewing-Seward) Change land value from \$44,180 to \$0 Motion Carried: Remarks: Combined with parcel #26680-01611-000-40. Adjusted for acreage.

#0024 BENNE, SAM 26920-00001-008-08 LOST CAMP VALLEY AC. TR A LOT 8 BLK 8 Moved-Seconded (Seward-Douglas) Change land value from \$70,000 to \$3,700 Motion Carried: Remarks: Contiguous to their lots with the cabin (Lots 7 & 36).

#0025 BERG, MICHAEL A & REBECCA L 26290-00000-030-00 ROUBAIX LOTS LOT 3 EXCLUDING M&B DESC. Moved-Seconded (Douglas-Seward) No change in land value. Change structure value from \$19,020 to \$0 Change structure value from \$238,440 to \$251,020 Motion Carried: Remarks: Changed assessment of old house to reflect a storage shed.

#0026 BOUGHER, GEORGE C & ANGELACCI, ANITA C 18060-00504-152-72 NAOMI S/D W1/2 NW1/4 LOT 9 NAOMI S/D Moved-Seconded (Seward-Ewing) Change land value from \$30,000 to \$0 Motion Carried: Remarks: Combined with parcel #18060-00504-152-70.

#0027 BOUGHER, GEORGE C & ANGELACCI, ANITA C 18060-00504-152-70 NAOMI S/D W1/2 NW1/4 LOT 8 NAOMI S/D Moved-Seconded (Douglas-Ewing) Change land value from \$30,000 to \$42,500 No change in structure value. Motion Carried: Remarks: Combined with parcel #18060-00504-152-72.

#0028 BRIDE, JOSEPH JAMES & BRIDE, JEANNE LOUISE 18600-00504-150-19 BOULDER PARK 14 & 15-5-4 LOT 19 BLK 1 Moved-Seconded (Seward-Weisenberg) Change land value from \$40,000 to \$8,000 Motion Carried: Remarks: An adjustment was added to the land to take off the site value since this lot is contiguous to the owners other parcel.

#0029 DAKOTA ENERGY & RESOURCES INC C/O SAM BRANNAN 26910-02206-000-00 MINERAL 2088 THRU 2154 M.S. 2206 ALSOP # 11 & 14 Moved-Seconded (Ewing-Seward) Change land value from \$79,580 to \$43,300 No change in structure value. Motion Carried: Remarks: Acreage adjustment and created parcel for AG parcel #26910-02206-000-10. Change acreage to 28.508

#0030 DAKOTA ENERGY & RESOURCES INC C/O SAM BRANNAN 26910-02206-000-10 MINERAL 2088 THRU 2154 M.S. 2206 ALSOP # 1,2,3 & 7 Moved-Seconded (Seward-Weisenberg) Motion Carried: Remarks: Acreage adjustment on parcel #26910-02206-000-00 and created AG parcel. Created parcel for acreage of 69.30- qualifies for AG status.

#0031 EDWARDS, SUSAN M 12000-00402-220-10 T-004 R-02 LOT 10 PAT. 92-417 Moved-Seconded (Ewing-Seward) Change land value from \$98,880 to \$88,860 Change structure value from \$59,090 to \$52,540 Motion Carried: Remarks: Completed interior inspection and changed the quality due to part of the cabin is still the original log structure. Adjusted the land for one year until an on-site inspection can be completed on similar lot size and topography.

#0032 ELKHORN VALLEY BANK & TRUST TRUSTEE JOHN LUTHER TRUST 12000-00402-220-11 T-004 R-02 LOT 11 PAT. 92-417 Moved-Seconded (Douglas-Seward) Change land value from \$97,950 to \$90,000 Change structure value from \$32,660 to \$24,550 Motion Carried: Remarks: Adjusted land value to reflect not a typical canyon lot and house in very poor shape.

#0033 FRAUEN, MIKE 26610-01494-000-95 SKYLINE S/D M.S. 1494 & 1409 SKYLINE S/D LOT 10 Moved-Seconded (Seward-Ewing) Change land value from \$26,770 to \$24,090 Change structure value from \$57,050 to \$42,520 Motion Carried: Remarks: Upon completion of on-site it was determined that the present value of the improvements were too high and the information was not completely correct in the record. A small land adjustment was allowed because of a road running through the middle of the property.

#0034 HAID, ALLEN L & DONNA R 26680-01734-000-54 MINERAL 1564 THRU 1742 M.S. 1734 LOT 2 OF MOBERG #3 Moved-Seconded (Ewing-Douglas) Change land value from \$121,440 to \$72,860 Motion Carried: Remarks: Adjusted to reflect the correct neighborhood.

#0035 HALE, MICHAEL J & SHIRLEY M 26920-00001-004-16 LOST CAMP VALLEY AC. TR A LOT 16 BLK 4 Moved-Seconded (Douglas-Seward) Change land value from \$70,000 to \$0 Motion Carried: Remarks: Combined with parcel #26920-00001-004-18.

#0036 HALE, MICHAEL J & SHIRLEY M 26920-00001-004-17 LOST CAMP VALLEY AC. TR A LOT 17 BLK 4 Moved-Seconded (Seward-Weisenberg) Change land value from \$70,000 to \$0 Motion Carried: Remarks: Combined with parcel #26920-00001-004-18.

#0037 HALE, MICHAEL J & SHIRLEY M 26920-00001-004-34 LOST CAMP VALLEY AC. TR A LOT 34 BLK 4 Moved-Seconded (Ewing-Weisenberg) Change land value from \$70,000 to \$0 Motion Carried: Remarks: Combined with parcel #26920-00001-004-18.

#0038 HALE, MICHAEL J & SHIRLEY M 26920-00001-004-35 LOST CAMP VALLEY AC. TR A LOT 35 REVISED BLK 4 Moved-Seconded (Douglas-Seward) Change land value from \$70,000 to \$0 Motion Carried: Remarks: Combined with parcel #26920-00001-004-18.

#0039 HALE, MICHAEL J ETAL 26920-00001-004-18 LOST CAMP VALLEY AC. TR A LOTS 16,17,18 REVISED, 34, & 35 REVISED BLK 4 Moved-Seconded (Seward-Ewing) Change land value from \$70,000 to \$84,200 No change in structure value. Motion Carried: Remarks: Combined with parcel #26920-00001-004-16, 26920-00001-004-17, 26920-00001-004-34 & 26920-00001-004-35. Change acreage to 1.82

#0040 HELLEAU CONSTRUCTION LLC 26680-01734-000-52 MINERAL 1564 THRU 1742 M.S. 1734 LOT 1 OF MOBERG #3 Moved-Seconded (Ewing-Douglas) Change land value from \$147,840 to \$73,920 Motion Carried: Remarks: A land adjustment was on the property that was removed.

#0041 HOOGSHAGEN, MARY E & JAMES L 06800-00301-110-20 ASPEN HEIGHTS MEADOWS S/D LOT 11B HES 499 SEC. 34 & 35 Moved-Seconded (Douglas-Ewing) Change land value from \$51,210 to \$41,490 No change in structure value. Motion Carried: Remarks: Acreage was not changed in the appraisal file when lot 9 sold.

#0042 JOHNSON, DENNIS L & LINDA L 18700-00504-151-50 ALICE S/D W 1/2 NE 1/4 LOT 19 15-5-4 Moved-Seconded (Douglas-Seward) Change land value from \$27,300 to \$36,050 No change in structure value. Motion Carried: Remarks: Combined with parcel #18700-00504-151-53.

#0043 JOHNSON, DENNIS L & LINDA L 18700-00504-151-53 ALICE S/D W 1/2 NE 1/4 LOT 22 15-5-4 Moved-Seconded (Seward-Ewing) Change land value from \$26,250 to \$0 Motion Carried: Remarks: Combined with parcel #18700-00504-151-50.

#0044 KINCAID, RODNEY C & DARLENE R 26760-01812-000-35 MINERAL 1765 THRU 1887 M.S. 1812 50% OF UNDIVIDED 1/2 INT. ROWENA #2 Moved-Seconded (Seward-Weisenberg) Change land value from \$8,780 to \$6,800 Motion Carried: Remarks: Adjustment was added to take in consideration the topography and access issues. This property will be reviewed this summer.

#0045 KRUZEL, GORDON & MARGARET 26400-01135-000-28 ANNUIT COEPTIS S/D 1135 LOTS 1-2 & 3 BLK 5 Moved-Seconded (Seward-Ewing) Change land value from \$35,000 to \$6,000 Motion Carried: Remarks: Parcel is contiguous to their residence/lot, removed site parcel value.

#0046 KRUZEL, GORDON D & MARGARET D & KRUZEL, THOMAS P & MELISSA A 14000-00404-160-10 T-004 R-04 TRACT 0128 Moved-Seconded (Ewing-Seward) Change land value from \$6,410 to \$4,500 Motion Carried: Remarks: Parcel is contiguous to their residence/lot, removed site parcel value.

#0047 KRUZEL, THOMAS P & MELISSA A 18800-00504-173-05 WHITEWOOD HOLLOW NE ¼ LOT 2 Moved-Seconded (Seward-Ewing) Change land value from \$43,380 to \$10,850

Motion Carried: Remarks: Parcel is contiguous to their residence/lot, removed site parcel value.

#0048 LONG, ELVIN D TRUST 26600-01399-000-00 STRAWBERRY HILL S/D LOT 1 Moved-Seconded (Douglas-Seward) Change land value from \$35,550 to \$26,660 No change in structure value. Motion Carried: Remarks: Site Adjustment - usable site area is smaller than typical site.

#0049 MAITLAND PARTNERS LLC 17000-00503-180-10 T-005 R-03 GOV'T LOT 1 Moved-Seconded (Douglas-Seward) Change land value from \$12,000 to \$6,000 Motion Carried: Aye - 3 Nay: (Ewing) Remarks: An adjustment was added to the land to take off the site value since this lot will not be sold as a buildable site. The new value is a secondary land value for this area. This property will be reviewed summer of 2007.

#0050 MAITLAND PARTNERS LLC C/O PESKA CONSTRUCTION 26694-01677-000-01 BELLEFISH S/D #1 M.S.1677 LOT 1 Moved-Seconded (Weisenberg-Seward) Change land value from \$60,900 to \$36,540 Motion Carried: Remarks: An adjustment was added to the land to equalize with adjacent parcels.

#0051 MAYER, RITA 20000-00602-232-40 T-006 R-02 LOT C-1 NW1/4 NW1/4 (FKA AS LOT C(.509 AC) & LOT D (.261 AC) Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Change structure value from \$33,080 to \$27,000 Motion Carried: Remarks: Garage does not have a cement floor.

#0052 MILLARD, CLINT & TERESE HRUSKA MILLARD, PAM & RODGER L MARX JR 26680-01703-000-05 MINERAL 1564 THRU 1742 M.S. 1703 WOODBRIDGE ETAL Moved-Seconded (Seward-Ewing) Change land value from \$65,030 to \$50,030 Motion Carried: Remarks: Contiguous land value applied.

#0053 MILLARD, CLINTON TIM & TERESE L HRUSKA 26680-01703-000-15 MINERAL 1564 THRU 1742 M.S. 1703 LOT C S/D & PT 60' X 100' M.S. 1703 Moved-Seconded (Seward-Weisenberg) Change land value from \$40,380 to \$17,730 No change in structure value. Motion Carried: Remarks: Contiguous land value applied.

#0054 MUCHOW, JAMES H 18800-00504-173-65 WHITEWOOD HOLLOW NE ¼ LOT 14 Moved-Seconded (Weisenberg-Seward) Change land value from \$42,270 to \$50,310 No change in structure value. Motion Carried: Remarks: Combined with parcel #18000-00504-173-55.

#0055 MUCHOW, JAMES H 18800-00504-173-55 WHITEWOOD HOLLOW NE ¼ LOT 12 EX H1(.19AC) Moved-Seconded (Ewing-Seward) Change land value from \$41,040 to \$0 Motion Carried: Remarks: Combined with parcel #18000-00504-173-65.

#0056 MUMM, RALPH JR ETUX 18400-00504-143-10 BOULDER HEIGHTS S/D LOT 10 LK C Moved-Seconded (Seward-Weisenberg) Change land value from \$25,540 to \$1,530 Motion Carried: Remarks: Contiguous with parcel #18400-00504-143-14.

#0057 MUMM, RALPH L JR ETUX 18400-00504-143-14 BOULDER HEIGHTS S/D LOT 11 & N 31' OF LOT 12 BLK C Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Motion Carried: Remarks: No change, contiguous with parcel #18400-00504-143-10.

#0058 MYKLEBY, ROBERT D & GERALDINE B 13000-00403-300-05 T-004 R-03 HES 43 LOT 26 Moved-Seconded (Seward-Ewing) Change land value from \$34,000 to \$1,200 No change in structure value. Motion Carried: Remarks: Contiguous lot value.

#0059 MYKLEBY, ROBERT DWINNELL GERALDINE B MYKLEBY 13500-00403-300-38 MT. STREAM EST. HES 43 LOT 7K Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure values. Motion Carried: Remarks:

#0060 NEMO ORE COMPANY C/O SAM BRANNAN 10000-00305-340-40 T-003 R-05 TRACT A OF HES 292 Moved-Seconded (Seward-Ewing) Change land value from \$34,500 to \$4,970 Change abstract class from NA to AG, No change in structure value. Motion Carried: Remarks: Changed land to AG.

#0061 PEOTTER, BRIAN T & KELLIE R 20955-00603-056-00 EAGLE RIDGE II LOT 56 Moved-Seconded (Weisenberg-Seward) No change in land value. Change structure value from \$400,080 to \$379,450 Motion Carried: Remarks: Economic depreciation was applied and correction to square footage.

#0062 RYNDERS, NORMAN G 26560-01298-000-50 GOLDEN RIDGE S/D M.S. 129 LAZY E RANCH Moved-Seconded (Ewing-Seward) Change land value from \$21,060 to \$0 Motion Carried: Remarks: Combined with parcel #26560-01298-000-40

#0063 RYNDERS, NORMAN G ETUX 26560-01298-000-40 GOLDEN RIDGE S/D M.S. 129 LAZY D RANCH Moved-Seconded (Weisenberg-Seward) Change land value from \$21,040 to \$24,100 No change in structure value. Motion Carried: Remarks: Combined with parcel #26560-01298-000-50 Change acreage to 3.05

#0064 SEBADE, CHAD B & BROOK J 26500-01209-010-20 MINERAL 1208 THRU 1216 M.S. 1209 LOT V-3 OF THE VENUS LODGE Moved-Seconded (Ewing-Seward) Change land value from \$159,840 to \$119,880 Motion Carried: Remarks: Adjusted land for topography and size.

#0065 SLOTHOUBER, WAYNE 26530-00000-140-00 DEER MTN RESORT #4 LOT 14 Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$343,300 to \$323,660 Motion Carried: Remarks: 6" Log siding, not a log home, adjustment made to reflect wood siding.

#0066 VIG, DARRELL K & LOIS 26420-01158-000-24 MINERAL 1136 THRU 1158 M.S. 1158 TRACT C-1 REVISED OF TRACT C-1 Moved-Seconded (Douglas-Seward) Change land value from \$88,150 to \$44,080 Motion Carried: Remarks: 50% Adjustment to the land until site is established. Draw runs through middle of property and will take considerable expense to build road and bring utilities to the buildable site.

#0067 WILLIAMS, RAND T & GAYLA J 20970-00155-001-00 OUTSIDE SPF. MH COURTS MH SITS ON LOT 1 WALNUT PARK Moved-Seconded (Weisenberg-Seward) Change structure value from \$24,270 to \$19,620 Motion Carried: Remarks: Sales in the area justified adjustment to value.

#0068 WINTERSTEEN, THOMAS R 18000-00504-344-50 T-005 R-04 N1/2 NW1/4 SE1/4 Moved-Seconded (Weisenberg-Seward) Change land value from \$23,200 to \$2,150 Change abstract class from NA to AG. Motion Carried: Remarks: Owner provided proof of production and properties are contiguous to an 80 acre parcel of AG property.

#0069 WINTERSTEEN, THOMAS R 18000-00504-344-55 T-005 R-04 S1/2 NW1/4 SE1/4 Moved-Seconded (Ewing-Weisenberg) Change land value from \$58,000 to \$2,210 Change abstract class from NA to AG Motion Carried: Remarks: Owner provided proof of production and properties are contiguous to an 80 acre parcel of AG property.

#0070 WOLFF, JULIAN J & ELAINE M C/O BURKARD, ROGER & KAREN(CD) 20700-00602-243-10 SALEM OAKS S/D TRACT B LOC. IN THE SW1/4 SW1/4 Moved-Seconded (Weisenberg-Seward) Change land value from \$134,000 to \$96,500 Motion Carried: Remarks: Parcel is contiguous to the property owners residential property. This change reflects a contiguous value.

#0071 BAADE, DAVID D 26760-01881-000-75 MINERAL 1765 THRU 1887 M.S. 1881 LOTS 1 & 2 OF TR A OF RATTLER #2 Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0072 BOLTON, EUGENE G & LA VEEN C 26660-01563-000-30 CALIFORNIA S/D #1 LOT 3 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0073 BOLTON, EUGENE G & LAVEEN C 26660-01563-000-40 CALIFORNIA S/D #1 LOT 4 Moved-Seconded (Douglas-Weisenberg) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0074 BRECHTEL, ROBERT A & LEANN A BRECHTEL, ROBERT V & GENEVIEVE 26590-01376-000-60 BURNO ESTATES M.S. 1376 LOT B-20 BURNO ESTATES Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0075 BRECHTEL, ROBERT A & LEANN A 26580-01376-000-68 MINERAL 1299 THRU 1398 M.S. 1376 DEWEY #6 Moved-Seconded (Ewing-Weisenberg) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0076 BRIGGS, THOMAS E & TERRY S 04600-00204-120-60 HAVEN MEADOWS LOT 6 Moved-Seconded (Ewing-Douglas) Change land value from \$72,880 to \$45,150 Motion Carried: Remarks: Making equal to surrounding parcels

#0077 BROST, EDWARD W & CAROLYN J 18000-00504-243-10 T-005 R-04 N1/2 NW1/4 NW1/4 Moved-Seconded (Ewing-Seward) No change in structure values. No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0078 BUCHHOLZ, NEIL E & TRACEY E 04600-00204-120-40 HAVEN MEADOWS LOT 4 Moved-Seconded (Douglas-Seward) Change land value from \$64,550 to \$41,820 No change in structure value. Motion Carried: Remarks: Making equal to surrounding parcels

#0079 CARSTENSEN, RICHARD L & VIRGINIA L 18600-00504-150-32 BOULDER PARK 14 & 15-5-4 LOT 32 BLK 1 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0080 CATTELL, TONI LEE 12100-00402-250-20 FROSTY MEADOWS S/D LOT B Moved-Seconded (Ewing-Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0081 CENTURY DEVELOPMENT CO INC 26920-00001-001-07 LOST CAMP VALLEY AC. TR A LOT 7 BLK 1 Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0082 CORNELLA, ALTON W & MARIETTE 13000-00403-340-45 T-004 R-03 LOT 6 OF HES 648 Moved-Seconded (Weisenberg-Ewing) No change in land value. Change structure value from \$17,480 to \$1,750 Motion Carried: Remarks: Placed salvage value on structure until owner can remove it.

#0083 DOBYNS, LOREN K & BONNIE S 26820-01919-000-39 HIGH COUNTRY S/D M.S. 191 LOTS 12 & 13 Moved-Seconded (Seward-Ewing) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0084 ECKHART, DARWIN & CAROLE 26580-01370-000-90 MINERAL 1299 THRU 1398 M.S. 1370 LOT 18 Moved-Seconded (Seward-Ewing) No change in land value. No change in structure values. Motion Carried: Remarks: Sales and comparables support the assessment.

#0085 ECKHART, DARWIN D & CAROLE 26580-01370-000-80 MINERAL 1299 THRU 1398 M.S. 1370 LOTS 16 & 17 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0086 ECKHART, LEROY D,RYAN,& DEBORAH R 26580-01370-000-99 MINERAL 1299 THRU 1398 M.S. 1370 LOT 19 Moved-Seconded (Douglas-Ewing) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0087 FRAUEN, MICHAEL DED, TAMMIE 26610-01494-000-20 SKYLINE S/D M.S. 1494 & 1409 SKYLINE S/D LOT 2 OF Moved-Seconded (Seward-Ewing) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0088 GIACOLETTO, MADELINE R 26920-00001-007-34 LOST CAMP VALLEY AC. TR A LOT 34 BLK 7 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0089 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 (Douglas-Ewing) No change in land value. No change in structure values. Motion Carried: Remarks: Sales and comparables support the assessment.

#0090 KINCAID, RODNEY C & DARLENE R 26580-01314-000-40 MINERAL 1299 THRU 1398 M.S. 1314 INCA, MOGUL & TARTAR (50%) Moved-Seconded (Weisenberg-Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0091 KRUZEL, THOMAS P & MELISSA A 18800-00504-173-10 WHITEWOOD HOLLOW NE ¼ LOT 3 Moved-Seconded (Ewing-Weisenberg) No change in structure values. No change in land value. Motion Carried: Remarks: Sales and Comparables support the value.

#0092 LAFOLLETTE, GARY 09200-00400-004-00 THE PINES AT BENCHMARK SD LOT 4 BLK 4 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0093 LAFOLLETTE, GARY & JANE 09200-00400-003-00 THE PINES AT BENCHMARK SD LOT 3 BLK 4 Moved-Seconded (Douglas-Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0094 LENDE, DALE G 26940-00003-002-62 LOST CAMP VALLEY AC. TR C LOT 62 BLK 2 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0095 MITCHELL, ANTHONY JOHN & HOLLY F 26500-01210-001-01 MINERAL 1208 THRU 1216 M.S. 1210 WABASH #1 Moved-Seconded (Ewing-Douglas) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0096 NELSON, RICHARD D & BECKY 26680-01734-000-60 MINERAL 1564 THRU 1742 M.S. 1734 MOBERG #2 Moved-Seconded (Douglas-Seward) Change land value from \$101,520 to \$67,680 No change in structure value. Motion Carried: Remarks: Size adjustment over size lot.

#0097 NORTHWESTERN ENGINEERING COMPANY 29710-00000-000-30 THOMPSON ADDN #2 TRACT C-1 Moved-Seconded (Ewing-Seward) Change land value from \$367,420 to \$285,770 Motion Carried: Remarks: Undeveloped land due to gas line & drainage area

#0098 ROTH, ROBERT J & ENID J TRUSTEES 18600-00504-150-12 BOULDER PARK 14 & 15-5-4 LOT 12 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.

#0099 SCHOELLERMAN, RONALD & ANN 26940-00003-003-06 LOST CAMP VALLEY AC. TR C LOT 6 BLK 3 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0100 SEBADE, CHAD & BROOK 26530-00000-150-00 DEER MTN RESORT #4 LOT 15 Moved-Seconded (Seward-Weisenberg) No change in land value. Change structure value from \$354,000 to \$343,650 Motion Carried: Remarks: Adjusted to listing price of property.

#0101 SEDIVY, DONNA M 18600-00504-150-11 BOULDER PARK 14 & 15-5-4 LOT 11 BLK 1 Moved-Seconded (Seward-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0102 SEXTON, DEAN L & GENEVIEVE M 26590-01376-000-27 BURNO ESTATES M.S. 1376 LOT B-9 BURNO ESTATES Moved-Seconded (Weisenberg-Ewing) Change land value from \$20,520 to \$15,390 Motion Carried: Aye - 3 Nay - (Douglas) Remarks: Changed land value to \$15,390

#0103 RUFF, DAVID D ETUX 20350-00602-060-69 DEER MEADOWS S/D #1 LOT 37 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0104 VEITZ, LARRY W & RHONDA R 20955-00603-054-00 EAGLE RIDGE II LOT 54 Moved-Seconded (Seward-Weisenberg) No change in land value. Change structure value from \$351,580 to \$336,930 Motion Carried: Remarks: Economic depreciation was applied to account for undeveloped area.

#0105 VILLARD, COLLETTE ANNE TRUSTEE 26700-01742-000-27 PURITAN S/D #13 ETAL LOT 9 Moved-Seconded (Ewing-Seward) No change in land value. No change in structure value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0106 WOODWORTH, JUDITH K 13000-00403-050-04 T-004 R-03 TRACT S(CONSISTING OF LOT 1 BUXTON MILL SITE, M.S. 517B, TRACT 60 OF 5-4-3 & A POR. OF REEF#1, M.S. 1832) Moved-Seconded (Ewing-Seward) No change in land value. No change in structure values. Motion Carried: Remarks: Any changes in road right of way will be looked at when changes are recorded by the S.D. DOT.

#0107 MILNER, RICHARD ETUX 26920-00001-004-09 LOST CAMP VALLEY AC. TR A LOT 9 BLK 4 Moved-Seconded (Seward-Weisenberg) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0108 MCKEE, KEVIN J, SUSAN E & KAREN M C/O CONNETT, DAVID & BARBARA(CD) 04600-00204-120-50 HAVEN MEADOWS LOT 5 (CD MCKEE'S TO MICHAEL & CANDICE BUSETTI) Moved-Seconded (Seward-Douglas) Change land value from \$78,950 to \$47,580 Motion Carried: Remarks: Making equal to surrounding parcels

#0109 JAHNKE, BRYAN D 26700-01742-000-03 PURITAN S/D #13 ETAL LOT 1 Moved-Seconded (Douglas-Seward) No change in land value. Motion Carried: Remarks: Sales and comparables support the assessment.

#0148 KANTA, GERALD B & CHARLENE A 04600-00204-120-10 HAVEN MEADOWS LOT 1 Moved-Seconded (Douglas-Seward) Change land value from \$82,100 to \$48,840 Motion Carried: Remarks: Making equal to surrounding parcels.

#0149 KANTA, GERALD B & CHARLENE A 04600-00204-120-20 HAVEN MEADOWS LOT 2 Moved-Seconded (Seward-Douglas) Change land value from \$68,980 to \$43,590 Motion Carried: Remarks: Making equal to surrounding parcels.

#0150 KANTA, GERALD B & CHARLENE A 04600-00204-120-30 HAVEN MEADOWS LOT 3 Moved-Seconded (Weisenberg-Seward) Change land value from \$69,350 to \$43,740 Motion Carried: Remarks: Making equal to surrounding parcels.

#0151 SCOVEL, HARLEY R 04600-00204-120-70 HAVEN MEADOWS LOT 7 Moved-Seconded (Weisenberg-Seward) Change land value from \$75,730 to \$46,290 Motion Carried: Remarks: Making equal to surrounding parcels.

#0152 BEAUDETTE, DAN J 04600-00204-120-80 HAVEN MEADOWS LOT 8 Moved-Seconded (Ewing-Seward) Change land value from \$94,100 to \$53,640 Motion Carried: Remarks: Making equal to surrounding parcels.

5:30 p.m. April 10, 2007 the Board of Equalization recessed until 11:44 a.m. on April 24, 2007.

11:44 a.m April 24, 2007 the County Board of Equalization reconvened with Connie Douglas, Bob Ewing, Terry Weisenberg, and Tommy Thompson present.

#0193 SIMPSON, DUANE A & IRMA M 26620-01514-020-00 MINERAL 1399 THRU 1563 M.S. 1514 TRACT 2 OF HOME AGAIN LODGE Moved-Seconded (Ewing-Douglas) No change in land value. Motion Carried: Sales and comparables support value.

The following appeals were up for reconsideration with any new actions listed:

#0015 ADICKES, DAVID 26420-01158-000-17 MINERAL 1136 THRU 1158 M.S. 1158 EVANGELINE # 3 EX THAT PT PLATTED PLAT 1 998-4890 Moved-Seconded (Douglas-Thompson) Change land value from \$83,600 to \$39,150 Motion Carried: Contiguous to parcel 26420-01158-000-25 and 26420-01158-000-21 They are all part of Presidents Park.

#0016 ADICKES, DAVID LLC 26420-01158-000-21 MINERAL 1136 THRU 1158 M.S. 1158 EVANGELINE #1 Moved-Seconded (Ewing-Weisenberg) Change land value from \$139,270 to \$158,930 No change in structure value. Change acres from 9.77 to 19.38. Motion Carried: Combined parcel #26420-01158-000-21 and 26420-01158-000-25. They are all part of Presidents Park.

#0017 ADICKES, DAVID LLC 26420-01158-000-25 MINERAL 1136 THRU 1158 M.S. 1158 LOT 1 OF EVANGELINE #2 Moved-Seconded (Ewing-Douglas) Change land value from \$81,530 to \$0 Motion Carried: Combined parcel #26420-01158-000-21 and 26420-01158-000-25. They are all part of Presidents Park.

#0084 ECKHART, DARWIN & CAROLE 26580-01370-000-90 MINERAL 1299 THRU 1398 M.S. 1370 LOT 18 Moved-Seconded (Ewing-Thompson) Change land value from \$35,580 to \$77,530 Change structure value from \$5,540 to \$14,890 No change in NA-CM1-S value. Change acres from 1.93 to 14.46. Motion Carried: Combined with parcel #26580-01370-000-80 by owner's request.

#0085 ECKHART, DARWIN D & CAROLE 26580-01370-000-80 MINERAL 1299 THRU 1398 M.S. 1370 LOTS 16 & 17 Moved-Seconded (Ewing-Douglas) Change land value from \$69,430 to \$0 Change structure value from \$9,350 to \$0 Motion Carried: Deleted parcel and combined with parcel #26580-01370-000-90 by owner's request.

#0093 LAFOLLETTE, GARY & JANE 09200-00400-003-00 THE PINES AT BENCHMARK SD LOT 3 BLK 4 Moved-Seconded (Ewing-Thompson) Change land value from \$96,300 to \$40,200 Motion Carried: Contiguous with parcel #09200-00400-004-00.

ADJOURN: Being no further appeals to be heard Moved-Seconded (Douglas-Weisenberg) to adjourn the 2007 Board of Equalization at 11:55 a.m. the 24th day of April 2007.

DATE

ATTEST:

JAMES J. SEWARD, Chairperson

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY CONSOLIDATED BOARD OF EQUALIZATION 2007

The Lawrence County Consolidated Board of Equalization was called to order at 8:30 a.m. on Thursday, April 12, 2007, with the following members present: Terry Weisenberg, Connie Douglas, Bob Ewing, Dru Thomas, (City of Lead), and Greg King (Lead/Deadwood School). Thomas left at 11:23 a.m. and Mark Speirs (City of Deadwood) arrived at 1:00 pm.

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

The 2007 Consolidated Board of Equalization Oath was signed.

LEAD CITY APPEALS

Date: 04/12/2007

#0110 BARRETT, THEODORE J & LAURA A 31425-00200-008-00 HEARST SUB. LOT 8 & 13 BLK 2 Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$165,530 to \$146,260 Motion Carried: After a review of the property, adjustments were made to the structure.

#0111 STERNHAGEN, LEWIS G 31425-00200-016-00 HEARST SUB. LOTS 16, 17 & 18 BLK 2 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0112 STERNHAGEN, LEWIS G 31425-00310-003-00 HEARST SUB. LOT 3 BLK 3A Moved-Seconded (Weisenberg-Ewing) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0113 WALSTON, WENDELL A & DONNA J TRUSTEES 31090-03000-280-00 ORIGINAL TOWN LEAD S 70' OF W 49' OF LOT 28 BLK 30 Moved-Seconded (Ewing-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0114 APA, MARTYANN 31090-02800-110-00 ORIGINAL TOWN LEAD LOT 11 BLK 28 Moved-Seconded (Ewing-King) No change in land value. Change structure value from \$34,130 to \$26,560 Motion Carried: Adjustment made for no concrete.

#0115 APA, MARTYANN 31090-02500-100-10 ORIGINAL TOWN LEAD TRACT 2 BLK 25 Moved-Seconded (Ewing-Weisenberg) Change land value from \$4,060 to \$3,690 No change in structure value. Motion Carried: Adjustment for smaller than average site.

#0116 APA, MARTYANN 31510-00200-070-20 DENVER S/D LEAD S PT LOT 7 BLK 2 53X92X57X92 Moved-Seconded (Weisenberg-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0117 KLEIN, GREGORY GRANT 31425-00500-015-00 HEARST SUB. LOT 15 BLK 5 Moved-Seconded (Douglas-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0118 HEIDPRIEM, EVELYNN & VANHEUVELEN, RICHARD A 31210-00800-030-00 BILLINGS S/D LEAD LOT 3 BLK 8 (KERTTU & HEUTZENROADER TRUSTEES) Moved-Seconded (Ewing-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0119 HEIDPRIEM, EVELYN 31210-01000-030-00 BILLINGS S/D LEAD LOT 3 BLK 10 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0120 MELZER, ALLEN P JR 31090-03000-160-50 ORIGINAL TOWN LEAD SE 43'X100' OF LOT 16 BLK 30 Moved-Seconded (King-Weisenberg) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0121 BAIRD, CHRISTIAN B 31730-00100-090-00 PARK PLACE S/D LEAD LOT A (EX LOT H1 (19 SQ.FT) Moved-Seconded (Douglas-Ewing) No change in land value. Change structure value from \$155,080 to \$74,480. Changed structure value from \$0 to \$53,930. Motion Carried: A review of the property indicated a need to change the existing property records to reflect the current improvements.

#0122 HARLAN, RANDALL RAY & BARBARA A 31510-00200-030-20 DENVER S/D LEAD LOT 3 BLK 2 (S OF JULIUS) Moved-Seconded (Douglas-King) No change in land value. Change structure value from \$36,280 to \$31,550 Motion Carried: A review of the property showed the structure had a lower quality of construction. Lowering the quality would equalize the structure with other similar properties in the neighborhood.

#0123 HOLEY, BETH ANN 31430-00500-170-00 HIAWATHA PARK S/D LEAD SUB LOT 5 BLK 8-LOT 17 Moved-Seconded (Ewing-Weisenberg) No change in land value. Change structure value from \$53,360 to \$40,850 Motion Carried: A review of the property showed the structure had many repair and remodel projects in the process of being completed. There was one less bathroom and the house is in need of general maintenance. Corrections were made to the number of plumbing fixtures, effective age and function percentage.

#0124 NELSON, THERESA L M 31425-00500-002-00 HEARST SUB. LOT 2A BLK 5 Moved-Seconded (Weisenberg-King) Change land value from \$79,030 to \$57,500 No change in structure value. Motion Carried: This property was replatted and the size of this site was not changed to reflect the correct square footage.

#0125 BAIRD, CHRISTIAN B 31730-00200-300-04 PARK PLACE S/D LEAD LOT F Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0126 FRANSEN, JACK O & GEORGE W, & KAY A KELLEY 31610-00500-090-00 MOULTON TERRACE S/D LEAD LOT 328 Moved-Seconded (Ewing-Weisenberg) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0127 HEUPEL, MARLO & DEBRA 31425-00600-008-00 HEARST SUB. LOT 8 BLK 6 Moved-Seconded (Douglas-Thomas) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0128 OATES, ROSS H 31180-00400-010-00 BENDER PARK S/D LEAD LOT 1 BLK D Moved-Seconded (Ewing-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0129 SANGER, CARYLE & LIANNE LONGARIA 31510-04000-020-00 DENVER S/D LEAD LOT 2 BLK Y & AN UNDIVIDED 1/2 INTEREST IN PARCEL DESCRIBED IN 90/1616 Moved-Seconded (Douglas-Weisenberg) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0130 STENSLOKKEN, TRACI L 31425-00200-022-00 HEARST SUB. LOT 22 BLK 2 Moved-Seconded (King-Weisenberg) No change in land value. Change structure value from \$190,570 to \$189,800 Motion Carried: After a review of the property, adjustments were made to the structure.

#0131 STERNHAGEN, JOHN & CINDY 31425-00200-021-00 HEARST SUB. LOT 21 BLK 2 Moved-Seconded (Douglas-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0132 STERNHAGEN, JOHN H & CINDY L 31510-03600-010-00 DENVER S/D LEAD M & B DESCRIPTION (HOMESTAKE DRAWING A-1-398) Moved-Seconded (Douglas-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

CENTRAL CITY APPEALS: NO APPEALS WERE FILED.

11:23 a.m. the Consolidated Board recessed until 1:00 p.m.

CITY OF DEADWOOD APPEALS:

#0133 WILLIAMS, JOHN P JR ETUX 30025-08800-030-00 ORIGINAL TOWN DEADWOOD LOT 3 BLK O Moved-Seconded (Douglas-King) No change in land value. No change in structure value. Motion Carried: Comparables And Sales Support Value.

#0134 FORAL, FRANCY E PIKE, G MATTHEW 30025-04300-020-00 ORIGINAL TOWN DEADWOOD LOT 1 & WLY 5' OF LOT 2 BLK 43 Moved-Seconded (Douglas-Ewing) No change in structure value. No change in land value. Change structure value from \$98,610 to \$86,070 Motion Carried: After a review of the structure, corrections were made to the appraisal record and a new value was calculated.

#0135 CONRAD, SYLVIA 30900-00283-000-00 MINERAL – DEADWOOD M.S. 283 TRACT C Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0136 CONRAD, SYLVIA 30900-00735-000-10 MINERAL – DEADWOOD TRACTS 1,2,3,4,5,7,9 & 10 M.S.735 NE1/4 & SE1/4 23-5-3 Moved-Seconded (Ewing-King) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0137 B Y DEVELOPMENT INC 30900-00751-000-00 MINERAL – DEADWOOD M.S. 751 TR B-1 Moved-Seconded (Ewing-Douglas) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0138 B Y DEVELOPMENT INC 30900-00751-000-05 MINERAL – DEADWOOD M.S. 751 TR B-2 Moved-Seconded (Douglas-Ewing) No change in land value. Motion Carried: Comparables And Sales Support Value.

#0139 CONRAD, TIMOTHY J 30025-07000-000-00 ORIGINAL TOWN DEADWOOD LOT I-1 EX I-1A(1515.69') OF BLK 70 Moved-Seconded (King-Weisenberg) No change in land value. Change structure value from \$102,640 to \$99,050 Motion Carried: Lean-To storage area was removed in 2006.

#0140 CONRAD, TIMOTHY J & MONICA R & CONRAD, SYLVIA 30550-00400-050-00 HOWARD S/D DEADWOOD LOTS 1 THRU 5 BLK 4 & PT OF BOULDER TERRACE ST Moved-Seconded (Douglas-King) No change in land value. Change structure value from \$67,900 to \$64,620 Motion Carried: After on-site review of the structure, some corrections were made to the record and the new value reflects the changes.

#0141 DEADWOOD RENTALS LLC 30900-00081-000-40 MINERAL – DEADWOOD M.S. 81 BORTNEM TR Moved-Seconded (Weisenberg-Douglas) No change in land value. Change structure value from \$80,870 to \$75,390 Motion Carried: After an on-site review of the structure, some corrections were made to the record. The new value reflects the changes.

#0142 KENDALL, RAMSEY & LANDWEHR, MONICA TRUSTEE 30900-00107-000-26 MINERAL – DEADWOOD M.S. 107 LOT 'PL' Moved-Seconded (Douglas-King) Change land value from \$107,620 to \$75,270 No change in structure value. Motion Carried: Corrected square footage of the land.

#0143 ROBLEY, RON 30175-00600-250-00 CLEVELAND HEIGHTS S/D LOTS 22 THRU 25 BLK F Moved-Seconded (Douglas-Speirs) Change land value from \$8,140 to \$5,000 Motion Carried: The neighborhood code was changed for this parcel of land to match the contiguous parcel.

#0144 ROBLEY, RONALD W 30175-00600-210-00 CLEVELAND HEIGHTS S/D LOTS 17 THRU 21 BLK F Moved-Seconded (Douglas-King) Change land value from \$12,690 to \$5,000 Motion Carried: Corrected the size of parcel.

#0145 ROSETH, JERRY 30970-00030-031-00 DEADWOOD MH COURTS MH SITS ON LOT 31 CLAIM JUMPERS CT Moved-Seconded (Ewing-Speirs) Change structure value from \$30,230 to \$27,360 Motion Carried: The manufactured home value was lowered so the value was equalized with similar manufactured homes in the area.

1:40 p.m. the Consolidated Board recessed until April 18, 2007 at 9:00 a.m.

The Lawrence County Consolidated Board of Equalization was called to order at 9:00 a.m. on Wednesday, April 18, 2007, with the following members present: Tommy Thompson, Connie Douglas, Bob Ewing, Paul Young (City of Spearfish), and Jeffrey Sleep (Spearfish School).

All motions were passed by unanimous vote unless stated otherwise.

The Consolidated Board of Equalization Oath was signed.

SPEARFISH CITY APPEALS

Date: 04/18/2007

#0153 FINLEY, JOAN D 32030-02300-060-10 ORIGINAL TOWN SPEARFISH LOT 6A & 6B BLK 23 Moved-Seconded (Sleep-Ewing) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0154 POPE, BRIAN W & ANDREA M 32655-00100-100-00 SANDSTONE HILLS ADDN. LOT 10 BLK 1 Moved-Seconded (Douglas-Sleep) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0155 TRENT, WILLIAM H & JEAN M 32300-01700-000-00 HIGHLAND ADDN. SPEARFISH LOT 17 Moved-Seconded (Douglas-Young) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0156 COTA, ROBERT J & WENDY L 32210-19140-100-00 GREEN ACRES ADDN. SPEARFISH LOT 10 BLK 14 Moved-Seconded (Sleep-Douglas) No change in land value. No change in structure value. Motion Carried: Paper work for owner occupied status was not received by March 15, 2007.

#0157 CALLISON, CHARLES & CHERI 32210-19030-140-00 GREEN ACRES ADDN. SPEARFISH LOT 14 BLK 3 OF LOTS 14 & 15 OF GOV. LOT 2 SW1/4 NW1/4 19-6-3 Moved-Seconded (Sleep-Young) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0158 TEUPEL DEVELOPMENT LLC 32645-00700-000-00 FALCON CREST S/D BLK 7 Moved-Seconded (Douglas-Young) No change in land value. Motion Carried: Sales and comparables support value.

#0159 TEUPEL DEVELOPMENT LLC 32645-00700-070-00 FALCON CREST S/D BLDG ON LOT 7 BLK 7 Moved-Seconded (Douglas-Young) No change in structure value. Motion Carried: Purchase of property did not take place before November 1, 2006 so can not be classified as owner occupied.

#0160 TEUPEL DEVELOPMENT LLC 32645-00700-060-00 FALCON CREST S/D BLDG ON LOT 6 BLK 7 Moved-Seconded (Douglas-Ewing) No change in structure value. Motion Carried: Purchase of property did not take place before November 1, 2006 so can not be classified as owner occupied.

#0161 AHLERS, THERON OR DORIS 32740-00100-024-01 MTN. SHADOWS EST. MH SITS ON LOT 24 BLK 1 MTN SHADOWS Moved-Seconded (Douglas-Young) Change structure

value from \$35,630 to \$27,170 Motion Carried: Compiled sale information and concluded that the mobile home was over valued

#0162 ATKINS, DAVID A & MARIAN M 32210-19120-140-00 GREEN ACRES ADDN. SPEARFISH LOT 14 BLK 12 Moved-Seconded (Douglas-Young) No change in land value. Change structure value from \$270,340 to \$244,100 Motion Carried: Compiled sales data information and concluded that house is over valued.

#0163 BERGHEIM, JOE H & NANCY 32360-00100-040-00 LOOKOUT ADDN. SPEARFISH LOT 4 BLK 1 Moved-Seconded (Sleep-Thompson) No change in land value. Change structure value from \$262,860 to \$251,140 Motion Carried: A current inspection of this property required a change to the assessment record to correct the improvement value. The basement improvement value is being reduced.

#0164 BEUSCH, LEROY P & GLADYS J 32740-00400-022-00 MTN. SHADOWS EST. MH SITS ON LOT 22 BLK 4 MTN SHADOWS Moved-Seconded (Thompson-Young) Change structure value from \$76,520 to \$73,550 Motion Carried: Property was showing a permanent foundation, when in fact it is placed on blocks with tie-downs.

#0165 BONSELL, RUSSELL E & LESLIE K 32740-00800-022-00 MTN. SHADOWS EST. MH SITS ON LOT 22 BLK 8 MTN SHADOWS Moved-Seconded (Sleep-Thompson) Change structure value from \$33,310 to \$27,640 Motion Carried: Compiled sale information and concluded that the mobile home is over valued.

#0166 DODDS LLC 32202-00300-020-00 DODDS ADDN. TIF #2 LOT 2 BLK 3 EXCEPT LOT 2A,2B REVISED, LOT 2 C & STREET ROW(.303) Moved-Seconded (Douglas-Ewing) Change land value from \$244,380 to \$3,140 Change abstract class from NA to AG Motion Carried: Contiguous to other AG property.

#0167 ERICSSON, C RAYMOND & LUANN PAIN 32090-05300-060-00 ORIGINAL TOWN SPEARFISH LOT 6A BLK 53 Moved-Seconded (Sleep-Ewing) No change in land value. Change structure value from \$182,250 to \$157,400 Motion Carried:A sales comparison analysis indicates the property is over assessed. The Property was purchased by the current owner for \$189,000 in 2006.

#0168 HAMBEK, DONNIE & NAOMI 32730-00600-001-15 VOORHEES ADDN LOT 15 BLK 1 LOC. IN GOV'T LOT 3 Moved-Seconded (Thompson-Sleep) No change in land value. Change structure value from \$267,910 to \$227,720 Motion Carried: Sales in the area support the reduction. Property is currently listed for less than assessed.

#0169 HAMILTON, AARON D & KIMBERLY M 32360-00200-090-00 LOOKOUT ADDN. SPEARFISH LOT 9 BLK 2 Moved-Seconded (Douglas-Young) No change in land value. Change structure value from \$186,740 to \$160,700 Motion Carried: A current inspection of this property and the examination of comparable sales required a change to the assessment record to correct the improvement value.

#0170 HAMILTON, AARON D & KIMBERLY M 32800-00602-240-00 THE WOODLANDS INSIDE CITY LOT 24 Moved-Seconded (Thompson-Young) Change land value from \$115,100 to \$102,000 Motion Carried: Purchased in 2006, adjusted to sales price.

#0171 HARMS, RANDY & SHERRI 32655-00400-120-00 SANDSTONE HILLS ADDN. LOT 12A BLK 4 Moved-Seconded (Young-Douglas) No change in land value. Change structure value from \$975,330 to \$926,560 Motion Carried: Aye-4 Nay-1 Nay: (Thompson) Applied 5% functional to offset the market adjustment, overbuilt for the area.

#0172 HINES, STEVEN R & KIMBERLY J 32655-00400-030-00 SANDSTONE HILLS ADDN. LOT 3 BLK 4 Moved-Seconded (Sleep-Thompson) No change in land value. Change structure value from \$222,130 to \$202,050 Motion Carried: After inspection of property made changes to reflect no finish in area above garage.

#0173 KLINGHAGEN, GARY D C/O UDE, BRUCE & MAVIS(CD) 32210-18700-020-00 GREEN ACRES ADDN. SPEARFISH LOT 2 BLK 7 Moved-Seconded (Douglas-Young) Change

land value from \$148,100 to \$111,080 No change in structure value. Motion Carried: Adjustment to land for unusable hillside.

#0174 LOCKEN, WILLIAM J & PATRICIA A 32340-00602-036-32 JORGENSEN ADDN. SPEARFISH LOT 17 BLK 3 Moved-Seconded (Sleep-Thompson) No change in land value. Change structure value from \$155,900 to \$151,280 Motion Carried: Inspection of home resulted in a change to the assessment record to correct the improvement value.

#0175 MCCORMICK, RONALD W & DARLENE E TRUSTEES 32390-00200-070-00 LOOKOUT VALLEY TRACT SPEARFISH LOT 7 BLK 2 Moved-Seconded (Sleep-Thompson) No change in land value. Change structure value from \$180,460 to \$169,060 Motion Carried: A current inspection of this property, along with a comparable sale analysis required a change to the assessment record to correct the improvement value.

#0176 PLUMMER, JAMES E 32740-00500-018-00 MTN. SHADOWS EST. MH SITS ON LOT 18 BLK 5 MTN SHADOWS Moved-Seconded (Sleep-Young) Change structure value from \$33,200 to \$24,410 Motion Carried: Compiled sale information and concluded that the mobile home was over valued

#0177 PRICE, MARCIA D 32210-19110-080-00 GREEN ACRES ADDN. SPEARFISH LOT 8 BLK 11 Moved-Seconded (Douglas-Young) No change in land value. Change structure value from \$119,900 to \$113,500 Motion Carried: Inspection of home changed quality from 45 to 40 and raised effective age due to depreciation of home.

#0178 PROFESSIONAL PROPERTIES & DEVELOPMENT 32680-00000-380-00 SUNSET OAKS LOT 38 Moved-Seconded (Sleep-Young) No change in land value. Change structure value from \$289,760 to \$243,690 Motion Carried: Removed basement living finish from assessment. Assessed for studwork and partially sheet rocked.

#0179 SOUTHVIEW LMTD PARTNERSHIP I 32210-19090-050-00 GREEN ACRES ADDN. SPEARFISH LOT 5 BLK 9 Moved-Seconded (Douglas-Young) No change in land value. Change structure value from \$825,410 to \$776,320 Motion Carried: Based on a recent inspection, adjustments were made for short-lived items. (Flooring, hot water heater, etc.) Being 11 years old and end of their life span.

#0180 STAMBAUGH, JAMES W & JOANNE M 32740-00300-001-00 MTN. SHADOWS EST. LOT 1 BLK 3 Moved-Seconded (Sleep-Thompson) No change in land value. Change structure value from \$71,230 to \$58,410 Motion Carried: After inspection of home changed quality from 40 to 35 and raised effective age due to depreciation of home.

#0181 WALTER'S FAMILY INVESTMENTS LLC C/O MATHIS, KYLE 32210-19150-090-00 GREEN ACRES ADDN. SPEARFISH LOT 9 BLK 15 Moved-Seconded (Sleep-Young) No change in land value. Change structure value from \$220,200 to \$201,600 Motion Carried: A review of comparable properties in Green Acres showed the properties had a higher quality of construction. The new value equalizes the structure with other similar properties in the neighborhood.

#0182 ANDERSON, RICHARD B & MARIE CO-TRUSTEES 32130-01000-100-00 CANYON GATE VILLAGE TIF #2 LOT 10 BLK 1 Moved-Seconded (Sleep-Thompson) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0183 CLAUSER, JOHN J & VELVALEAH 32320-00100-006-02 HILLSVIEW ADDN. SPEARFISH LOT 6C-1 NW1/4 NW1/4 Moved-Seconded (Douglas-Young) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0184 FRIEZ, DUANE D & RUTH S 32700-00602-203-00 THOMSON'S ADDN. SPEARFISH UNIT 203 OF VALLEY VISTA CONDOMINIUM Moved-Seconded (Sleep-Thompson) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0185 HAMILTON, AARON & KIMBERLY 32640-00500-002-00 ROLLING HILLS ADDITION LOT 2 BLK 5 Moved-Seconded (Sleep-Thompson) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0186 HARLEY, TOBY R 32090-03800-040-00 ORIGINAL TOWN SPEARFISH LOTS 1-2-3 & 4A BLK 38 Moved-Seconded (Douglas-Sleep) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0187 MAY, WILLIAM T OR PATRICIA L 32970-00160-009-00 SPEARFISH MH COURTS MH SITS ON LOT 9 CD CT Moved-Seconded (Thompson-Sleep) Change structure value from \$61,540 to \$53,410 Motion Carried: Inspected quality of home and changed from a 45 to 40 and raised effective age due to depreciation of home.

#0188 ROBESON, GAIL C 32570-01600-080-00 RAMSDELL ADDN. SPEARFISH LOT 7 & S 25' LOT 8 BLK 16 Moved-Seconded (Sleep-Douglas) No change in land value. No change in structure value. Motion Carried: Owner Occupied form post marked after the March 15, 2007 deadline.

#0189 SCHEMPF, DAVID J & BARBARA A 32130-01000-090-00 CANYON GATE VILLAGE TIF #2 LOT 9 BLK 1 Moved-Seconded (Douglas-Young) No change in land value. Motion Carried: Sales and comparables support value.

#0190 SOUTHVIEW LIMITED PARTNERSHIP II 32210-19090-040-00 GREEN ACRES ADDN. SPEARFISH LOT 4 BLK 9 Moved-Seconded (Douglas-Young) No change in land value. Motion Carried: Sales and comparables support value.

#0191 YOUNG, DALE & NANCY 32090-04400-050-02 ORIGINAL TOWN SPEARFISH LOT 5B BLK 44 Moved-Seconded (Sleep-Thompson) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

#0192 YOUNG, DALE & NANCY 32090-04400-060-01 ORIGINAL TOWN SPEARFISH LOT 6A BLK 44 Moved-Seconded (Sleep- Ewing) No change in land value. No change in structure value. Motion Carried: Sales and comparables support value.

12:10 p.m. the Spearfish Consolidated Board recessed.

12:11 p.m. the Deadwood Consolidated Board reconvened.

The Lawrence County Consolidated Board of Equalization was called to order at 9:00 a.m. on Wednesday, April 18, 2007, with the following members present: Tommy Thompson, Connie Douglas, and Bob Ewing,

CITY OF DEADWOOD APPEALS:

#0137 B Y DEVELOPMENT INC 30900-00751-000-00 MINERAL – DEADWOOD M.S. 751 TR B-1 Moved-Seconded (Douglas-Thompson) Change land value from \$19,670 to \$19850. Change acres to 10.9 Motion Carried: Combined with parcel #30900-00751-000-05.

#0138 B Y DEVELOPMENT INC 30900-00751-000-05 MINERAL – DEADWOOD M.S. 751 TR B-2 Moved-Seconded (Douglas-Ewing) Change land value from \$47040 to \$0. Motion Carried: Deleted this parcel and combined with 30900-00751-000-00

ADJOURN: Being no further appeals to be heard, the 2007 Consolidated Board of Equalization adjourned at 12:15 p.m. on the 18th day of April 2007.

DATE

JAMES J. SEWARD, Chairperson

ATTEST:

CONNIE ATKINSON, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – April 24, 2007

Vice-Chairperson Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on April 24, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing and Tommy Thompson present. James J. Seward was absent.

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

MINUTES: Moved-Seconded (Douglas-Thompson) to approve the minutes of April 10, 2007. Motion Carried.

MINUTES: Moved-Seconded (Ewing-Thompson) to approve the 2007 Consolidated Board of Equalization Minutes. Motion Carried.

PERSONNEL:

STATES ATTORNEY: Moved-Seconded (Ewing-Douglas) to approve the advertising for a full-time Deputy States Attorney. Motion Carried.

PUBLIC DEFENDER: Moved-Seconded (Ewing-Thompson) to approve a raise for Matthew Pike at the base rate of \$47,150, effective March 13, 2007. Motion Carried.

BUREAU OF LAND MANAGEMENT – MEMORANDUM OF UNDERSTANDING:

Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the Memorandum of Understanding with the South Dakota Field Office, Bureau of Land Management, United States Department of Interior to maximize coordination and achieve consistency where practical in development of the South Dakota Resource Management Plan (RMP) that includes public lands located in Lawrence County. Motion Carried.

HOMELAND SECURITY UPDATE: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Vice-Chairperson to sign the Grant Reimbursement Agreement for US Department of Homeland Security Office for Grants and Training FY 2005 Homeland Security Grant Program for \$42,560 for the Spearfish School District security cameras and door locks. Motion Carried.

SUPPLEMENTAL BUDGET RESOLUTION - #07-14: Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice-Chairman to sign the following Resolution #07-14 for a supplemental budget. Motion Carried. **RESOLUTION #07-14 TO ADOPT A**

SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND: WEED – Capitol Assets - \$26,000:** 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 April, 2007 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 24th day of April, 2007. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry W. Weisenberg, Vice-Chairperson; **ATTEST:** CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

BRIDGE REPLACEMENT RESOLUTION#2007-15 / STRUCTURE #41-110-008: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the following Resolution #2007-15. Motion Carried. **RESOLUTION NO. 2007-15: A RESOLUTION AUTHORIZING AND REQUESTING THE SOUTH DAKOTA DEPARTMENT OF**

TRANSPORTATION TO PROGRAM BRIDGE REPLACEMENT: WHEREAS, the Lawrence County Board of Commissioners desire the replacement of the bridge as hereinafter described: Structure No. 41-110-008 Hellmer Rd./Lookout Mtn. Rd. Location and Length: 2.0 miles East and 5.5 miles North of Spearfish, South Dakota. 62' – 0" long, 16' roadway. Bridge crosses Redwater River; **AND WHEREAS**, Lawrence County is obligated and hereby agrees to satisfactorily maintain the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements; **AND WHEREAS**, Lawrence County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds; **AND WHEREAS**, the bridge is in need of replacement for the following reasons: The sufficiency rating is 47. The bridge is not located on a county or township designated minimum maintenance road. The bridge to be replaced is a field to farm to market route. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge. **NOW, THEREFORE, BE IT RESOLVED**, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary and Off System Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges" the bridge replacement project at the above described location. Consultant services are to be with Federal Aid. Preliminary Engineering Services by State Forces with Federal Aid are hydraulic and foundation (if necessary) recommendations. Construction administration is to be handled by State Forces with Federal Aid; **AND, IT IS FURTHER RESOLVED**, that Lawrence County will have \$74,485.00 available during calendar year 2007 to match available Special Bridge Replacement Funds. Dated this 24th day of April, 2007. Terry W. Weisenberg, Vice-Chairperson Chairman. ATTEST: Connie Atkinson, Auditor

BRIDGE REPLACEMENT RESOLUTION#2007-16 / STRUCTURE #41-070-012: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign the following Resolution #2007-16. Motion Carried. **RESOLUTION NO. 2007-16 A RESOLUTION AUTHORIZING AND REQUESTING THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TO PROGRAM BRIDGE REPLACEMENT: WHEREAS**, the Lawrence County Board of Commissioners desire the replacement of the bridge as hereinafter described: Structure No. 41-070-012 Carlson Rd./Dorsett Rd. Location and Length: 4.5 miles North and 2 miles West of Spearfish, South Dakota. 75' – 0" long, 16.8' roadway. Bridge crosses Redwater River; **AND WHEREAS**, Lawrence County is obligated and hereby agrees to satisfactorily maintain the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements; **AND WHEREAS**, Lawrence County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Special Bridge Replacement Funds; **AND WHEREAS**, the bridge is in need of replacement for the following reasons: The sufficiency rating is 34.9. The bridge is not located on a county or township designated minimum maintenance road. The bridge to be replaced is a field to farm to market route. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge. **NOW, THEREFORE, BE IT RESOLVED**, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary and Off System Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges" the bridge replacement project at the above described location. Consultant services are to be with Federal Aid. Preliminary Engineering Services by State Forces with Federal Aid are hydraulic and foundation (if necessary) recommendations. Construction administration is to be handled by State Forces with Federal Aid; **AND, IT IS FURTHER RESOLVED**, that Lawrence County will have \$74,485.00 available during calendar year 2007 to match available Special Bridge Replacement Funds. Dated this 14 day of April, 2007. Terry W. Weisenberg, Vice-Chairperson Chairman. ATTEST: Connie Atkinson, Auditor

UTILITY PERMITS:

BLACK HILLS POWER & LIGHT: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Vice-Chairperson to sign the Application for Permit to Occupy County Highway Right-of-Way for Black Hills Power & Light located 1350 feet south of the corner of Lower Redwater Road and Upper Redwater Road, Sections 7 and 8, T7N, R2E. Motion Carried.

MIDCONTINENT COMMUNICATIONS: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the Application for Occupancy on Lawrence County Highway Right of Way for Midcontinent Communications on the Maitland Road: Sections 20, 21, 28 T5N, R3E for a Fiber Optic Line, subject to a development agreement to include a bond to cover the disturbance on the County Road. Motion Carried.

MAITLAND PARTNERS: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign the Application for Utility Permit for Maitland Partners approximately 7500 ft 1.3 miles from Central City to Mollman Rd for construction of a water line in sections 20, 21, 28, subject to a development agreement to include a bond to cover the disturbance on the County Road. Motion Carried.

AIRPORT PROJECT UPDATE: Bruce Outka updated the Board on the status of the Airport Project. Outka stated an updated cost-benefit study would need to be done on the Airport for utilization of Severance Tax Funds. Moved-Seconded (Douglas-Weisenberg) to authorize Outka to give Wade Druin, Director of Business Research Bureau at USD permission to update the study at the cost of \$4,136. Aye-Weisenberg, Douglas and Ewing. Nay-Thompson Absent-Seward. Motion Carried. The expense for the study will be paid from the Severance Tax Fund.

Outka stated an updated appraisal needed to be done on the property described in County Resolution 2006-38 for condemnation. The cost of this appraisal would be not more than \$4,000. Moved-Seconded (Douglas-Weisenberg) to authorize Outka to give John L. Haeder, MAI, Real Estate Appraiser & Consultant permission to update the appraisal, and to do a contingency transfer for \$4,000 to Airport Capital Improvements. Motion Carried. Thompson expressed his objection with the airport project and the cost to the County.

LAWRENCE COUNTY HOUSING UPDATE: Sherry Scudder was present and provided an update on the Meade, Butte, and Lawrence County Housing program. Scudder explained programs available for rent assistance in the County.

COMMUNITY HEALTH NURSE REPORT: Wade Huntington provided the quarterly nurses report for the County.

PANDEMIC FLU PLANNING: Carrie Donavon and Wade Huntington discussed the Pandemic Flu Planning efforts in Lawrence County.

AMENDMENT TO WHARF RESOURCES PERMIT: Carol Koerner, Duane Peck and Ken Nelson were present from Wharf Resources to present the Amendment to State Mine Permit No. 464 for an increase of more than twenty (20) percent of contiguous affected land within the permit area. An additional 40 acres of land within the mine permit boundary would be affected. If approved it would have the potential to increase the mine life an additional 1-3 years, extending the mine life into the year 2010. A public hearing was held and Dick Fort, Lynn Namminga, Donna Watson and Jack Cole expressed concerns. Namminga read a statement to the Board about strip mining and left a copy with the Commissioners. The public hearing was closed. Moved-Seconded (Douglas-Ewing) to approve the Application for Amendment to Wharf Resources State Mine Permit No. 464. Motion Carried.

GARIBOLDI ISOLATED TRACT: Bruce Outka presented history on the Gariboldi Isolated Tract and reviewed the laws concerning isolated tracts. Ewing stated he viewed the area, and it was very evident to him, that there was a trail from Saw Mill Lane, that has been used in the past, to access the property. Ewing stated the property was not isolated and a prescriptive easement may exist for the property.

Moved-Seconded (Ewing-Thompson) to deny the petition for isolated tract on the Gariboldi land, because it is not isolated and does not meet the requirements in law; access exists from a public highway (Crook City Road) to Saw Mill Lane and then on to the subject property. Aye-Ewing, Thompson and Douglas. Nay-Weisenberg. Absent-Seward.

CHANGE OF ZONING #263: A public hearing was held on Change of Zoning #263. IRONWOOD ESTATES-PF to SRD; Owner/Representative: HES 125/Lead Country Club/ BH Surveying; Legal Description: HES 42, Section 31, T4N, R3E., Location: Rochford Road, Purpose: Town homes/Residential Subdivision, Zoning: PF to SRD. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Thompson) to follow Planning and Zoning recommendation, and approve Change of Zoning #263. Motion Carried.

PLANNED UNIT DEVELOPMENT #11: A public hearing was held on Planned Unit Development (PUD) #11-IRONWOOD ESTATES; Owner/Representative: HES 125/Lead Country Club/ BH Surveying, Legal Description: HES 42, Section 31, T4N, R3E., Location: Rochford Road, Purpose: Townhomes/Residential Subdivision, Zoning: PF. No public input was voiced and the hearing was closed. Randy Deibert reviewed the application and variances needed. Moved-Seconded (Douglas-Thompson) to follow Planning and Zoning recommendation, and approve Planning Unit Development #11, with the variances so noted and on file in the Planning and Zoning Office. Motion Carried.

FAMILY HEALTH CENTER PROGRAM UPDATE: Angie King was present to update the Board on the Youthwise Program. King stated it focuses on youth making healthy choices and focuses on the positives. King thanked the Board for their support and asked for continued support in the future.

COUNTY ASSISTANCE: GL was present to discuss her County Assistance bill being sent to collections.

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

Payroll: Comm-\$5,703.16; Aud-\$6,688.00; Treas-\$8,638.57; Comp-\$5,235.42; States Atty-\$11,321.82; Pub Def-\$8,054.30; Gen Govt Bldg-\$6,593.66; Equal-\$12,900.81; Rod-\$6,453.31; Vso-\$1,053.97; Disp-\$9,894.72; Sher-\$27,908.51; Jail-\$19,131.89; Emerg Mgnt-\$2,889.59; E911-\$1,475.00; Highway-\$33,257.28; Air-\$930.51; Ext-\$1,236.00; Weed-\$1,550.30; Pz-\$2,848.51;
Bills: Dias,G-\$74.88; Nelson,M-\$4.00; Smith,M-\$75.00; Thompson,T-\$158.08; Vogt,A-\$258.00; A&B Business Equip-\$833.53; A&I Distributors-\$3,285.37; A&J Supply-\$134.81; A&M Transport-\$87.50; Abc Business Supply-\$4,865.24; Active Data Systems-\$125.00; Alco Store-\$5.98; Alltel Inc.-\$272.61; Anderson Oil Co-\$54.26; Armstrong Extinguish-\$118.37; BH Federal Credit Union-\$9,811.00; BH Medical Ctr Pharmacy-\$1,893.98; BH Pioneer-\$656.41; BH Power & Light-\$7,104.62; BH Window Cleaning-\$15.00; Bp-\$1,050.75; Balkenol,F-\$350.00; Blue Cross-\$52,413.77; Brady Pluimer, Pc-\$701.41; Canon Usa-\$3,252.00; Cdw Government-\$244.99; Central Parts-\$24.84; Chain Saw Center-\$36.84; Chemical Sanitizing Sys-\$122.91; Custer County Sheriff Office-\$21.50; Dakota Graphics-\$25.00; Deadwood Recreation Center-\$173.00; Dept Of The Treasury-\$40,184.25; Dietrich,D-\$131.18; Division Of Motor Veh-\$21.00; Eagle Aviation-\$396.40; Ehs Publishing-\$788.53; Ekeren,M-\$15.00; Ellingson,J-\$1,114.11; Ertz,D-\$585.00; Fastenal-\$115.01; Fisher Sand & Gravel-\$50.94; Gall's-\$365.96; Godfrey's Brake Serv-\$2,850.00; Golay,B-\$309.84; Great Plains Chemical-\$180.00; Great Western Tire-\$62.90; Havemeier,L-\$59.60; Hewlett-Packard Company-\$6,233.00; Hickok's Iron Horse Inn-\$72.12; Hills Material Comp-\$3,975.46; Hughes County Sheriffs-\$11.30; Integrity Ford-\$47,714.00; Jacobs Precision Welding-\$116.63; Kieffer,T-\$273.60; Klopfenstein Dr-\$22.91; Knecht True Value-\$123.29; LC Sheriff-\$215.09; LC Treasurer-\$100.00; Lawson Products-\$188.68; Lead-Deadwood Regional Hospital-\$2,013.91; Leaning Door Enterprises-\$182.50; Lewis & Clark-\$260.00; Light & Siren-\$268.78; Lyle Signs-\$1,268.35; Macks Auto Body-\$1,321.00; Mcarthur,J-\$45.00; Miller,S-\$11,159.59; Montana-Dakota Util-\$179.27; Motorola-\$16,778.40; NH Family Ymca-\$301.40; Nada Appraisal Guides-\$100.00; Neve's Uniforms-\$428.90; Office Of Child Support-\$177.23; Outdoor Motor Sports-\$858.21; Pennington Co Jail-\$1,972.90; Pennington County Sheriff-\$65.58; Pennington County Sts Attny-\$400.00; Performance One-\$479.16; Phillips Petroleum Co-\$86.75; Praire Hills Transit-\$10.00; Prairiewave Communications-\$962.93; Queen City Motors-\$328.06; Queen City

Rocket Lube-\$118.95; Quill Corp-\$46.74; Qwest-\$104.86; RC Finance Office-\$1,820.00; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$14.99; Regan Battery Ma Services-\$59.98; Rehfuss,C-\$15.00; Reindl,S-\$237.08; SD Aao-\$360.00; SD Airport Conference-\$50.00; Sdaco-\$500.00; Sdrs Supplemental Retirement-\$966.50; SD Retirement System-\$45,011.83; Servall Towel & Linen-\$416.02; Seward & Odenbach-\$740.35; Spearfish Auto Supply-\$66.95; Spearfish Husky-\$44.00; Spearfish Motors-\$169.88;; Tellinghuisen & Gordon-\$1,080.42; Tigerdirect-\$314.92; Triple K Tire & Repair-\$749.84; Turbiville Industrial Electric-\$682.28; Twilight First Aid & Safety-\$628.77; Twin City Hardware & Lumber-\$831.99; Verizon Wireless-\$1,204.11; Victims Of Violence-\$690.00; Wells Fargo Business Card-\$412.70; West Group-\$364.00; Western Communication-\$1,077.00; Williams Standard Serv-\$98.95; Yankton County-\$98.55; **Witness & Jurors:** Graveman,S-\$12.56; Schatz,K-\$19.60; Zoodsma,M-\$40.00; Bryant,L-\$10.64; Daniels,A-\$18.32; Dunbar,K-\$119.20; Emme,D-\$26.00; Green,M-\$12.56; Hall-Grass,K-\$26.00; Hammett,B-\$132.00; Hanson,D-\$19.60; Harris,H-\$21.52; Hauge,J-\$115.36; Himrich,D-\$22.80; Houston,M-\$17.68; Jacobs,M-\$11.92; Jakeway,S-\$18.96; Kleinsasser,M-\$19.60; Knutson,P-\$19.60; Kracht,P-\$103.84; Martin,D-\$22.80; Mattern,J-\$23.44; Meisel,V-\$18.96; Miles,F-\$12.56; Narem,S-\$12.56; Quenzer,C-\$11.92; Rummel,L-\$12.56; Wanhanen,K-\$18.32; Webster,C-\$11.92; Bertalot,T-\$30.88; Harwood,N-\$30.88; Albright,S-\$20.24; Alger,S-\$112.80; Applegate,C-\$20.88; Aspen,S-\$13.20; Barrios,V-\$19.60; Bertsch,K-\$22.80; Cailotto,J-\$22.80; Cailotto,J-\$19.60; Christian,L-\$20.24; Clyne,D-\$106.40; Coffey,S-\$20.88; Colling,C-\$22.80; Crooks,K-\$125.60; Foltz,S-\$20.24; Galland,S-\$11.28; Gifford,D-\$103.84; Hall,K-\$24.72; Hannah,J-\$11.92; Harvey,B-\$17.68; Heisz,G-\$19.60; Howard,L-\$119.20; Johnson,D-\$18.32; Kaiser,B-\$20.88; King,R-\$20.88; Ladson,J-\$19.60; Larose,S-\$19.60; Larsen,N-\$20.88; Larson,R-\$103.84; Martius,D-\$19.60; Mckinstry,C-\$22.80; Miller,B-\$20.88; Miller,D-\$27.28; Rang,A-\$10.64; Richardson,D-\$17.68; Savage,M-\$10.64; Schmeltzer,G-\$121.76; Shama,M-\$10.64; Solano,K-\$11.92; Spicer,G-\$15.12; Steedley,M-\$16.40; Trent,W-\$20.88; Urban,J-\$13.20; Wesner,S-\$130.72; Wetz,D-\$19.60; Sperlin,L-\$21.92; Dickson,M-\$246.56; Donner,T-\$46.24; Head,W-\$22.56; Luze,R-\$20.00; Lutz,J-\$29.60; Smith,S-\$23.84; Maas,S-\$20.00; Pierce,J-\$48.80

ADJOURN: 1143 a.m. there being no further business it was Moved-Seconded (Douglas-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chairman

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 8, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 8, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of April 24, 2007 County Commission meeting and the 2007 Board of Equalization minutes as written. Motion Carried.

PERSONNEL

STATES ATTORNEY: Moved-Seconded (Douglas-Weisenberg) to approve the hiring of **Brenda Yapp** as a Deputy States Attorney at a base rate of \$38,000/yr. effective April 30, 2007 and **Katie Thompson** as a Deputy States Attorney at a base rate of \$37,000/yr. effective May 8, 2007. Aye – Douglas, Weisenberg, Ewing, Seward; Thompson abstained. Motion carried.

PLANNING & ZONING: Moved-Seconded (Weisenberg-Ewing) to approve the transfer of **Sherryl Schulz** from the Register of Deeds Office to the Planning & Zoning Office as an Administrative Secretary Grade 2 base rate of \$12.96/hr. effective May 14, 2007. Motion carried.

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Thompson) to move **David Hansen** to a full time Records Clerk Grade 2 at the base rate of \$11.66/hr. effective May 14, 2007. Motion carried.

REGISTER OF DEEDS AND AUDITOR: Moved-Seconded (Ewing-Thompson) to authorize the advertisement for a full time Accounting Clerk/Records Clerk to be shared by both departments. Motion carried.

INVASIVE SPECIES: Moved-Seconded (Ewing-Thompson) to approve the summer workers as follows: **Brittney Klipfel**, Weed Sprayer/GPS Grade 1 at 9.92/hr. effective April 17, 2007 and Grade 2 at 11.10/hr. effective April 30, 2007; and **William Gray, Shad Schneider and Tanner Tetrault**, Weed Sprayer/GPS Grade 2 at 11.10/hr. effective April 30, 2007. Motion carried.

HIGHWAY: Moved-Seconded (Ewing-Thompson) to allow county employees to donate sick leave to **Tim Barrett**. Motion carried.

Moved-Seconded (Weisenberg-Ewing) to allow **Dick Birk** to use vacation leave before the one year probationary period is reached. Motion carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of April 30, 2007 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)-\$1,380,436.40; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$24,349.88; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Bank Balance-\$11,364,089.05; GNAMS-\$593.54; Total \$16,972,353.87.

STIPULATION FOR QUIET TITLE ACTION: Bruce Outka, County Attorney, presented a stipulation for a quiet title action on behalf of Tim Davis, who purchased property at a tax sale in 2003. Moved-Seconded (Douglas-Weisenberg) to authorize the Chair to sign the stipulation. Motion carried.

HIGHWAY

FOREST SERVICE ROAD AGREEMENT: Moved-Seconded (Weisenberg-Douglas) to approve signing the 2007 Project Agreement with the US Forest Service designating forest road maintenance for 2007. Motion carried.

LAWRENCE COUNTY RESOLUTION #2007-17: A RESOLUTION SETTING VEHICLE SPEED LIMIT ON A PORTION OF OLIVER STREET: WHEREAS, the Lawrence County

Commission has determined that it is in the best interests of public safety that vehicle speed limit be lowered on a portion of Oliver Street, Lawrence County, South Dakota, and after full consideration thereof; NOW THEREFORE BE IT RESOLVED, that pursuant to SDCL 32-25-9.1, the following speed limit be set and posted at 25 miles per hour on the following street: For Oliver Street between Jonas Boulevard and McGuigan Road. Dated this 8th day of May, 2007. *James J. Seward*, Chairman ATTEST: *Connie Atkinson*, Auditor.

108th STREET BRIDGE AND ROAD: Dick Birk, Highway Supt., and Bruce Outka, County Attorney, discussed the deteriorated condition and need for closure or vacation of a part of the 108th street and bridge crossing Redwater River. Birk reiterated the bridge serves no significant purpose and would require considerable funds to upgrade and maintain. Outka said letters were sent out to adjoining landowners and he has heard concerns from them. Moved-Seconded (Douglas-Ewing) to appoint Jim Seward, Bruce Outka, Terry Weisenberg and Birk as a subcommittee to work on this issue. Motion carried.

SPEARFISH CREEK NOMINATION AS AN OUTSTANDING STATE WATER

RESOURCE: The Board discussed the nomination of Spearfish Creek as an outstanding state water resource to the South Dakota Water Management Board by ACTION for the Environment and the Spearfish Canyon Preservation Trust. After discussion, it was Moved-Seconded (Douglas-Thompson) to authorize the County Attorney to draft a statement of opposition to the nomination as the Commissioners feel the water quality of Spearfish Creek is adequately protected by current water quality designations and they believe this designation would impact activities in the entire Spearfish Creek watershed and not be confined only to activities adjacent to Spearfish Creek. Motion carried. Bob Ewing will attend the hearing in Pierre on May 9th and present the statement in opposition.

PLANNING & ZONING: Amber Vogt, Planning & Zoning Director, updated the Board on current office activities and stated they are working on an amendment to allow public entity signage.

AIRPORT PROJECT: 9:00 a.m. Moved-Seconded (Weisenberg-Thompson) to go into executive session with the county attorney for discussion of legal and contractual matters. Motion carried. 9:15 a.m. The Board reopened for regular business. Moved-Seconded (Douglas-Weisenberg) to authorize Bruce Outka, County Attorney, to solicit for services of an attorney to provide legal expertise on behalf of the county for the airport land condemnation project, to obtain pricing for the same and submit for the Board's consideration. Aye – Douglas, Weisenberg, Ewing, Seward. Nay – Thompson. Motion carried.

ECONOMIC IMPACT STUDY FOR MOTORIZED USE IN NATIONAL FOREST: Eric Hunt, Chair of the Lawrence County Recreation, Wildlife and Tourism Committee, met with the Board to discuss the economic impact of all terrain vehicles in the Black Hills area. The Off-Highway Vehicle Coalition of South Dakota is applying for a Recreation Trails Program grant to conduct this economic impact study. He feels the impact is huge and this study will confirm the economic benefits. This study will be very beneficial in their work with the Forest Service in developing an ATV trail system. Estimates are that the study will cost \$31,000 and they have been working with Tom Dunn at Black Hills State University to conduct the study. The grant requires a 20% match which he may ask for cooperation from the County in the future, if needed. Board members expressed their agreement and asked him to return if grant match dollars are needed.

BILLS: Moved-Seconded (Thompson-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-\$5,703.16; Aud-\$6,687.99; Treas-\$8,626.08; Comp-\$5,217.42; States Atty-\$11,677.78; Pub Def-\$8,315.81; Gen Govt Bldg-\$6,547.50; Equal-\$12,908.18; Rod-\$6,453.31; Vso-\$1,053.97; Disp-\$9,862.22; Sher-\$29,690.14; Jail-\$18,452.21; Emerg Mgnt-\$3,032.23; E911-\$1,478.00; Highway-\$32,954.86; Air-\$886.20; Ext-\$1,311.00; Weed-\$1,647.02; Pz-\$3,382.18; **Bills:** Black,S-\$30.00; Hamilton,M-\$149.00; Kotak,J-\$18.32; Mowell,R-\$8,160.00; Rombough,D-\$433.60; Sandvick,T-\$845.00; Schumacher,K-\$119.00; Smith,J-\$382.80; Steffen,P-\$119.00; Vogt,A-\$85.49; A&B Business Equip-\$1,974.80; A&B Welding Supply-\$14.40; A&I Distributors-\$424.93; A&J Supply-\$880.06; ABC Business Supply-\$1,973.11; Accurint Account-\$75.00; Alltel-\$319.58; Altaire Enterprises-\$20.00; Amcon Distributing-\$404.73; American Family

Life Ins-\$3,660.31; Anderson Oil Co-\$70.16; Armor Holdings Forensics-\$45.00; BH Chemical Company-\$1,891.41; BH Federal Credit Union-\$9,811.00; BH Pest Control-\$95.00; BH Pioneer-\$29.82; BH Power & Light-\$475.22; BH Security & Systems-\$806.95; BH Travel Agency-\$1,564.60; Best Business Prod-\$18.00; Black Hills Pure-\$11.50; Blazer, Harry & Sandy-\$1,474.88; Bob Barker Company-\$199.81; Brookings Fairfield Inn-\$67.50; Brownsville Fire Dept-\$2,680.00; Butler Machinery Co-\$753.24; Butte County Sheriff-\$26.40; Butte Electric Coop-\$99.84; Campbell Supply Co-\$39.98; Cedar Shore-\$94.00; Central Parts-\$1,236.57; Cheyenne Crossing Store-\$10.00; Christensen Law Office-\$273.00; Coburn First Western Ins-\$50.00; Comfort Inn-\$259.20; Conrad's Big "C" Signs-\$1,150.00; Conoco-\$277.92; Culligan Soft Water Serv-\$195.00; Dale's Tire & Retread-\$1,551.72; Deadwood Vol Fire Dept-\$5,592.00; Deadwood, City Of-\$496.94; Deckers Food-\$5.67; Dept Of Hlth Lab Services-\$733.00; Dept Of The Treasury-\$44,762.19; Division Of Motor Veh-\$26.00; DWI Journal-\$505.00; Ecolab-\$111.00; Ellingson, Joseph-\$597.70; Farm Plan/Rdo-\$21.99; Fastenal-\$11.83; First Western Bank-\$502.69; Fish,V-\$24.00; Fort Dearborn Life Ins-\$1,020.19; Frederickson, John R-\$140.40; Genpro Power Systems-\$199.91; Godfrey's Brake Serv-\$2,909.04; Great Plains Chemical-\$90.00; Great Western Tire-\$1,075.59; Havemeier,L-\$151.20; Heisler Hardware-\$116.28; Ibm Corp-\$70.20; Ikon Office Solutions-\$159.63; Informed Publishing-\$1,975.00; Jacobs Precision Welding-\$15.00; Jacobsen Ford-\$44.50; KMart-\$3.00; Karpinen,S-\$495.00; Kelly Inn-\$118.00; Kennedy,Rokahr,Pier & Knoff-\$192.20; Kieffer,Tracy-\$105.40; Knecht True Value-\$99.97; Kosel, Joseph M-\$4,166.67; LC Emerg Mgnt-\$43.04; L C Journal-\$644.86; LC Sheriff-\$270.32; LC Treasurer-\$100.00; Lavallie,T-\$67.84; Lead Fire Department-\$6,178.00; Lead, City Of-\$79.67; Lead-Deadwood Regional Hospital-\$120.00; Lead-Deadwood Sanitary-\$283.14; Macks Auto Body-\$389.39; Mcarthur,J-\$135.00; Mcclure,S-\$450.00; Meade County Sheriff-\$42.40; Montana-Dakota Util-\$5,434.38; National Academy Of Emd-\$90.00; Ncraao-\$400.00; Nelson,Christy-\$315.00; Nemo Volunteer Fire Dept-\$1,379.00; Neve's Uniforms-\$105.67; Occupational Health Network-\$30.00; Office Of Child Support-\$177.23; Office Technology/Supply-\$93.25; Parrett,P-\$22.80; Pennington Co Auditor-\$39.00; Pennington County Sheriff-\$359.98; Postmaster, Deadwood-\$246.00; Prairiewave Communications-\$842.28; Priority Dispatch-\$78.00; Queen City Medical Center-\$172.19; Quill Corp-\$63.59; R C Regional Hospital-\$580.00; Rachetto,J-\$12.56; Radio Shack/Kazco-\$282.98; Rapid Delivery-\$16.80; Reindl, Staci-\$5,049.79; Reliable-\$52.79; Rochford Vol Fire Dept-\$640.00; Rockmount Research & Alloys-\$653.40; Rud-Chain-\$6,485.81; SD 4-H/Charter Counts-\$75.00; SD State Treasurer-\$1,897.35; Spearfish Police Dept-\$21,932.39; Sand Creek Printing-\$226.00; Secretary Of State-\$50.00; Servall Towel & Linen-\$535.94; Spearfish Auto Supply-\$1,097.20; Spearfish Canyon Fire Dept-\$2,938.00; Spearfish Fire Dept-\$15,691.00; Spearfish Husky-\$25.00; Spearfish Motors-\$368.83; St Onge Fire Dept-\$920.00; Sturgis Fire Department-\$1,159.00; Subway-\$29.28; Superior Lamp And Supply-\$239.76; The Mercantile-\$39.41; Thurman Law Office-\$260.67; Tigerdirect-\$2,072.49; Twin City Hardware & Lumber-\$285.66; Usd School Of Law-\$150.00; Voelker & Adams-\$13,029.22; Walmart-\$382.45; Waste Connections-\$257.80; West Group-\$52.00; Western Communication-\$136.70; Western SD Juvenile Serv-\$22,600.00; Whisler Bearing Co-\$21.89; Whitewood Vol Fire Dept-\$2,823.00; Xerox Corporation-\$51.60; Yankton Co Sheriff-\$34.50; Z&S Dust Control-\$25,215.83; **Witness & Jurors:** Allerdings,E-\$51.92; Brown,N-\$60.24; Burns,J-\$60.24; Flink,M-\$60.24; Goehner,V-\$60.88; Grosfield,A-\$60.24; Koan,R-\$59.60; Koski,C-\$62.80; Merkel,A-\$62.80; Morcom,R-\$59.60; Osborn,J-\$62.80; Stearns,M-\$54.48; Wolff,N-\$59.60; Berry,J-\$20.24; Biel,J-\$11.92; Charles,J-\$19.60; Clark,K-\$10.64; Cooper,M-\$62.80; Ehlers,L-\$19.60; Fillmore,J-\$18.96; Fischer,R-\$19.60; Follette,C-\$19.60; Garcia,J-\$11.92; Gerving,R-\$51.92; Greear,K-\$19.60; Gulledge,E-\$13.20; Heggem,J-\$59.60; Juhala,J-\$19.60; Kurtz,K-\$19.60; Larson,A-\$25.36; Lechette,K-\$19.60; Lehmann,A-\$22.80; Littlewhiteman,C-\$20.88; Magnell,M-\$20.88; Meirose,J-\$22.80; Merritt,T-\$59.60; Montieth,T-\$16.40; Moore,D-\$19.60; Mundt,P-\$59.60; Norby,M-\$15.12; Norton,G-\$19.60; Pummel,G-\$60.88; Rans,J-\$22.80; Reed,V-\$62.80; Richardson,D-\$19.60; Riemer,J-\$20.24; Rietheimer,E-\$11.28; Rische,K-\$11.92; Schuh,D-\$58.96; Shultz,J-\$19.60; Smith,B-\$61.52; Smith,J-\$11.92; Strickland,L-\$59.60; Vodopich,M-\$21.52; Walby,S-\$21.52; Wehner,I-\$57.68; Whiton,B-\$51.92; Widener,C-\$10.64

ADJOURN: 9:45 a.m. There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – May 22, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on May 22, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of May 8, 2007 County Commission meeting. Motion Carried.

TRAVEL REQUESTS:

VETERAN SERVICE OFFICE: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Bill Locken to attend the NACVSO Training in Milwaukee WI on June 1-10, 2007. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve the travel request for Brooke Leighty and Joe Leveque to attend the State and Local Law Enforcement Training Symposium in Bismarck, ND on August 20-23, 2007. Motion Carried.

PERSONNEL

REGISTER OF DEEDS AND AUDITOR: Moved-Seconded (Thompson-Weisenberg) to approve Keri Podoll as a full-time accounting clerk G2 at the base rate of \$11.66 an hour, effective 6-11-2007 for the Register of Deeds/Auditor's Office. Motion carried.

ADVERTISING OF OPEN POSITIONS: Moved-Seconded (Weisenberg-Ewing) Prior Board of Commissioner approval will not be required for the **advertising** to fill an open position that has already been established in an office. Final **hiring** approval of an employee will be required on all positions. Motion Carried. The Board asked that an email be sent informing them of open positions.

FUEL QUOTES:

The following fuel quotes were submitted as of May 8, 2007: Deadwood Diesel 7200 Gallons: (prices per gallon) Cenex Oil Co. \$2.50; Southside Oil - \$2.40*; Rollin Oil - \$2.412. (*represents lowest quote). Deadwood Unleaded 7000 Gallons (prices per gallon) Cenex Oil Co. \$2.80*; Southside Oil - \$2.85; Rollin Oil - \$2.862. (*represents lowest quote)

The following fuel quotes were submitted as of May 8, 2007: Spearfish Diesel 4500 Gallons: (prices per gallon) Cenex Oil Co. \$2.55; Southside Oil - \$2.50; Rollin Oil - \$2.412*. (*represents lowest quote). Spearfish Unleaded 1000 Gallons (prices per gallon) Cenex Oil Co. \$2.85*; Southside Oil - \$2.89; Rollin Oil - \$2.862. (*represents lowest quote)

WELFARE GUIDELINES RESOLUTION #2007-20: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign Resolution #2007-20 Welfare Guidelines. Motion Carried. **LAWRENCE COUNTY RESOLUTION #07-20 AMENDMENT #12 LAWRENCE COUNTY WELFARE GUIDELINES APPENDIX E – HOUSING ALLOWANCES:** 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 Reviews rates for housing allowances periodically to update allowable rent maximums; and NOW THEREFORE BE IT RESOLVED, that effective June 1, 2007, and until otherwise revised, the attached revisions and amendment setting forth the new housing allowances in the Lawrence County Welfare Guidelines are hereby adopted. Dated this 22nd day of May 2007. **BOARD OF COUNTY COMMISSIONERS: FOR THE BOARD:** James J. Seward, Chairperson. **ATTEST:** Connie Atkinson, Auditor.

BROWN BAG EVENT: Moved-Seconded (Ewing-Thompson) to approve a Brown Bag Event

for Eagle Aviation Inc. for a supper and hospitality gathering on June 22, 2007 for the Flying Dentists Assoc. Motion Carried. Aye-4 Absent-Douglas.

RESOLUTION #07-19 A RESOLUTION TO DISCHARGE CERTAIN COUNTY LIENS:

Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign the following Resolution #07-19. Motion Carried. **RESOLUTION #07-19 A RESOLUTION TO DISCHARGE CERTAIN COUNTY LIENS:** WHEREAS, Lawrence County has care of poor, mental health, county assistance, court appointed attorney, public defender, court related expenses, juvenile care, prisoner transportation, prisoner care, and other miscellaneous liens over 30 years old, and WHEREAS, Lawrence County has liens against deceased persons, and WHEREAS, these liens are considered uncollectible, now THEREFORE BE IT RESOLVED, by the Lawrence County Board of Commissioners, that the Auditor and Register of Deeds is hereby directed, now and in the future, to discharge all County liens that are 30 (thirty) years or older, and liens against deceased persons after five years. Dated this 22nd day of May, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS: JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

108TH STREET ROAD & BRIDGE: Seward, Outka and Birk gave an update on the 108th Street Bridge. The bridge is in serious condition but a patch job or a culvert may be an option. NJS will furnish a proposal for the bridge repair.

UTILITY PERMIT:

CITY OF SPEARFISH: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way for the City of Spearfish to install a water main on Hillsvie Road and McGuigan Road intersection North to I-90 from I-90/Old Belle Highway north to Eccles Lane. Motion Carried.

ABATEMENT / PAMELA DIESING: Moved-Seconded (Ewing-Seward) to approve the abatement for Pamela Diesing on parcel #31090-03300-060-00 because the house burned on July 27, 2006. Motion Carried.

LAWRENCE COUNTY RESOLUTION #07-18 RESOLUTION & ORDER TO VACATE A PORTION OF A SECTION LINE:

A public hearing was held on a petition to vacate a portion of a section line. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign the following Resolution #07-18. Motion Carried. **LAWRENCE COUNTY RESOLUTION #07-18 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: All of that part of a 66' right of way located in the SE1/4 SE1/4 Section 28, and the NE1/4 NE1/4 Section 33 lying within the Smokey Mountain Ranch Subdivision as shown on attached exhibit "A" (Smokey Mountain Ranch Subdivision, formerly Riley/Wolff tracts 1 & 3, is located in the SE1/4 SE1/4 Section 28, and NE1/4 NE1/4 Section 33, all in T6N, R4E), BHM, Lawrence County. AFFECTING THE LANDOWNERS LISTED BELOW: FRED A WOLFF & ROGER RILEY. Dated this 22ND day of May, 2007. JAMES J. SEWARD, CHAIRPERSON - Lawrence County Commissioner ATTEST: CONNIE ATKINSON, Lawrence County Auditor

PRELIMINARY PLAT / IRONWOOD ESTATES: Moved-Seconded (Weisenberg-Ewing) to approve the preliminary plat for Owner/Representative: Ironwood Estates/HES 125, LLC/BH Surveying, Legal Description: Plat of Ironwood Estates, located in Sections 25 & 26, T4N, R2E and 30 & 31, T4N, R3E (legal shortened), Location: Rochford Rd/Lead Country Club, Purpose: Lots. Zoning: SRD. Motion Carried.

PRELIMINARY PLAT / WILD TURKEY ESTATES: Moved-Seconded (Ewing-Thompson) to approve the preliminary plat for Owner/Representative: MJG, Inc./NJS Engineering, Legal Description: Plat of Wild Turkey Estates located in Section 1, T6N, R1E and Section 31, T7N, R2E and Section 6, T6N, R2E. (legal shortened), Location: Off Hillsview Road/Homestake Road and Moller Road/ Spearfish West; Purpose: Lots; Zoning: A-2 & PF. Motion Carried.

FINAL PLAT / CROW PEAK BENCH SUBDIVISION: Moved-Seconded (Ewing-Weisenberg) to approve the Final plat of Lots 8, 9, 11 of Crow Peak Bench Subdivision located at Crow Peak Bench/Moeller Road – Owner; J&K of Spearfish. Motion Carried.

ANNUAL REVIEW CUP# 255 / SPIRIT OF THE HILLS WILDLIFE SANCTUARY: An annual review was held for Spirit of the Hills Wildlife Sanctuary. Seward stated he received a complaint about flies. He contacted Dave Heck, Weed and Pest and the situation is being handled. Seward also stated a letter needs to be sent to the Forest Service to close the road above the sanctuary. Excessive speed was also a concern in the area and law enforcement will be contacted to control speed issues in the area. Seward asked that the Sanctuary be kept clean and CUP#255 will be reviewed in one year.

ANNUAL REVIEW CUP#320 / ROO RANCH: An annual review was held on Conditional Use Permit #320 – Kevin and Roxy Bell, The “Roo” Ranch. No complaints were received and will be reviewed next year.

ANNUAL REVIEW CUP#284 / SPECIALTY RESORT – NIELSEN: An annual review was held for the David B. Nielson / Specialty Resort. No complaints were received. Moved-Seconded (Douglas-Thompson) CUP #284 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#304 / WASP DUMP: An Annual Review was held on Conditional Use Permit #304 - City of Deadwood,Lead,Central City/Landfill - Located on Yellow Creek Road. No complaints were received. Moved-Seconded (Ewing-Douglas) CUP #284 was found to be in compliance and will be reviewed at the time of the State Renewal. Motion Carried.

ANNUAL REVIEW CUP#319 / BUCHHOLZ TRAILER MANUFACTURING: An annual review was held for Conditional Use Permit # 319-for trailer manufacturing. Owner/Representative: Edna Mae Ward/Bill Bucholz. Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW CUP#124 & 144 / OPEN CUT MINING PROJECT: An annual review was held for Homestake Mining Company CUP #124 & 144, Permittee was found in compliance with the permit. Permit will be reviewed in one year.

ANNUAL REVIEW CUP#308B CELLULAR ON WHEEL TOWER: An annual review was held on CUP #308B for a Cellular on Wheel Tower (COW). Moved-Seconded (Thompson-Weisenberg) to grant a 6 month extension to CUP# 305B. Motion Carried. A new easement will need to be filed and a building permit will need to be issued within the six month extension.

PRELIMINARY & FINAL PLAT / CULVER RIGHT OF WAY – EDDY SIMONS SUBDIVISION: Moved-Seconded (Ewing-Thompson) to approve the preliminary plat of Culver-

Right-Of-Way in Eddy-Simons Subdivision located in Boulder Canyon. Motion Carried. Moved-Seconded (Weisenberg-Ewing) to approve the final plat of Culver-Right-Of-Way in Eddy-Simons Subdivision located in Boulder Canyon. Motion Carried.

JOINT POWER AGREEMENT / SPEARFISH: Bruce Outka, stated the Joint Power Agreement with the City of Spearfish will expire June 1, 2007. Outka recommended a three month extension to allow more time to work on a new agreement. Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairman to sign the three month extension to the Joint Power Agreement with the City of Spearfish, upon review of Bruce Outka. Motion Carried.

CONDITIONAL USE PERMIT #300 SIGNAGE: Amber Vogt, Planning and Zoning Director presented history of the property involved on CUP#300. The Board reviewed the signs put up on the property. Moved-Seconded (Ewing-Weisenberg) To clarify condition #23 of CUP#300 the signs shall read "Private Property – NO Exit". Motion Carried. Gary and Penny Sparks, landowners in the affected area, were present and were in agreement to the new signage wording as stated above.

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

Payroll: Comm-\$5,703.16; Aud-\$6,688.01; Treas-\$8,638.57; Comp-\$5,217.42; States Atty-\$11,356.60; Pub Def-\$8,131.23; Gen Govt Bldg-\$6,577.19; Equal-\$12,908.18; Deeds-\$6,453.31; Vso-\$1,053.97; Disp-\$11,116.42; Sher-\$28,403.14; Jail-\$17,924.53; Emerg Mgnt-\$2,912.11; E911-\$1,478.00; Highway-\$33,202.99; Air-\$886.20; Mhlth-\$684.00; Ext-\$1,327.12; Weed-\$2,245.88; Pz-\$1,918.06; **Bills:** Ewing,R-\$128.00; Hodson,T-\$89.00; Locken,W-\$102.40; Mcgruder,B-\$43.00; Piekkola,D-\$89.00; Sandvig,S-\$180.46; Symonds,C-\$89.00; Tridle,D-\$43.00; A&B Business Equip-\$1,459.76; A&J Supply-\$226.26; A&M Transport-\$64.75; Abc Business Supply-\$109.18; Alltel-\$312.83; BH Chemical Company-\$53.97; BH Federal Credit Union-\$9,811.00; BH Medical Ctr Pharmacy-\$705.81; BH Pioneer-\$699.13; BH Power & Light-\$7,883.78; Best Western Ramkota Inn-\$1,190.00; Binger Law Office-\$5,036.79; Black Hills Pure-\$10.50; Bob Barker Company-\$128.94; Bp-\$1,584.19; Butler Machinery Co-\$78.92; Butte County Sheriff-\$56.82; Butte Electric Coop-\$327.21; Central Parts-\$2.09; Chemsearch-\$419.60; Chris Supply Co-\$304.95; Clark Printing-\$45.00; Correctional Billing-\$14.17; Culligan Soft Water Serv-\$48.00; Dakota Fluid Power-\$2,461.01; Deadwood Home Center-\$6.99; Dept Of Hlth Lab Services-\$33.00; Dept.Of The Treasury-\$40,448.26; Ensignal-\$49.99; Eppc-M 202-\$475.00; Executone Of The BH-\$16.50; Farmers Union Oil-\$22,447.20; Fastenal-\$573.04; Golay,B-\$140.40; Greens Alignment-\$164.55; Havemeier,L-\$163.60; Hickok's Iron Horse Inn-\$92.56; Hills Material Comp-\$2,249.25; Ibm Corp-\$42.51; Ikon Office Solutions-\$159.63; Kadrmas, Lee And Jackson-\$8,031.87; Kar Products-\$182.83; Kimball-Midwest Co-\$536.82; Kinney,Matthew-\$296.44; Koala Electric-\$4,653.50; Kosel,Joseph-\$380.00; LC Extension-\$17.43; LC Treasurer-\$100.00; Lee,James-\$15.00; Lexisnexis On-Line-\$361.00; M&M Sanitation-\$59.50; Meade County Sheriff-\$52.00; Medicap Pharmacy-\$80.14; Midwest Alarm Co-\$84.00; Montana-Dakota Util-\$57.52; Nals Region 5-\$125.00; Nelson,Tonya-\$945.00; Neve's Uniforms-\$291.58; Office Of Child Support-\$177.23; Pennington Co Auditor-\$195.00; Pennington Co Jail-\$1,610.25; Pennington County Sheriff-\$15.20; Postmaster,Deadwood-\$104.00; Queen City Rocket Lube-\$100.96; Qwest-\$1,483.56; RC Finance Office-\$1,925.00; RC Regional Hospital-\$448.00; SD Dept Of Transportation-\$30,718.69; Safeway Pharmacy-\$140.17; Salzsieder, Milan-\$121.76; Sdrs Supplemental Retirement-\$966.50; Servall Towel & Linen-\$457.09; Seward & Odenbach-\$566.95; Shell Fleet Management-\$38.35; Southside Oil-\$17,280.00; Spearfish Auto Supply-\$42.95; Spearfish Building Supply-\$30.00; Spearfish Embroidery-\$34.00; Tellinghuisen & Gordon-\$769.55; Tigerdirect-\$159.43; Triple K Tire & Repair-\$284.54; Twin City Hardware & Lumber-\$176.04; Uap Timberland-\$1,623.50; Ultimate Office-\$420.89; United Parcel Service-\$14.26; Verizon Wireless-\$471.61; Victims Of Violence-\$780.00; Walmart Store-\$235.00; Waste Connections-\$172.20; Wells Fargo Bank-\$68.00; Wells Fargo Business Card-\$731.32; Wolff's Plumbing & Heating-\$127.72; Yankton County-\$98.55; Z&S Dust Control-\$2,315.07; **Witness & Jurors:** Allerdings,E-\$51.92; Becht,L-\$62.80; Burns,J-\$60.24; Hart,J-\$56.40; Koski,C-\$62.80; Morcom,R-\$59.60; Osborn,J-\$62.80; Perez,A-\$60.24; Stearns,M-\$54.48; Wolff,N-\$59.60; Adams,J-\$22.80; Alley,D-\$11.92; Bierema,C-\$19.60; Clark,J-\$62.80; Colesanti-Nelson,J-\$66.00; Dillman,C-\$11.92; Enninga,R-\$11.92; Everson,D-\$13.20; Finkbeiner,R-\$61.52; Goodrich,C-\$19.60; Guilbert,S-\$10.64; Harlan,A-\$11.92; Hoffman,T-\$21.52;

Horst,M-\$11.92; Jennings,R-\$58.32; Kari,R-\$19.60; Klumb,R-\$20.24; Larson,J-\$16.40; Lyons,A-\$20.88; Mannion,C-\$59.60; Martin,W-\$53.20; Morgan,J-\$59.60; Morrison,R-\$11.92; Papka,P-\$22.80; Ring,J-\$62.80; Schenk,R-\$62.80; Scherer,N-\$59.60; Schipke,J-\$13.84; Warrick,D-\$59.60; Duffy,P-\$97.60; Haase,J-\$29.60; Kosel,S-\$20.00; Stonfield,M-\$48.80; Wood,T-\$59.20; Aberle,J-\$11.92; Adams,D-\$10.64; Anderson,L-\$11.28; Anderson,S-\$19.60; Barden,E-\$18.96; Bensen,A-\$108.96; Cox,C-\$19.60; Davis,N-\$22.80; Ducheneaux,L-\$19.60; Dwyer,J-\$125.60; Erlandson,T-\$112.80; Etherington,L-\$10.64; Fenolio,J-\$22.80; Fischer,E-\$18.96; Fuhr,J-\$119.20; Geffre,C-\$120.48; Hansen,J-\$26.00; Heckenliable,C-\$19.60; Holtgard,K-\$121.76; Horak,L-\$20.88; Humbracht,J-\$119.20; Hyatt,J-\$123.04; Irwin,J-\$11.28; Jacobs,L-\$19.60; Kirk,G-\$22.16; Kopp,E-\$20.88; Kugler,T-\$20.88; Lessly,C-\$19.60; Lester,P-\$11.28; Macdonald,M-\$22.80; Mcgrath,J-\$13.20; Muchow,J-\$105.12; Pickett,T-\$17.68; Schneider,S-\$19.60; Simbeck,J-\$19.60; Snow,W-\$103.84; Stulken,F-\$12.56; Sweeney,D-\$17.04; Thompson,L-\$20.88; Vosler,A-\$20.24; Wallin,C-\$11.28; Wallin,M-\$10.64; Wickenhagen,B-\$19.60; Wiedenmeyer,M-\$125.60; Hill,J-\$20.24; Moore,E-\$56.40; Witcraft,P-\$19.60

ADJOURN: 10:37 a.m. There being no further business it was Moved-Seconded (Thompson-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 12, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 12, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson 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 22, 2007 County Commission meeting. Motion Carried.

PERSONNEL

TREASURER: Moved-Seconded (Weisenberg-Thompson) to approve the hiring of Sandra Sandvig as an Accounting Clerk G1 at the base rate of \$10.99 an hour, effective 7-1-2007. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Sally Atkinson as an Administrative Secretary G3 at the base rate of \$14.29 an hour, effective 6-18-2007. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve Ina Peck as a Secretary G3 base rate of \$14.01, effective 6-18-2007. Motion Carried.

GENERAL GOVERNMENT BUILDINGS: Moved-Seconded (Ewing-Weisenberg) to approve the donation of leave to Ki Caserio for medical purposes. Motion Carried.

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Ryan Cook, Mike Chavez, and Rob Ruffatto as Deputy 2 G3 at the base rate of \$19.33 an hour, effective 6-15-2007. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve Katrina Harris as a Correctional Officer 2 G3 at the base rate of \$15.02 an hour, effective 6-15-2007. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve Geraldine Mykleby as an Administrative Secretary G3 at the base rate of \$14.29 an hour, effective 6-15-2007. Motion Carried.

2005/2006 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2005 and 2006. Moved-Seconded (Ewing-Thompson) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of May 31, 2007 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)-\$78,412.37; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,644.90; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$250,000, Bank Balance-\$8,095,614.74; GNAMS-\$505.90; Total \$12,632,062.91.

FUEL QUOTES:

The following fuel quotes were submitted as of June 11, 2007: Spearfish Diesel 4033 Gallons: (prices per gallon) Cenex Oil Co. \$no bid; Southside Oil - \$2.425; Rollin Oil - \$2.403*. (*represents lowest quote). Spearfish Unleaded 892 Gallons (prices per gallon) Cenex Oil Co. \$no bid, Southside Oil - \$2.825; Rollin Oil - \$2.805*. (*represents lowest quote). Whitewood Diesel 775 Gallons: (prices per gallon) Cenex Oil Co. \$no bid; Southside Oil - \$2.425; Rollin Oil - \$2.423*. (*represents lowest quote).

LEAD OPERA HOUSE: Moved-Seconded (Weisenberg-Ewing) to send a letter as a demonstration of support to the Lead Opera House. Motion Carried.

REVOLVING LOAN FUND BOARD APPOINTMENT: Moved-Seconded (Thompson-Weisenberg) to appoint Blaise Emerson to the Lawrence County Revolving Loan Fund Board to replace Chuck Vanderziel. Motion Carried.

MCGUIGAN ROAD: Moved-Seconded (Douglas-Weisenberg) to authorize Seward and Ewing to attend the McGuigan Road meeting, to represent Lawrence County, and to voice concerns on behalf of the county. Motion Carried.

ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE

WILDERNESS ESTATES ROAD DISTRICT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following order Declaring Area Incorporated And Subject To Vote Wilderness Estates Road District. Motion Carried. 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 Lots 1-26 of Wilderness Estates located in the SE ¼ of Section 7, the West ½ of Section 8, the NW ¼ of Section 17 of T4N, R3E, 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 Wilderness Estates Road District. **DATED** this 12th day of June 2007. JAMES J. SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

EMERGENCY MANAGEMENT GRANTS:

HOMELAND SECURITY GRANT APPROVAL: Moved-Seconded (Ewing-Weisenberg) to participate in the 2007 Homeland Security, Region 2 Grant. Motion Carried.

Paul Thomson updated the Board on the progress of the 2006 Grant.

Moved-Seconded (Douglas-Seward) to approve the Homeland Security Training Grant for \$600.00. Motion Carried.

TIMBER COMMITTEE: Paul Thomson informed the Board that the Timber Committee would like to hire Rob Mattox as a Fuel Load Specialist. Thomson stated this may be covered under the fire wise grant. The Board asked Thomson to verify that insurances and bonds are current and to verify this would be covered under the grant.

RESOLUTION #2007-21 VANOCKER CANYON ROAD: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign Resolution 2007-21 A Resolution Designating A Portion of Vanocker Canyon Road as a County Primary Road. Motion Carried. WHEREAS, Lawrence County would like to modify its Highway System re-classifying that portion of Vanocker Canyon Road, situated in Lawrence County, from a county secondary road to a county primary road. This modification is made at the behest of the South Dakota Department of Transportation in order to add consistency in classification as that portion of Vanocker Canyon Road located in Meade County is currently classified as a county primary road; WHEREAS, the proposed changed to the Lawrence. County Highway System is in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions: adopted 2/12/92 and SDCL 31-12-2. NOW THEREFORE BE IT RESOLVED, that the portion of Vanocker Canyon Road situated in Lawrence County, South Dakota be re-classified as a county primary road. Dated this 12th day of June, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor.

UTILITY PERMITS:

BUTTE ELECTRIC: Moved-Seconded (Thompson-Ewing) to approve the Application for Utility Permit for Butte Electric on Hwy 14 for construction of Power Lines in section 31 T7N, R2E. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Ewing-Weisenberg) to approve the Application for Utility Permit for Butte Electric on Hillsvew and Homestake Road Junction for construction of underground electric in section 6 T6N, R2E. Motion Carried.

QWEST COMMUNICATIONS: Moved-Seconded (Weisenberg-Thompson) to approve the Application for Utility Permit for Qwest Communications on Jackson Road for cable occupancy in section 15 & 22 T6N, R4E. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Ewing-Thompson) to approve the Application for Utility Permit for Black Hills Power located .7 miles from Laurel Street on Crook City Road. Motion Carried.

BLACK HILLS POWER: Moved-Seconded (Ewing-Thompson) to approve the Application for Utility Permit for Black Hills Power located approximately 1.05 miles east of Galena to cross Galena Road with overhead power. Motion Carried.

ANNUAL MALT BEVERAGE LICENSE RENEWALS: A public hearing was held on the renewal of the applications for 2007-2008 Malt Beverage licenses. The Board expressed concerns on the Boondocks location and suitable character of the owners.

Moved-Seconded (Ewing-Thompson) to table the 2007-2008 Malt Beverage Licenses for RONALD & LISA JORGENSON, (BOONDOCKS) 21559 US HWY 385, Deadwood SD. Legal: PT HES 54 Tract C Section 25 T4N, R3E, B.H.M., until the June 26th meeting. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the following 2007-2008 Malt Beverage Licenses Motion Carried: Class - Package (Off-Sale) Malt Beverage: *CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE*, GI OUTPOST INC., (DEADWOOD KOA) Highway 14A, Deadwood, SD. Legal: M.S. #601, Sec. 28, T5N, R3E, and lot 1A of M.S. #108 BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) 510 W. Havens Ste 4, PO Box 1063, Mitchell SD. Legal: Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills. TROY & WILADINE SAYE (NEMO GUEST RANCH) 12737 Guest Ranch Loop - Legal: Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368. CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE: KELLEY FAMILY INC., (HIDDEN VALLEY CAMPGROUND), 21423 US HWY 385, Deadwood, SD. Legal: Lot G-1-A, HES 297, Sections 18 & 19, T4N, R4E. BLACK HILLS HOSPITALITY, INC (FISH 'N FRY CAMPGROUND) 21390 US Highway 385, Deadwood, SD. Legal: Lots 1 & 2, subdivision of a portion of H.E.S. 297, in Section 18 & 19, T4N, R4E, BHM, Lawrence County, SD according to Plat Book 1, page 317, except Lot A of Lot 2 of the Subdivision of HES 297, according to Plat Doc #78-1596. JANELL F. ANDIS, (CUSTER CROSSING) 22036 US HY 385, Deadwood, SD. Legal: Pt Tract B-1 of HES 246, Section 21, T3, R4. WILD BILL'S CAMPGROUND & RESORT 21372 US HWY 385, Deadwood, SD. Legal: Lot E & Lot E-2 of HES 137 located in S17 & 18, T4N, R4E, BHM, except Lot E-1 & E-3 of Subd Lot E & except Lots H1 & H2 in Lot E, Tract No. 0091A in S18 & Tract 0091B S17, T4N, R4E. SPEARFISH CANYON RESORTS (LATCHSTRING VILLAGE) 10619 Roughlock Falls Road, Lead SD. Legal: Lot Ab-1, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of Section 31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M.. DST PROPERTIES INC. (THE VALLEY CORNER) 396 Evans Lane, Spearfish, SD. Legal: Lot 1 & Pt Lot 2, NW1/4NW1/4, Subdivision of Section 3, T6N, R2E., B.H.M. TRAILSHEAD LODGE, INC., PO Box 873, Lead, SD. Legal: Lot 4 O'Neill Pass Ranchettes S/D of HES 617, Section 20, T3, R1, B.H.M. CHEYENNE CROSSING STORE 21415 US HWY 14A, Lead, SD. Legal: Lot C-3 of Meadow 1-2-3 Lodes of MS 1564, NW1/4 S22, T4N, R2E. LONNY & SUSAN SMITH (ST.ONGE STORE) 201 SD HWY 34, St. Onge, SD. Legal: Lots 1 & 2, Block 8, St.Onge. STEVEN W. SHARP, (KOA SPEARFISH) PO Box 429, Spearfish, SD. Parcel B of the replat of Lots G,H,I,J,K,L,M,N and the West 259.9 feet of Lots O,P,Q,R,S,T and U, all in the Subdivision of Lot 1 of the NW1/4NW1/4, Section 3, T6N, R2E, B.H.M.. SEVEN DOWN, LLC PO Box 999, Spearfish, SD. Legal: 6623 Centennial Rd, Spearfish, SD – Tract 7, Section 27, T6N, R3E. STEEL WHEEL LLC (STEEL WHEEL CONVENIENCE STORE) 21399 US HWY 385, Deadwood. Legal: Tract "D" Revised, formerly Tract "D" of HES 297, S18 & 19, T4N, R4E. STEEL WHEEL

LLC (RENEGADES BAR & GRILL) 21399 US HWY 385, Deadwood. Legal: Tract "D" Revised, formerly Tract "D" of HES 297, Section 18 & 19, T4N, R4E. JOE MOAK III / LONE STAR RESTAURANT: 11201 HWY 14A Box 1223, Lead, SD. Lot 3A2. of Tract 3A, A sub of Jay1,2,3, Fay #3, Herbert Steel Fraction H0200, Log Cabin & Violet #3, Lodes of M.S. 1200, In NW1/4 & NE1/4 of Sec. 19, T4N, R3E, T4N & NE1/4 of Sec 24, T4N, R2E, BHM. JANICE G. KABERNA, (HOM CAMPGROUND) PO Box 102 Nemo SD. Legal: Lot A of CRM Ex Tract 1 (10.01) and Lot 2. Sec 27-T3-R5 of Black Hills. BLACK HILLS CHAIRLIFT CO.INC. PO Box 774, Lead, SD, Section 1-2-11 & 12, Township 4 north, Range 2 east, B.H.M. JOHN D. BELL (BELL LTD) 11275 US Hwy 85/14A, Lead, SD. Legal: Tract 59 Section 7, T2N, R3E, BHM. TROY & WILADINE SAYE (NEMO GUEST RANCH) 12737 Guest Ranch Loop - Legal: Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368. CROW PEAK BREWING COMPANY, LLC: Lot Y-1, located in NE1/4NE1/4, S4, T6N, R2E. MYSTIC HILLS CABINS & CAMPGROUND: 21766 Custer Peak Road, Deadwood, SD. M.S.1748 Fennia #1; M.S.1748 St John Claim; M.S. 1748 St John #1 (8.78 Ac) & St John #2 (7.90 Ac); M.S. 1748 St John #3 (8.85 Ac) & St John #4 (8.83 Ac). All Located in Section 1, T3N, R3E.

ON-OFF SALE MALT BEVERAGE LICENSE: A public hearing was held on an application for 2007-2008 Malt Beverage licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Weisenberg) to table the following 2007-2008 Malt Beverage Licenses: Class Retail (ON-OFF SALE) Malt Beverage License for BARBARA BISSON, **TROUT HAVEN:** 22485 US HWY 385, Deadwood, SD – Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7, to allow time for the fingerprinting and background check of the owner. Motion Carried.

FIRST READING OF PROPOSED PLANNING AND ZONING ORDINANCE #07-01 - PUBLIC HEARING PROCESS: First Reading was held on Planning and Zoning Ordinance #07-01 Public Hearing Process.

BLACK HILLS CENTER OF HOPE: Lee Ann Tolsma was present to request funding for Black Hills Center of Hope for \$8,400. The Board will consider at budget time.

COUNTY LIENS: Justin Inghram was present to discuss a County Lien for Attorney Fees.

E911 DISPATCH SYSTEM AND TELEPHONE SYSTEM UPDATE: Joe Harmon, Chief Deputy Sheriff was present to request an emergency purchase for the E911 System. The proposed cost would be \$370,000. A supplement would be needed in the 2006 budget for \$240,000. The remaining \$130,000 could be budgeted for in 2008. Moved-Seconded (Weisenberg-Douglas) to put on the agenda for further discussion on June 26th meeting and the Sheriff will submit in writing what funds can be covered out of the 2007 Sheriff, Dispatch and E911 budgets. Motion Carried.

AIRPORT PROJECT: Rod Senn, Kadmas Lee Jackson, was present to discuss the Preliminary Project Drafts. The final updates are being incorporated into the final documents. Senn stated they are now ready to advertise for bids so they can determine cost figures. Moved-Seconded (Douglas-Weisenberg) to set July 24th, 2007 at 9:00 a.m. for opening of bids. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to approve the Attorney Services of Brady & Pluimer Law Firm for the Black Hills Airport / Clyde Ice Field Project. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson. Motion Carried.

Outka stated the cost benefit study is being finalized and will be forwarded to the Governor's Office when it is completed.

SPEARFISH JOINT POWERS AGREEMENT / BUILDING INSPECTOR: Outka and Vogt updated the Board on the progress of the Spearfish Joint Powers Agreement discussions with the City of Spearfish. Vogt also updated the Board on the proposed County Building Inspector. Figures will be presented during the budget process.

NORTHERN HILLS HOMES & RV STORAGE SIGNAGNE: New signage for Northern Hills Homes and RV Storage was reviewed.

FINAL PLAT / CREEKVIEW ESTATES: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Final Plat for Creekview Estates, Elite Properties, LLC/Bill Philips/ Precision Surveying; Legal Description: Plat of Lots 1 thru 8 of Creekview Estates, located in E1/2 NE1/4 of Section 22, T6N, R4E. (legal shortened) Location: Whitewood North/Jackson Rd, Purpose: New lots, Zoning: A-1 and PF. Motion Carried.

FINAL PLAT / LARRY BERGH: Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairperson to sign the Preliminary and Final Plat for Owner/Representative: Larry Bergh/ Ponderosa Land Survey, Legal Description: Plat of Lots 1,2 & 3 of M.S. 1835 & M.S. 1682, Section 18 & 19, T5N, R3E (legal shortened), Location: Maitland Rd, Purpose: New lots, Zoning: PF. Motion Carried.

FINAL PLAT / TERRY RIVER RUN LLC: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Preliminary and Final Plat for Owner/Representative: Terry River Run LLC/Ponderosa Land Surveys, Legal Description: Plat of Lots 1A, 1B, 2A, 2B of Blk 1 of Terry Peak Estates, Section 2, T4N, R2E. (legal shortened), Location: Terry Peak, Purpose: Lots for townhome units, zoning: SRD, upon approval of Amber Vogt when the final arrives. Motion Carried.

FINAL PLAT TWO BIT SPRINGS & TWO BIT SPRINGS #2: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign the Preliminary and Final Plat for Owner/ Representative: Mattson Inc/Arleth & Associates, Legal Description: Plat of Lots 2A, 2B, 2C, 6A, 6B, of Two Bit Springs #2, Section 1, T4N, R3E, (legal shortened), Location: Boulder Canyon, Purpose: Moving lot lines, Zoning: PF. Motion Carried.

FINAL PLAT TWO BIT SPRINGS & TWO BIT SPRINGS #2: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the Preliminary and Final Plat for Owner/ Representative: Mattson Inc/Arleth & Associates, Legal Description: Plat of Lots 3A, 13A, 14A, 15A, 2A, 6A of Two Bit #1 and Two Bit #2, Section 1, T4N, R3E (legal shortened), Location: Boulder Canyon, Purpose: Moving lot lines, Zoning: PF. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$5,703.16; Aud-\$5,755.20; Treas-\$8,826.08; Comp-\$5,217.42; States Atty-\$12,264.47; Pub Def-\$8,131.23; Gen Govt Bldg-\$6,593.67; Equal-\$12,726.85; Rod-\$6,349.31; Vso-\$1,053.97; Disp-\$10,049.26; Sher-\$28,658.79; Jail-\$17,427.03; Emerg Mgnt-\$2,895.59; E911-\$1,472.00; Highway-\$33,179.77; Air-\$886.20; Ext-\$2,118.40; Weed-\$4,563.97; Pz-\$2,421.42;
Bills: Alltel-\$224.90; American Family Life-\$3,660.31; BH Federal Credit Union-\$9,811.00; Blue Cross-\$52,001.15; Deadwood Recreation Center-\$165.00; Dept Of The Treasury-\$40,672.50; Division Of Motor Veh-\$6.50; Fort Dearborn Life Ins Co-\$1,020.19; LC Treasurer-\$100.00; NH Family Ymca-\$301.40; Office Of Child Support-\$177.23; Spearfish Police Dept-\$3,589.49; Sdrs Supplemental Retirement-\$966.50; Heck,D-\$212.69; Mowell,R-\$8,322.00; Schulz,S-\$25.00; Smith,J-\$40.00; A&B Business Equip-\$1,186.09; A&I Distributors-\$797.05; A&J Supply-\$118.28; A-Z Shredding-\$25.25; Abc Business Supply-\$885.34; Accurint Account-\$75.00; Alaska State Troopers-\$45.00; Altaire Enterprises-\$320.00; Amcon Distributing-\$316.67; BH Chemical Company-\$873.63; BH Medical Ctr Pharmacy-\$979.81; BH Pest Control-\$95.00; BH Pioneer-\$1,076.96; BH Power & Light-\$563.75; Best Business Prod-\$18.00; Bickle's Truck & Diesel-\$110.37; Black Hills Pure-\$16.75; Black Hills Signs & Banners-\$300.00; Butte Electric Coop-\$457.09; Campbell Co Sheriffs Office-\$60.00; Campbell Supply Co-\$1,199.00; Central Parts-\$73.67; Christensen Law Office-\$1,182.50; Circuit Court-\$5.00; City/County Alcohol & Drug-

\$575.00; Clark Printing-\$40.00; Clinical Lab Of BH-\$2,447.62; Coburn First Western Ins-\$50.00; Conoco-\$332.07; Datec-\$16,706.80; Deadwood, City Of-\$5,515.16; Deckers Food-\$23.68; Dept Of Hlth Lab Services-\$66.00; Drivers License Guide Company-\$42.95; Eastern Nebraska Forensic Lab-\$109.00; Election Sys & Software-\$717.29; Ellingson, Joseph-\$406.86; Evercom Systems-\$1,113.00; Extension Service-\$53.25; Fastenal-\$253.10; First Western Bank-\$1,021.36; Fish,Veronica-\$27.20; Fisher Sand & Gravel-\$7,072.22; Frederickson, John R-\$994.05; Fsh Communications-\$60.00; Gene's Lock Shop-\$5.50; Glenney,Tracy-\$180.00; Grizzly Sign & Design-\$116.00; Havemeier,Leslie-\$262.10; Hills Material Comp-\$847.42; Hobart Sales & Service-\$562.43; Ibm Corp-\$485.03; Jacobs Precision Welding-\$37.60; Jurgens Printing-\$89.70; Karpinen,Sharon-\$495.00; Ken's Camper Sales-\$19.20; Kieffer,Tracy-\$250.80; Kinney, Matthew-\$788.01; Kosel,Joseph-\$4,166.67; LC Emerg Mgnt-\$19.51; LC Journal-\$995.43; LC Sheriff-\$6.32; Lead, City Of-\$41.25; Lead-Deadwood Regional-\$453.57; Lead-Deadwood Regional Hospital-\$240.00; Lead-Deadwood Sanitary-\$268.90; Lee, James-\$15.00; Lexisnexis On-Line-\$361.00; Light & Siren-\$332.90; Looyenga,Dr Robert-\$350.00; Lueders-\$82.01; Mcclure,Susan-\$225.00; Meade County Sheriff-\$240.30; Medicap Pharmacy-\$442.97; Mid America Specialties-\$590.45; Montana Dakota Utilities-\$3,266.90; NH Training Center-\$2,850.00; Nelson,Christy-\$315.00; Neve's Uniforms-\$589.54; Northern Hills Homes & Rvs-\$22.57; Occupational Health Network-\$212.00; Office Technology/Supply-\$17.10; Outdoor Motor Sports-\$89.93; Pennington County Sheriff-\$29.34; Pennington County Sts Attny-\$200.00; Pizza Hut-\$135.13; Porter Law Office-\$1,015.65; Prairiewave Communications-\$1,912.85; Queen City Rocket Lube-\$132.94; Qwest-\$1,137.51; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$108.94; Rapidcare-\$140.00; Reausaw,Bernie-\$400.00; Reindl,Staci-\$3,895.86; SD Assn Of Co Comm-\$10.00; SD Human Services Center-\$400.00; SD Retirement System-\$67,042.77; SD Sheriff's Association-\$31.99; Spearfish Police Dept-\$8.91; Servall Towel & Linen-\$267.97; Seward & Odenbach-\$359.20; Sharon Green Counseling-\$60.00; Shell Fleet Management-\$54.07; Slate Creek Counseling-\$611.38; Spearfish Auto Supply-\$838.87; Spearfish Glass-\$335.32; Spearfish Motors-\$145.90; Tellinghuisen & Gordon-\$1,427.31; Tigerdirect-\$1,656.58; Triple K Tire & Repair-\$373.50; Twin City Hardware & Lumber-\$91.59; Uap Timberland-\$6,057.00; Verizon Wireless-\$969.72; Waste Connections-\$430.00; Western Communication-\$347.90; Western Sd Juvenile Serv-\$2,000.00; Wheeler Lumber-\$1,479.60; Xerox Corporation-\$51.60; **Witness & Jurors:** Brown,N-\$60.24; Flink,M-\$60.24; Goehner,V-\$60.88; Grosfield,A-\$60.24; Heupel,M-\$53.84; Koan,R-\$59.60; Merkel,A-\$62.80; Williams,J-\$62.80; Armstrong,K-\$30.88; Crawford,B-\$20.00; Decker,R-\$21.92; Desersa,D-\$20.00; Grass,K-\$27.04; Grass,K-\$27.04; Harper,J-\$29.60; Ingersoll,N-\$28.32; Lemond,D-\$20.64; Mcgrath,S-\$32.80; Nelson,A-\$30.88; Noren,J-\$38.56; Penn,J-\$30.88; Schoenthal,S-\$20.00; Toth,D-\$30.24; Petersen,S-\$19.60

ADJOURN: 11:42 a.m. There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – June 26, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on June 26, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson 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 June 12, 2007 County Commission meeting. Motion Carried.

PERSONNEL

PUBLIC DEFENDER: Moved-Seconded (Douglas-Seward) to approve Jennifer Beving at the base rate of \$42,950, effective 6-19-2007. Motion Carried.

MALT BEVERAGE LICENSES:

Moved-Seconded (Douglas-Weisenberg) to approve the Retail (on-off sale) Malt Beverage License for BARBARA BISSON, **TROUT HAVEN:** 22485 US HWY 385, Deadwood, SD – Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve the renewal for Retail (on-off sale) Malt Beverage License for RONALD & LISA JORGENSEN, **BOONDOCKS** 21559 US HWY 385, Deadwood SD. Legal: PT HES 54 Tract C Section 25 T4N, R3E, B.H.M. Motion Carried.

ASPEN VIEW ROAD DISTRICT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign the Order Declaring Area Incorporated And Subject To Vote Aspen View Road District. Motion Carried. the Order Declaring Area Incorporated And Subject To Vote Aspen View 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: Showing the location of Aspen View Drive accessing Lots 6A, 7A, 8,9,10,11 and 12 of Aspen View Subdivision , located in the NE ¼ NE ¼ of Section 19 and the NW ¼ NW of Section 20 and Pearson Tract 1 of a portion of the NE ¼ NW ¼ of Section 20, T5N, R4E, 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 Aspen View Road District. DATED this 26th day of June 2007. JAMES J. SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

TITLE III FUNDS: Moved-Seconded (Ewing-Douglas) to approve and authorize the Chairman to sign the following Resolution #2007-22 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, 2007. Dated this 26th day of June, 2007. FOR THE BOARD: James J. Seward CHAIR. ATTEST: Connie Atkinson, AUDITOR

JAIL MEDICAL SERVICES CONTRACT: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Jail Medical Services Contract with Lead/Deadwood Regional Hospital. Motion Carried.

NEMO CONTAMINATE CLEANUP PROJECT: Rusty Wilder, US Forest Service, presented and update and packet on the Nemo Contaminate Cleanup Project.

PLANNING & ZONING UPDATE: Amber Vogt updated the Board on Planning and Zoning issues and future Conditional Use Permits and Change of Zonings.

SECOND READING AND ADOPTION OF PLANNING AND ZONING ORDINANCE #07-01 - PUBLIC HEARING PROCESS: Second Reading was held on Planning and Zoning Ordinance #07-01 Public Hearing Process. Moved-Seconded (Weisenberg-Ewing) to approve and adopt PLANNING AND ZONING ORDINANCE #07-01 - PUBLIC HEARING PROCESS as on file. Motion Carried.

CROW PEAK BENCH SUBDIVISION BONDING APPROVAL: Moved-Seconded (Thompson-Ewing) to approve the Bond for Crow Peak Bench Subdivision. Motion Carried.

WILD TURKEY ESTATES SUBDIVISION BONDING APPROVAL: Moved-Seconded (Ewing-Thompson) to approve the Letter of Credit for Wild Turkey Estates Subdivision. Motion Carried.

TAX CERTIFICATE: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign Resolution #2007-23 A Resolution Waiving Prohibition Against Lawrence County Selling Tax Certificates And Directing The County Treasurer To Commence Selling Tax Certificates. Motion Carried. Resolution No. 2007-23 A Resolution Waiving Prohibition Against Lawrence County Selling Tax Certificates And Directing The County Treasurer To Commence Selling Tax Certificates: WHEREAS, SDCL 10-23-28.1 prohibits the sale of tax certificates by counties after July 1, 2006 unless the county board of commissioners adopts a Resolution waiving the provisions of said statute; and WHEREAS, SDCL 1-23-28.1 provides that after July 1, 2006 the County shall be the holder of all tax certificates unless the county board of county commissioners adopts a Resolution waiving the provisions of said statute,; NOW, THEREFORE, BE IT RESOLVED, by the Lawrence County Board of County Commissioners that all provisions of SDCL 10-23-28.1 prohibiting Lawrence County from selling tax certificates, and requiring the County to be the sole holder of tax certificates are waived, and direct that the Lawrence County Treasurer commence selling all tax certificates currently held by the County and those on eligible real property within the County at an appropriate time and place as directed by state statute effective July 9, 2007. Dated this 26th day of June, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

QUARTERLY INVESTMENT REPORT: Deb Tridle, Treasurer presented the quarterly investment report.

UTILITY PERMITS

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right of Way for aerial facilities located from approximately 1.3 miles west of the end of Denver Street on Mount Roosevelt Road, for a distance of Approximately 400'. Motion Carried.

108th STREET BRIDGE: Dick Birk updated the Board on the 108th Street Bridge. The Board authorized Birk to go forward with the plans to repair the Bridge.

MCGUIGAN ROAD PROJECT / POWER POLES: Mark Carda and Ken Meirose, Black Hills Power and Light, were present to discuss the power poles on the McGuigan Road. The power poles

are located in the clear zone for the new road construction. Carda suggested installing protective guard rails instead of moving the poles. Carda stated he has been in contact with the Federal Highway System and if the guard rails meet specs the Federal Highway System will sign off. The Board questioned the liability of installing guard rails instead of removal of the poles. Carda stated he understood the Federal Highway System would be liable if they accepted the guard rails. Outka stated the County would need to check with the insurance company to see what liability the County would be accepting if they approve of the guard rails. Carda and Meirose stated if the poles have to be moved it would be an additional 12-16 weeks, because the poles would need to be redesigned and constructed. Carda stated the County approved the utility permit and the poles were placed as reflected in the permit. Outka reminded Carda that the permit also states they must follow all safety regulations of the State and Federal Government. Seward stated the County purchased right of way on the other side of the Road and that is where the utilities were to be located. Douglas stated the County may need to require that an engineer sign off on all utility permits at the expense of the applicant. Seward asked if Black Hills Power would reimburse the County for the right of way they purchased on the other side of the road to put the utilities in. Carda stated they would not, just like they wouldn't ask the County to reimburse them for moving the poles. Discussion followed on the cost of the guard rails and who would be responsible for the cost. Carda stated they would look into doing the guard rails at their own expense if the County won't share in the costs.

Moved-Seconded (Douglas-Weisenberg) to table any action until July 10th 2007 at 10:45 a.m. to allow time to research the liability issue further with the insurance company. Motion Carried.

HOMELAND SECURITY GRANT / AT LARGE REPRESENTATIVE: Paul Thomson updated the Board on the 2007 Homeland Security Grant. The requests have been submitted for approval.

FUEL LOAD SPECIALIST / TIMBER COMMITTEE: Thomson reported that contracting with Rob Mattox as a fuel load specialist is not an approved expense at this time of the Fire Wise Grant. Thomson stated if they do receive approval in writing, he will inform the Board.

INCIDENT MANAGEMENT TEAM: Paul Thomson stated he received a letter from the State asking that Ken Hawki, Kendall Aldinger, and he be a part of a state wide incident management team. Thomson will discuss the issue with Hawki and Aldinger and keep the Board informed.

PRELIMINARY & FINAL PLAT / ODV BOULDER CANYON: The Board discussed the preliminary and final plat for ODV Boulder Canyon. Planning and Zoning did not approve the plat because they were not in support of platting a lot off and leaving a "remainder" as a legal description. The Board stated the County does not have an ordinance against it so it would be hard to deny a plat for this reason. The Board asked Vogt and Outka to work on an ordinance to alleviate this problem in the future.

Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the Preliminary Plat for owner/ Representative: Alan Oedekoven/Allen Chaney/BH Surveying, Legal Description: Plat of ODV Tract, located in the NE1/4SW1/4 of Section 14, T5N, R4E., Location: Boulder Canyon, Purpose: New lot, Zoning: SRD. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Final Plat for owner/ Representative: Alan Oedekoven/Allen Chaney/BH Surveying, Legal Description: Plat of ODV Tract, located in the NE1/4SW1/4 of Section 14, T5N, R4E., Location: Boulder Canyon, Purpose: New lot, Zoning: SRD. Motion Carried.

E911 DISPATCH SYSTEM AND TELEPHONE SYSTEM UPDATE: Joe Harmon, Chief Deputy Sheriff was present to request an emergency purchase for the E911 System. The proposed cost would be \$370,000. Funds needed in 2007 would be \$223,000. Harmon stated they currently have about \$100,000 in the 2007 E911, Sheriff, Dispatch and Jail budgets to cover some of the expense. Moved-Seconded (Weisenberg-Douglas) to start the E911 dispatch and telephone system project in September 2007, utilizing the current budgeted 2007 funds first. Motion Carried.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$5,778.16; Aud-\$5,755.20; Treas-\$8,626.08; Comp-\$5,217.42; States Atty-\$12,227.22; Pub Def-\$8,131.23; Gen Govt Bldg-\$6,622.11; Equal-\$12,783.44; Rod-\$6,350.51; Vso-\$1,053.97; Disp-\$12,052.10; Sher-\$30,120.50; Jail-\$19,846.86; Emerg Mgnt-\$2,911.60; E911-\$1,475.00; Highway-\$40,784.26; Air-\$1,019.16; Ext-\$1,472.04; Weed-\$4,409.94; Pz-\$3,221.42; **Bills:** Birk,R-\$84.80; Larson,P-\$20.48; Locken,W-\$1,586.45; Pike,G-\$15.49; Rombough,D-\$67.20; Smith,J-\$9.60; Tridle,D-\$14.00; A&B Business Equip-\$566.12; A&B Welding Supply-\$122.97; A&I Distributors-\$1,030.70; A&J Supply-\$49.25; A&M Transport-\$92.50; Aaa Collections-\$167.23; Abc Business Supply-\$124.69; Alltel-\$236.12; Amcon Distributing-\$373.25; Anderson Oil Co-\$32.50; Asap Software Express-\$1,700.00; BH Federal Credit Union-\$10,011.00; BH Pioneer-\$204.26; BH Power & Light-\$7,407.82; BH Windshield Repair-\$60.00; Bickle's Truck & Diesel-\$100.88; Black Hills Pure-\$10.50; Bob Barker Company-\$68.77; Bp-\$991.88; Butler Machinery Co-\$1,357.80; Butte County Sheriff-\$9.78; Butte-Lawrence Co Fair-\$10,000.00; Campbell Supply-\$15.81; Central Parts-\$1,146.74; Chain Saw Center/Dakota Equip-\$19.39; Chemical Sanitizing Sys-\$217.46; Christian,Robert-\$450.00; City/County Alcohol & Drug-\$2,303.00; Clinical Lab Of BH-\$1,532.00; Cole Information Services-\$248.95; Cooperative Extension Service-\$169.16; Culligan Soft Water Serv-\$84.00; Dakota Graphics-\$5,440.00; Dept Of Hlth Lab Services-\$350.00; Dept Of The Treasury-\$44,748.93; Ellingson, Joseph-\$950.58; Extension Service-\$227.07; Fastenal-\$71.85; Fisher Sand & Gravel-\$14,616.86; Frederickson, John-\$1,396.00; Godfrey's Brake Serv-\$304.06; Haggberg Trucking-\$800.00; Havemeier,Leslie-\$30.40; Heartland Paper Co-\$2,642.30; Heisler Hardware-\$39.56; Hewlett-Packard Company-\$1,821.00; Hills Material Comp-\$9,081.47; Hillside Disposal Service-\$63.00; Holiday Inn Express-\$120.00; Ikon Office Solutions-\$159.63; Inland Truck Parts-\$464.71; Kearney County Clerk Courts-\$61.75; Knecht True Value-\$833.93; LC Auditor-\$29.00; LC Journal-\$48.00; LC Treasurer-\$100.00; Lawson Products-\$218.83; Lead-Deadwood Regional Hospital-\$1,340.29; Lead-Deadwood Sanitary-\$27.20; Looyenga, Dr Robert-\$350.00; M&M Sanitation-\$191.00; Macks Auto Body-\$2,195.40; Meade County Sheriff-\$37.40; Mid America Specialties-\$1,379.39; Mikelson, Gary-\$314.40; Montana-Dakota Util-\$66.92; Morris Towing-\$100.00; Neve's Uniforms-\$54.95; Northern Truck Equip-\$23,838.00; Novus-\$279.00; Office Depot-\$1,304.83; Office Of Child Support-\$177.23; Office Technology/Supply-\$62.22; Pennington Co Jail-\$1,552.80; Pennington County Sheriff-\$20.32; Phillips Petroleum Co-\$37.83; Pitney Bowes-\$1,197.00; Pizza Hut-\$82.31; Postmaster, Deadwood-\$276.00; Pronto Auto Supply-\$380.15; Queen City Rocket Lube-\$113.21; Quill Corp-\$927.40; Qwest-\$239.43; RC Finance Office-\$1,715.00; RC Medical Center-\$38.37; RC Regional Hospital-\$263.00; Radio Shack/Kazco-\$42.98; Rapid Delivery-\$8.40; Reliable-\$109.38; Richard L Leir-\$675.00; Rollin Oil-\$10,854.00; SD Dept Of Transportation-\$157.00; Spearfish Police Dept-\$13.36; Sand Creek Printing-\$156.00; Sdrs Supplemental Retirement-\$966.50; Servall Towel & Linen-\$134.36; Seward & Odenbach-\$248.59; Southside Service-\$39.00; Spearfish Auto Supply-\$932.46; Summit Signs & Supply-\$56.00; Thompson Publishing Group-\$428.50; Tigerdirect-\$1,161.34; Twin City Hardware & Lumber-\$158.50; Tysdal,Jason-\$29.60; Uap Timberland-\$4,690.00; Ultimate Office-\$360.29; Verizon Wireless-\$921.81; Versatile Carpets & Inter-\$6,258.33; Victims Of Violence-\$1,265.00; Voelker & Adams-\$1,417.35; Walmart Store-\$329.55; Wells Fargo Business Card-\$539.29; Wells Plumbing & Farm Supp-\$79.58; West River International-\$226.61; Western Communication-\$186.20; Z&S Dust Control-\$45,627.07; **Witness & Juror:** Bell,S-\$11.92; Blumenthal,N-\$79.20; Boden,N-\$19.60; Cameron,N-\$12.56; Gainey,P-\$19.60; Green,K-\$79.20; Grenstiner,L-\$11.28; Hart,A-\$22.80; Heinrich,D-\$19.60; Lehman,T-\$13.20; Loneman,K-\$19.60; Mcgrath,W-\$85.60; Moe,T-\$79.20; Morford,S-\$80.48; Nations,K-\$20.88; Nauman,E-\$80.48; Neisent,P-\$76.64; Ring,J-\$67.68; Sand,C-\$92.00; Sather,P-\$79.20; Silvernagel,S-\$18.96; Vandeest,S-\$26.00; Webster,A-\$72.80; Crowley,C-\$22.80; Hartshorn,R-\$29.20; Kessel,S-\$80.48; Wegenke,L-\$18.32; Johnson,G-\$40.48; Zoellner,S-\$22.56; Angle,C-\$20.00; Carpenter,M-\$52.64; Chagnon,M-\$20.00; Conklin,J-\$20.00; Conklin,M-\$20.00; Dodge,B-\$20.00; Ford,S-\$20.00; Gondzar,K-\$22.56; Hirshkorn,J-\$20.00; Karinen,T-\$30.56; Lehto,D-\$20.00; Panner,C-\$20.00; Podoll,J-\$25.76; Ryan,S-\$20.00; Totman,J-\$20.00; Turner,S-\$28.00

ADJOURN: 11:08 a.m. There being no further business it was Moved-Seconded (Ewing-Douglas) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 10, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 10, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Weisenberg-Douglas) to approve the minutes of June 26, 2007 County Commission meeting. Motion Carried.

AUGUST & SEPTEMBER MEETINGS: The Board announced meeting dates for August and September as follows: August 21st, September 4th & September 25, 2007.

PERSONNEL

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve Dave Trentz as a temporary full-time Correction Officer II G1 at the base rate of \$14.43 an hour, effective 7-15-2007; to fill in for Seth Brennan who is on active duty. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve Jennifer Leighty as a part time Correction Officer I G1, for the rally only, at the base rate of \$12.48 an hour. Motion Carried.

TRAVEL REQUEST:

EQUALIZATION: Moved-Seconded (Ewing-Weisenberg) to approve the travel request with advances for Darlene Piekola, Carmen Symonds, Tim Hodson and Scott Sandvig to attend the Annual Assessor's School in Pierre, SD on October 1-5, 2007. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Douglas) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of June 30, 2007 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)-\$41,296.57; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,223.59; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$250,000, Money Market \$500,000; Bank Balance-\$4,829,928.56; GNAMS-\$505.90; Total \$9,828,839.62.

MALT BEVERAGE LICENSES:

Moved-Seconded (Ewing-Thompson) to approve the Package (off sale) Malt Beverage License for **TOMAHAWK LAKE COUNTRY CLUB**, Deadwood, SD, Part HES 57 more fully described in Book 222, Page 476 & 477, Office of Lawrence County Register of Deeds. Motion Carried.

FIRE PROTECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Thompson) to approve an automatic supplement of \$8,110.00 in the Fire Protection Budget to cover Fire Wise Grant fund expenditures. Motion Carried.

SUPPLEMENTAL BUDGETS: Moved-Seconded (Douglas-Weisenberg) to set a supplemental budget for Commissioners \$60,825 (Salary-\$46,340, OASI-\$2,840, Retirement-\$6,955, Insurance-\$4,690) and Insurance-\$10,000 for July 24, 2007 at 8:00 a.m. Motion Carried.

ABATEMENTS:

JERRY KEELER: Moved-Seconded (Douglas-Thompson) to approve the abatement on a 99 CENH (MH Parcel #59510) because the Mobile Home was moved out of the County on 4-29-2007. Motion Carried.

KRISTA SWECKARD: Moved-Seconded (Ewing-Thompson) to approve the abatement on a 84 Detroit (MH Parcel #59515) because the Mobile Home was moved out of the County on 5-9-2007. Motion Carried.

KRISTA SWECKARD: Moved-Seconded (Weisenberg-Ewing) to approve the abatement on a 88 Schultz (MH Parcel #59516) because the Mobile Home was moved out of the County on 5-9-2007. Motion Carried.

TREASURER TAX TRUST: Moved-Seconded (Weisenberg-Seward) to delay taking action to take Treasurer's Deed and accept partial payment of taxes for Mary Parsons on Lots 9 & 10 Blk 9 Fillmore S.D. Whitewood, (1314 Walnut St.) Motion Carried.

BURN BAN RESOLUTION #2007-24: Moved-Seconded (Thompson-Ewing) to approve and authorize the Chairman to sign Resolution #2007-24. Motion Carried. **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, an any other activity which could be reasonably be calculated to lead to the ignition and/or spread of wildfires in Lawrence County. It would not include private commercial campgrounds or US Forest Service campgrounds, with a valid fireplace permit issued by the SD Wildland Fire Suppression Division. At such time as the US Forest Service deems it necessary to restrict burning in US Forest Service campgrounds, all campgrounds in Lawrence County (excepting those within municipal boundaries and control) would fall under the same restriction and would only be able to resume campfires when the US Forest Service drops their restrictions; and **IT IS FURTHER RESOLVED,** that the area to which the prohibitions referenced above shall be applicable shall include the entire area of Lawrence County excepting those lands falling within the boundaries of any municipality or the lands falling under the auspices of the United States; and **IT IS FURTHER RESOLVED,** that pursuant to SDCL 7-18A-2 the penalty for violating this resolution shall include a fine not to exceed two hundred dollars for each violation and/or imprisonment for a period not to exceed thirty 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 10th day of July 2007. James J. Seward, Lawrence County Chair. Attest: Connie Atkinson, Auditor

WILDBERGER ROAD: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chair to sign the Road Agreement Release Notice of Termination on the Wildberger Road. Motion Carried.

STATES ATTORNEY – CLASS B RETIREMENT: Bruce Outka presented the Board a proposed Resolution of Support for Class B Retirement for the States Attorney and Deputy States Attorneys. The approximate added cost to the County would be \$4,900 per year. The Board stated this would need to be discussed at the B.H. Association District Meeting and County Convention.

SPECIAL EVENTS – PERMITS: Special Event Applications and fees were discussed. The Board instructed Outka to draw up the applications needed, work on proposed fees, and report back to the Board.

UTILITY PERMITS:

QWEST COMMUNICATIONS: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chair to sign the Application of Occupancy on the Brookview Road in Section 33, T7N, R2E for Telephone Service. Motion Carried.

RESOLUTION 2007-25 / FEDERAL AND SURFACE TRANSPORTATION PROGRAM

RESOLUTION FOR COUNTY AND URBAN PROJECTS: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chair to sign the Following FEDERAL AND SURFACE TRANSPORTATION PROGRAM RESOLUTION #2007-25 FOR COUNTY AND URBAN PROJECTS. Motion Carried. WHEREAS, LAWRENCE COUNTY desires the construction and improvement of the road and/or bridge as hereinafter described: LOCATION, LENGTH, STRUCTURE NUMBER: Service Road "C" (014C) From Spearfish city Limits to State Highway 34. Total length of project 3.5 miles. TYPE OF CONSTRUCTION: Mill and overlay with 2" mat. Major Collector Route Number (if applicable) AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Surface Transportation Program (STP) Funds and associated State matching funds. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's Standard Specifications for Roads and Bridges," the project described. Type of Funding (check one): X 90/10 Exchange. Dated at Deadwood this 10th day of July, 2007. James J. Seward, Chair. ATTEST: Connie Atkinson, Auditor.

RESOLUTION 2007-26 / FEDERAL AND SURFACE TRANSPORTATION PROGRAM

RESOLUTION FOR COUNTY AND URBAN PROJECTS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chair to sign the Following FEDERAL AND SURFACE TRANSPORTATION PROGRAM RESOLUTION #2007-26 FOR COUNTY AND URBAN PROJECTS. Motion Carried. WHEREAS, LAWRENCE COUNTY desires the construction and improvement of the road and/or bridge as hereinafter described: LOCATION, LENGTH, STRUCTURE NUMBER: Intersection of Vanocker Canyon Road (6585) and Nemo Rd (6404) East of Nemo Road to Pennington County Line. Length of project 5.8 miles. TYPE OF CONSTRUCTION: Mill and overlay with 2" mat. Major Collector Route Number (if applicable) 6404 AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, LAWRENCE COUNTY is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Surface Transportation Program (STP) Funds and associated State matching funds. NOW THEREFORE BE IT RESOLVED: That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's Standard Specifications for Roads and Bridges," the project described. Type of Funding (check one): X 90/10 Exchange. Proposed year of construction: 2008. Dated at Deadwood this 10th day of July, 2007. James J. Seward, Chair. ATTEST: Connie Atkinson, Auditor.

PLANNING & ZONING BYLAWS:

A public hearing was held on the Lawrence County Planning Commission By-Laws. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Thompson) to approve the Lawrence County Planning Commission By-Laws with the addition that the County Commission must approve all changes to the By-Laws. Motion Carried.

CHANGE OF ZONING #265:

A public hearing was held on COZ # 265-SUBDIVISION-A-1 to RR Owner/Representative: **Frank, Daphne Loup**; Legal Description: NW1/4 NW1/4 of Section

35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E. Location: Kerwin Lane/Spearfish North; Purpose: Residential Subdivision; Zoning: A-1 to RR. Peter Dellavecchia, Mike Rans, Leo Orme, Lois & Ken Zuercher were among the surrounding landowners in attendance voicing concerns on traffic, road impacts, soil types, sewer and water, and adjacent land use. The public hearing was closed and the Board discussed the issues raised and reviewed the Planning and Zoning Staff Report. Moved-Seconded (Douglas-Weisenberg) to approve Change of Zoning #265 because the property is adjacent to the Spearfish City Limits, the land use would be consistent with adjacent land use and the size and density is similar in the area. Aye-Douglas, Weisenberg, Ewing & Seward. Nay-Thompson. Motion Carried.

GILDED MOUNTAIN:

CHANGE OF ZONING #266: A public hearing was held on COZ # 266-SUBDIVISION-PF to SRD; Owner/Representative: **Scot Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.; Location: Lead West-Hwy 14A-Across from Whitetail Court; Purpose: Residential Subdivision-Townhomes-Condos; Zoning: PF to SRD. Brandon Flanagan presented the request. Lana & Jim Sternhagen, Judy Gray, Mike Sunich, Ramona Tinker, landowners in the area, were present to express concerns about the lack of notification, water, sewer, residential vs commercial property, and traffic impact in the area. The Public Hearing was closed. Discussion followed on water and sewer issues. Moved-Seconded (Weisenberg-Thompson) to follow Planning and Zoning recommendation and approve COZ #266 as presented. Motion Carried. (SEE BELOW)

PLANNED UNIT DEVELOPMENT #12: A public hearing was held on PUD #12-SUBDIVISION-PF and SRD; Owner/Representative: **Scot Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.; Location: Lead West-Hwy 14A-Across from Whitetail Court; Purpose: Residential Subdivision-Townhomes-Condos; Zoning: PF and SRD. Brandon Flanagan presented the request. The landowners expressed their concerns again as stated in the COZ #266. The Public Hearing was closed. Discussion followed on water, sewer and fire protection issues. Moved-Seconded (Douglas-Weisenberg) to approve Planned Unit Development #12 as presented. Motion Carried. (SEE BELOW)

PRELIMINARY PLAT / SCOTT MUNRO / GILDED MOUNTAIN: Moved-Seconded (Weisenberg-Thompson) to approve the preliminary plat for Owner/Representative: Scot Munro/TSP Inc/Brandon Flanagan. Legal Description: Plat of Lots 1-38, G-1, G-2 & C-1, Gilded Mt Tract, Section 5, T4N, R3E (legal shortened) Location: Hwy 85; Purpose: New Lots; Zoning: PF & SRD. Motion Carried. (SEE BELOW)

MOVED-SECONDED (Ewing-Thompson) to RESCIND the motions to approve Change of Zoning #266, Planned Unit Development #12 and the Preliminary Plat for Gilded Mountain because proper notification was not given to surrounding landowners. Motion Carried.

CONDITIONAL USE PERMIT #340: A public hearing was held on CUP #340-SACRISON PAVING-ASPHALT PLANT; Owner/Representative: **Sacrison Paving Inc/Fisher Industries**; Legal Description: SW ¼ of Section 29, T7N, R2E.; Location: NW of Spearfish-McGuigan Road; Purpose: Asphalt Plant; Zoning: A-1. No public input was voiced and the hearing was closed. Moved-Seconded (Douglas-Ewing) to approve CUP#340 for Sacrison Paving Inc. with an Access Agreement attached. Motion Carried.

FINAL PLAT / JOHN GREEF/NJS ENGINEERING / WILD TURKEY ESTATES: Moved-Seconded (Ewing-Douglas) to approve the final plat for John Greef / NJS Engineering / Wild Turkey Estates Lots 1-6 Block 1 and Lots 1-3 Block 2. Motion Carried.

MCGUIGAN ROAD PROJECT / POWER POLES: Moved-Seconded (Douglas-Weisenberg) to bring from the table the power pole issue on the McGuigan Road. Motion Carried.

Mark Carda, BH Power and Light, requested permission to install guard rails around the power poles in question. Carda stated B.H. Power will incur the full cost of the guard rails. Outka reported

the insurance company stated the guard rails must be approved by the feds and the County can not accept any of Black Hills Power and Lights responsibility. Moved-Seconded (Douglas-Ewing) to allow the guard rails contingent upon the federal highway approval and final review of Outka and Birk, at the sole expense of Black Hills Power. Motion Carried.

CITADEL PROJECT AREA: Bill Coburn and Paul Schipke presented the Summary of the Timber Committee comments on the Citadel Project Area EIS. Moved-Seconded (Douglas-Weisenberg) to accept the Citadel Project Area comments and forward it with a cover letter summarizing their concerns. Motion Carried.

Coburn suggested the County ask to be a cooperator on the West Rim Project. Coburn also stated they would like to hire Rob Mattox as a consultant on the Timber Committee. The Board will consider the requests.

2008 PRELIMINARY BUDGET: The Board reviewed the 2008 budget requests.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$5,703.16; Aud-\$6,688.01; Treas-\$7,832.40; Comp-\$5,217.42; States Atty-\$12,214.01; Pub Def-\$8,162.15; Gen Govt Bldg-\$6,550.51; Equal-\$12,640.64; Rod-\$6,351.71; Vso-\$1,053.97; Disp-\$10,157.74; Sher-\$30,647.76; Jail-\$18,697.00; Emerg Mgnt-\$2,895.59; E911-\$1,463.00; Highway-\$33,422.15; Air-\$886.20; Ext-\$1,239.20; Weed-\$4,942.15; Pz-\$2,421.42; **Bills;** Aaa Collections-\$125.00; American Family Life-\$3,277.63; BH Federal Credit Union-\$10,011.00; Blue Cross-\$52,241.81; Deadwood Recreation Center-\$165.00; Delta Dental Of SD-\$4,571.40; Dept Of The Treasury-\$41,390.00; Fort Dearborn Life Ins Co-\$1,029.49; LC Treasurer-\$100.00; NH Family Ymca-\$301.40; Office Of Child Support-\$177.23; SD Retirement System-\$46,416.59; Sdrs Supplemental Retirement-\$966.50; Barrett,M-\$11.92; Mowell,R-\$7,092.00; Piekola,D-\$283.18; Rombough,D-\$64.00; Rosenau,R-\$13.76; Sandvig,S-\$341.55; Smith,J-\$138.08; A&B Business Equip-\$1,072.27; A&B Welding Supply-\$31.08; A&I Distributors-\$1,977.71; A&M Transport-\$212.75; Abc Business Supply-\$75.85; Accurint Account-\$75.00; Active Data Systems-\$29.37; Altaire Enterprises-\$20.00; Amcon Distributing-\$217.72; BH Chemical Company-\$2,827.98; BH Pest Control-\$95.00; BH Power & Light-\$463.80; BH Security & Systems-\$3,672.00; BH Window Cleaning-\$2,735.00; Best Business Prod-\$18.00; Brady,Tom-\$61.44; Butte County Sheriff-\$8.26; Butte Electric Coop-\$306.91; Canon Usa-\$573.00; Central Parts-\$23.12; Clinical Lab Of BH-\$2,495.24; Coburn, Bill-\$61.44; Commercial Door & Special-\$610.00; Conoco-\$395.80; Culligan Soft Water Serv-\$139.00; Deadwood, City Of-\$593.72; Deckers Food-\$10.96; Dietrich, Donna-\$72.61; Don's Sinclair-\$88.00; Eddie's Truck Sales/Serv-\$133.59; Ellingson,J-\$464.32; Esmet-\$20.84; Farm Plan/Rdo-\$204.00; First Western Bank-\$102.00; Fisher Sand & Gravel-\$12,632.90; Fsh Communications-\$60.00; Gall's-\$1,403.97; Gene's Lock Shop-\$115.90; Gold Dust-\$87.40; Great Western Tire-\$15.00; H&S Sand & Gravel-\$216.41; Havemeier,Leslie-\$22.80; Heisler Hardware-\$28.96; Huron Culvert & Tank Co-\$2,893.20; Integrity Ford-\$77.64; Jacobs Precision Welding-\$16.00; Janke,Wendy-\$1,125.00; Kimball-Midwest Co-\$233.94; Kinney,Matthew -\$1,016.40; Kosel,Joseph-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$1,203.36; LC Sheriff-\$202.13; Lead, City Of-\$42.57; Lead-Deadwood Regional-\$109.59; Lead-Deadwood Regional Hospital-\$133.56; Lead-Deadwood Sanitary-\$341.46; Lee,James-\$15.00; Mattson,Barb-\$16.00; Mcclure,Susan-\$225.00; Mcleod's Office Supply-\$526.57; Mcmichael Property Managent-\$345.00; Menards-\$549.99; Mickelson,Craig-\$40.96; Montana-Dakota Util-\$2,388.75; Morris Towing-\$100.00; Nelson,Christy-\$315.00; Nelson,Tonya-\$720.00; Neve's Uniforms-\$6.50; Northern Hills Casa-\$6,000.00; Novus-\$45.00; Odea,Marty-\$61.44; Pennington County Sheriff-\$39.24; Pennington County Sts Attny-\$200.00; Pitney Bowes-\$365.63; Pizza Hut-\$84.79; Postmaster, Deadwood-\$246.00; Prairiewave Communications-\$1,855.25; Queen City Motors-\$29.38; Queen City Rocket Lube-\$62.98; Quill Corp-\$72.85; R Medical Center-\$140.00; RC Regional Hospital-\$580.00; Radio Shack/Kazco-\$99.99; Rapid Delivery-\$8.40; Regional Behavioral Health Ctr-\$711.38; Reindl,Staci-\$5,627.85; Robinson,P-\$22.58; SD State Treasurer-\$13,880.32; Spearfish Police Dept-\$40.83; Salzsieder,Milan-\$3,735.00; Servall Towel & Linen-\$267.97; Seward & Odenbach-\$1,174.24; Slate Creek Counseling-\$624.71; Spearfish Electric & Heating-\$814.23; Spearfish School District-\$11,276.00; Tellinghuisen &

Gordon-\$536.55; Tigerdirect-\$507.95; Twin City Hardware & Lumber-\$363.20; Tysdal,Rick-\$51.20; Ultramax-\$103.50; United Parcel Service-\$84.82; Waste Connections-\$430.00; Wells Plumbing & Farm Supp-\$51.29; West Group-\$30.00; Western Communication-\$573.50; Xerox Corporation-\$320.72; Yankton Co Sheriff-\$16.50; Z&S Dust Control-\$28,615.35; **Witness & Jurors:** Allerdings,E-\$52.22; Becht,L-\$64.80; Brown,N-\$60.24; Goehner,V-\$60.88; Grosfield,A-\$60.24; Hart,J-\$57.40; Heupel,M-\$53.84; Koan,R-\$59.60; Koski,C-\$127.60; Morcom,R-\$61.10; Osborn,J-\$64.80; Perez,A-\$61.84; Stearns,M-\$55.18; Williams,J-\$62.80; Wolff,N-\$61.10; Bailey,A-\$59.60; Bibler,T-\$16.40; Carmichael,S-\$58.96; Couch,H-\$20.88; Dillman,T-\$11.92; Haggberg,D-\$23.44; Hanson,C-\$11.92; Hanson,S-\$19.60; Hill,H-\$15.12; Humphrey,M-\$17.68; Jensen,G-\$20.88; Johnson,L-\$54.48; Lopez,J-\$19.60; Magnell,D-\$60.88; Mccue,M-\$22.80; Olson,K-\$58.32; Parrett,J-\$60.88; Peldo,J-\$26.00; Schlumbohm,B-\$61.52; Sogge,A-\$18.96; Suzuki,N-\$57.68; Telleen,E-\$50.64; Van Well,B-\$12.56; Wermers,A-\$56.40; Wermers,J-\$12.56; Zwaschka,M-\$60.24; Ammons,S-\$11.92; Buthe,L-\$62.80; Harms,R-\$20.88; Anderson,B-\$28.96; Ashley,S-\$28.96; Boggs,D-\$20.00; Charleson,K-\$28.96; Chrispen,S-\$28.96; Churchill,J-\$28.96; Churchill,P-\$28.96; Collins,D-\$29.60; Holmes,C-\$45.60; Jones,R-\$36.00; Lueders,J-\$30.24; Paris,J-\$29.60; Seidel,K-\$29.60; Thomas,M-\$64.80; Addington,R-\$12.22; Arsaga,M-\$52.96; Auld,A-\$12.22; Bacon,S-\$21.10; Bax,H-\$12.22; Bishop,S-\$21.10; Carda,D-\$12.22; Carver,M-\$21.84; Chipman,K-\$12.96; Christman,M-\$50.74; Clapp,B-\$21.10; Cordell,L-\$24.80; Culver,A-\$24.80; Derby,R-\$61.10; Domogalski,L-\$21.10; Downen,G-\$12.22; Dugger,Z-\$50.74; Eastman,J-\$18.14; Egemo,L-\$12.22; Enderby,I-\$50.74; Erion,J-\$21.84; Geffre,L-\$21.10; Gunderson,J-\$24.80; Haux,S-\$15.18; Heisler,P-\$18.88; Hicks,D-\$10.74; Hines,R-\$28.50; Hites,K-\$21.10; Johnson,T-\$21.10; Klumb,L-\$21.10; Larsen,B-\$24.80; Lowe,L-\$21.10; Mccarty,N-\$21.10; Mccolley,M-\$19.62; Mckillop,C-\$15.18; Mclean,D-\$18.88; Mclemore,R-\$21.10; Phillip,G-\$12.22; Richardson,A-\$61.10; Rohrer,R-\$52.96; Rosencranz,L-\$22.58; Rounsevell,S-\$27.02; Salzsieder,L-\$21.10; Schell,C-\$64.80; Shockey,T-\$15.18; Stuart,S-\$62.58; Vanderwerff,K-\$23.32; Varner,S-\$12.22; Wanhanen,B-\$18.88; Wisener,M-\$61.10

ADJOURN: 2:35 a.m. There being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – July 24, 2007

Chairperson James J. Seward called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on July 24, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

MINUTES: Moved-Seconded (Ewing-Douglas) to approve the minutes of July 10, 2007 County Commission meeting. Motion Carried.

PERSONNEL

SHERIFF: Moved-Seconded (Douglas-Weisenberg) to approve Ashley Bender as a Part Time Corrections I G3 and a Part Time Dispatcher I G3 at the base rate of \$13.06 an hour, upon the completion of 40 hours of training at 8.36 an hour, effective 7-30-2007. Motion Carried.

Moved-Seconded (Weisenberg-Thompson) to approve John Walker as a Special Deputy for the Rally from August 3-13, 2007, at the base rate of \$14.77 an hour. Motion Carried.

STATES ATTORNEY: Moved-Seconded (Douglas-Ewing) to approve Brenda Yapp and Katie Thompson at the base yearly salary of \$39,000, effective 8-5-2007. Motion Carried.

AIRPORT BOARD: Moved-Seconded (Weisenberg-Douglas) to forward the Airport Board applications to the Airport Board for their recommendation. Motion Carried.

TRAVEL REQUEST:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Rick Mowell to attend the Mid-States Organized Crime Conference in Appleton Wisconsin September 24th – 28th, 2007. Motion Carried.

Moved-Seconded (Weisenberg-Ewing) to approve the travel request for Randall Rosenau and Judy Davis to attend the Northwest Shuttle Prisoner Transport Conference in Newport, Oregon on September 23-27, 2007. Motion Carried.

PRAIRIE HILLS TRANSIT / LETTER OF SUPPORT: Moved-Seconded (Douglas-Weisenberg) to send a letter of support for Prairie Hills Transit. Motion Carried.

SUPPLEMENTAL BUDGET RESOLUTION - #07-27: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Vice-Chairman to sign the following Resolution #07-27 for a supplemental budget. Motion Carried. RESOLUTION #07-27 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Commissioners \$60,825 (Salary-\$46,340, OASI-\$2,840, Retirement-\$6,955, Insurance-\$4,690) Insurance & Bonds -\$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 24th day of July, 2007 at the hour of 8:00 o'clock, a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 24th day of July, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS: JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, Lawrence County Auditor

ABATEMENTS:

BRYAN JUDES: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for Bryan Judes on a 95 Friendship Mobile Home Parcel #59528 because the mobile home moved to Wyoming on 5-24-2007. Motion Carried.

SAMANTHA HUNSLEY: Moved-Seconded (Weisenberg-Ewing) to approve the abatement for Samantha Hunsley on a 97 Champion Mobile Home Parcel #59540 because the mobile home was totaled in a wind storm and moved out of the County on 6-25-2007. Motion Carried.

SPEARFISH ANNEXATION RESOLUTION #2007-28: The Board discussed the proposed Spearfish Annexation Resolution #2007-28. Moved by Douglas to approve the Resolution #2007-28. Motion died due to a lack of second. The Board discussed strong objection to the City of Spearfish not including the road in the annexation. Douglas stated that is a different issue that needs to be addressed with the City and should not affect the project before them. Seward stated the City needs to be responsible for the roads within the city. Douglas stated the County has to trust that the City will do the right thing and be responsible for the road when the time comes.

Moved-Seconded (Douglas-Weisenberg) to approve the following Resolution No. 2007-28. Approving Annexation Of Unplatted Lands By The City Of Spearfish, South Dakota. Motion Carried. Aye-Weisenberg, Douglas and Thompson. Nay-Seward and Ewing.

A RESOLUTION APPROVING ANNEXATION OF UNPLATTED LANDS BY THE CITY OF SPEARFISH, SOUTH DAKOTA, WHEREAS, the City of Spearfish, South Dakota desires to extend its municipal boundaries pursuant to SDCL 9-4-1; WHEREAS, the territory proposed to be annexed represents approximately 320 acres lying along the McGuigan Road contiguous to the boundaries of the City of Spearfish in Lawrence County; WHEREAS, the City of Spearfish has prepared a Resolution providing Notice of Intent to Annex McGuigan Road Property of Benning/Jorgenson which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-4-4.11 all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31 and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the Resolution providing Notice of Intent To Annex McGuigan Road Property of Benning/Jorgenson, as set forth in Exhibit "A" attached hereto, prepared by the City of Spearfish so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 24 day of July, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

LAWRENCE COUNTY SPEED LIMIT RESOLUTION #2007-29: Moved-Seconded (Ewing-Thompson) to adopt the following Speed Limit Resolution #2007-29 on County Service Road 014D. Motion Carried. LAWRENCE COUNTY RESOLUTION #2007-29 A RESOLUTION SETTING VEHICLE SPEED LIMIT ON A PORTION OF COUNTY SERVICE ROAD 014D WHEREAS the City of Whitewood has requested a speed limit reduction in anticipation of increased traffic to new businesses, and WHEREAS the current speed limit is 55 miles per hour, and WHEREAS the Lawrence County Commission has determined that it is in the best interests of public safety that vehicle speed limit be lowered on a portion of Service Road 014D, Lawrence County, South Dakota, and after full consideration thereof, NOW THEREFORE BE IT RESOLVED that pursuant to SDCL 32-25-9.1, the following speed limit be set and posted at 35 miles per hour on the following street: Starting at the East End of Whitewood City Limits and Continuing 1600 Feet East Along County Service Road 014D Dated this 24th day of July, 2007. FOR THE BOARD: James J. Seward, CHAIR. ATTEST: Connie Atkinson, AUDITOR

UTILITY PERMITS

CITY OF SPEARFISH: Moved-Seconded (Thompson-Ewing) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-Of-Way on the Hillsvew/McGuigan Road to install a water main and a sanitary sewer main. Motion Carried.

AIRPORT PROJECT BIDS: Rodd Senn from Kadrmass Lee and Jackson, was present and opened bids for the Airport Project. Moved-Seconded (Weisenberg-Douglas) to reject the bid from Oftedal Construction because it was nonconforming. The bid didn't acknowledge the two addendums. Motion Carried. This bid will be returned. The Bid from A-G-E Corporation was received after the deadline and was not opened. This bid will be returned.

The following bids were opened: Foothills Contracting - \$4,481,393.55; Martin Construction - \$5,595,098.54; Rapid Construction - \$4,536,323.65. Moved-Seconded (Douglas-Weisenberg) to table the airport project bids to allow time for engineer review. Motion Carried.

SOUTH DAKOTA ASSOCIATION OF COUNTY COMMISSIONERS: Bob Wilcox, Executive Director SDACC, was present to discuss the County Convention scheduled in Spearfish this fall. They are expecting an attendance of 400-450 and are currently looking for sponsorships.

ANNUAL REVIEW – CUP #311 – JON VANPATTEN: An annual review was conducted on Conditional Use Permit #311 – Jon VanPatten. Moved-Seconded (Ewing-Weisenberg) CUP #311 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.

FINAL PLAT – ST. ONGE: Moved-Seconded (Ewing-Thompson) to approve the Plat of Lot B, being a portion of vacated First Street and Emma Street, St Onge, SD NE1/4 NW1/4 Section 26, T7N, R3E, Location: St Onge. Motion Carried.

ANNUAL REVIEW – CUP #322 BROKEN BOOT CAMPGROUND: An annual review was conducted on Conditional Use Permit #322 – Broken Boot Campground. Moved-Seconded (Ewing-Thompson) CUP #322 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 #325&326 BLACK TAIL GUEST RANCH & RIDING

ACADEMY: An annual review was conducted on Conditional Use Permit #325 & 326. Discussion was held on weed free hay. Vogt will work with the Weed Department and the permit holder to see what options are available. Conditional Use Permit #325 & 326 will be reviewed in one year. Discussion followed on what was allowed with the CUP. Vogt will work with the permit holder to make sure compliance is met.

ANNUAL REVIEW – CUP #327 & 330 / LAWRENCE COUNTY COMMUNICATION

TOWERS: An annual review was conducted on Conditional Use Permit #327 – Communication Tower. Moved-Seconded (Douglas-Weisenberg) CUP #327 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.

An annual review was conducted on Conditional Use Permit #330 – Communication Tower. Moved-Seconded (Douglas-Weisenberg) CUP #330 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.

LOUPE CHANGE OF ZONING #265: MOVED-SECONDED (Douglas-Weisenberg) to RESCIND the motion on July 10, 2007 to approve Change of Zoning #265 for SUBDIVISION-A-1 to RR Owner/Representative: Frank, Daphne Loup because proper notification was not given to surrounding landowners. Motion Carried.

VARIANCE #113 – J.D. BELL: Information on Variance #113 for J.D. Bell was presented to the Commissioners and will be scheduled in August.

2008 PRELIMINARY BUDGET: The Board reviewed the 2008 budget requests. Representative from Youthwise, Prairie Hills Transit, N.H. Training Center, Senior Citizen Centers, 211 Help Line, and N.H. Community Development were present to discuss their requests. Joe Harmon, Chief Deputy Sheriff; Amber Voght, Planning and Zoning Director; and Tom Brady, Bill Coburn, and Rick Tysdal, Members of the Planning and Zoning Board were present to discuss budget requests. Discussion followed with the County Commissioners and changes were made to individual department budget requests. The preliminary budget was set and will be published in the legal newspapers.

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-\$5,753.16; Aud-\$6,687.99; Treas-\$8,312.90; Comp-\$5,217.42; States Atty-\$12,214.01; Pub Def-\$8,208.16; Gen Govt Bldg-\$6,640.55; Equal-\$12,588.59; Rod-\$6,351.71; Vso-\$1,053.97; Disp-\$10,433.35; Sher-\$29,844.02; Jail-\$20,524.66; Emerg Mgmt-\$2,866.57; E911-\$1,475.00; Highway-\$34,480.25; Air-\$886.20; Ext-\$1,302.20; Weed-\$4,558.41; Pz-\$2,571.42; **Bills:** Fitzgerald,J-\$83.50; Rosenau,R-\$8.50; Smith,M-\$10.24; Thompson,T-\$113.92; A&B Business Equip-\$786.32; A&J Supply-\$11.56; A&M Transport-\$92.50; A-Z Shredding-\$14.00; Aaa Collections-\$125.00; Abc Business Supply-\$156.26; Aberdeen Llc-\$5,382.67; Active Data Systems-\$4,109.00; Alco Store-\$10.74; Alltel-\$861.93; Amick Sound-\$247.83; Anderson Oil Co-\$118.91; Auto Doctor-\$93.38; BH Federal Credit Union-\$9,686.00; BH Land Analysis-\$1,057.50; BH Medical Ctr Pharmacy-\$1,286.33; BH Pioneer-\$578.09; BH Power & Light-\$7,740.15; BH Window Cleaning-\$15.00; BH Windshield Repair-\$50.00; Baseco-\$805.40; Biegler, Greg-\$120.00; Black Hills Pure-\$11.50; Bob Barker Company-\$102.87; Bp-\$1,816.78; Campbell Supply-\$731.86; Center Revolving-\$106.25; Central Parts-\$948.11; Chemical Sanitizing Sys-\$56.72; Chris Supply Co-\$40.06; Christensen Law Office-\$1,182.50; City/County Alcohol & Drug-\$230.00; Clark Printing-\$365.86; Clinical Lab Of BH-\$272.00; Correctional Billing-\$27.79; Culligan Soft Water Serv-\$39.50; Dakota Graphics-\$115.00; Deadwood Vol Fire Dept-\$13,822.08; Dept Of Hlth Lab Services-\$87.00; Dept Of The Treasury-\$42,315.55; Fastenal-\$28.28; Fisher Sand & Gravel-\$1,726.79; Gall's-\$131.99; Great Western Tire-\$225.70; Havemeier,Leslie-\$233.50; Heisler Hardware-\$6.98; Hills Material Comp-\$169.17; Ikon Office Solutions-\$159.63; Kadrmas, Lee And Jackson-\$8,031.87; Knecht True Value-\$180.42; Kosel, Joseph-\$380.00; LC Sheriff-\$308.66; LC Treasurer-\$100.00; Language Line Services-\$49.61; Lewis & Clark Bhs-\$130.00; Lexisnexis On-Line-\$411.00; Lincoln County Court-\$2.25; Lueders-\$12.97; Macks Auto Body-\$107.66; Mcarthur,Janet-\$45.00; Mcgas Propane-\$45.00; Meade County Sheriff-\$7.50; Montana-Dakota Util-\$23.29; Nelson,Tonya-\$405.00; Office Of Child Support-\$177.23; Office Technology/Supply-\$44.32; Pennington Co Auditor-\$78.00; Pennington Co Jail-\$2,431.10; Pennington County Sheriff-\$37.09; Pennington County Sts Attny-\$400.00; Perrenoud,Mark Phd-\$251.30; Pheasantland Industries-\$13.46; Phillips Petroleum Co-\$49.78; Pizza Hut-\$9.46; Powerplan-\$235.68; Prairiewave Communications-\$915.59; Queen City Rocket Lube-\$116.27; Quill Corp-\$235.85; Qwest-\$1,296.83; RC Finance Office-\$1,750.00; RC Police Dept-\$40.00; RC Regional Hospital-\$1,608.00; Radio Shack/Kazco-\$229.92; Rasmussen, Harry-\$1,680.00; Regional Behavioral Health-\$164.71; Rollin Oil-\$13,590.30; Ryken,Ron-\$1,108.80; SD Aao-\$1,180.00; Spearfish Police Dept-\$1,786.87; Sdrs Supplemental Retirement-\$966.50; Servall Towel & Linen-\$552.92; Shell Fleet Management-\$143.97; Skc Communication Products-\$45.25; Spearfish Auto Supply-\$917.25; Spearfish Glass-\$410.35; Spearfish School District-\$258.07; Subway-\$97.47; Teen Court-\$10,000.00; Tigerdirect-\$263.44; Triple K Tire & Repair-\$227.62; Tri-State Avionics-\$640.30; Trump Law Office-\$235.20; Twin City Hardware & Lumber-\$48.77; Usd School Of Law-\$48.00; Verizon Wireless-\$1,149.04; Victims Of Violence-\$1,650.00; Voelker & Adams-\$273.00; Walmart Store-\$323.61; Warne Chemical-\$209.60; Wells Fargo Business Card-\$302.67; West Group-\$1,548.50; Western Sd Juvenile Serv-\$8,400.00; Z&S Dust Control-\$84,862.45; **Witness & Jurors:** Brady,D-\$20.00; Bucher,H-\$20.00; Essink,J-\$20.00; Ferris,R-\$20.00; Pinske,D-\$20.00; Johnson,A-\$20.00; Wessel,C-\$20.00

ADJOURN: 3:40 p.m. There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

Date Approved

ATTEST:

James J. Seward, Chair

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – August 21, 2007

Vice-Chairperson Terry W. Weisenberg called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on August 21, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing and Tommy Thompson present. James J. Seward was absent.

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

AGENDA: Moved-Seconded (Ewing-Thompson) to approve the agenda for August 21, 2007. Motion Carried. Seward absent.

MINUTES: Moved-Seconded (Douglas-Weisenberg) to approve the minutes of July 24, 2007 County Commission meeting. Motion Carried. Seward absent.

PERSONNEL

PLANNING & ZONING: Moved-Seconded (Weisenberg-Ewing) to approve Sherryl Schulz as an Administrative Secretary G3 at the base rate of \$14.29 an hour from September 17 to November 24, 2007, after this time period she will return to the original rate. Motion Carried. Seward absent.

SHERIFF: Moved-Seconded (Douglas-Thompson) to approve Amberly Rogers as a Part-Time Correctional I G3 at the base rate of \$13.06 an hour, after 40 hours of training at \$8.36 an hour, effective 7-30-2007. Motion Carried. Seward absent.

Moved-Seconded (Ewing-Douglas) to approve Zach Bell as a Part-Time Correctional I G3 at the base rate of \$13.06 an hour, after 40 hours of training at \$8.36 an hour, effective 8-21-2007. Motion Carried. Seward absent.

Moved-Seconded (Douglas-Ewing) to approve John Walker as a Part-Time Transport Officer at the base rate of \$11.07 an hour, effective 8-21-2007. Motion Carried. Seward absent.

AIRPORT BOARD APPOINTMENT: Moved-Seconded (Douglas-Ewing) to follow the recommendation of the Airport Board and appoint Travis Lantis to the Airport Board to fill a term to expire January 2008 that was vacated by Mathew Kinney. Motion Carried. Seward absent.

TRAVEL REQUESTS / LEPC & SEARCH & RESCUE: Moved-Seconded (Douglas-Weisenberg) to deny the travel request for Bob Siedschlaw as a volunteer LEPC and Search & Rescue Squad member to attend the Hazmat Explo in Las Vegas, because he is not an employee of those departments. Motion Carried. Seward absent.

SHERIFF TRAVEL ADVANCE: Moved-Seconded (Douglas-Weisenberg) to approve the travel advance for Judy Davis to attend the Northwest Shuttle Prisoner Transport Conference in Newport, Oregon on September 23-27, 2007. Motion Carried. Seward absent.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Ewing-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of July 31, 2007 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)-\$32,728.71; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,453.17; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$251,967.67, Money Market \$500,966.58; Bank Balance-\$4,531,761.26; GNAMS-\$310.34; Total \$9,524,072.73. Seward absent.

SUPPLEMENTAL BUDGETS: Moved-Seconded (Ewing-Douglas) to set a supplemental budget hearing for Sheriff Capital Assets: \$132,000 for September 4, 2007 at 8:15 a.m. Motion Carried. Seward absent.

WEED AUTOMATIC SUPPLEMENT: Moved-Seconded (Douglas-Ewing) to approve an automatic supplement of \$12,500 in Weed-Grants Budget to cover grant fund expenditures. Motion Carried. Seward absent.

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Douglas-Weisenberg) to approve an automatic supplement of \$27,245.98 in Emergency Management Grants Budget to cover grant fund expenditures. Motion Carried. Seward absent.

FUEL QUOTES:

The following fuel quotes were submitted as of July 26, 2007: Spearfish Diesel 4700 Gallons: (prices per gallon) Cenex Oil Co. \$2.569*; Southside Oil - \$2.635; Rollin Oil - \$2.6292. (*represents lowest quote). Spearfish Unleaded 1025 Gallons (prices per gallon) Cenex Oil Co. \$2.690*, Southside Oil - \$2.690; Rollin Oil - \$2.7241. (*represents lowest quote). Deadwood Diesel 7000 Gallons: (prices per gallon) Cenex Oil Co. \$2.529*; Southside Oil - \$2.615; Rollin Oil - \$no bid. (*represents lowest quote). Deadwood Unleaded 5000 Gallons: (prices per gallon) Cenex Oil Co. \$2.670*; Southside Oil - \$2.68; Rollin Oil - \$no bid. (*represents lowest quote).

RESOLUTION #07-30 LIQUOR LICENSES: Moved-Seconded (Ewing-Thompson) to approve the following Resolution #07-30 Liquor Licenses for 2008. Motion Carried. Seward absent.

RESOLUTION #07-30 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 Chophouse & Whiskey Bar, Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club, Black Hills Chair Lift Co., Spearfish Canyon Resorts LLC, 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 21st day of August, 2007. FOR LAWRENCE COUNTY COMMISSIONERS, TERRY W. WEISENBERG, Vice-Chairman. ATTEST: Connie Atkinson, Auditor

TIMBERS ROAD DISTRICT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the following Order Declaring The Timber Road District Incorporated. Motion Carried. Seward absent. ORDER DECLARING THE TIMBERS 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, Lawrence M. Coss, President Cannon River Investments, Inc. is the only landowner 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: Tract A of The Timbers located in the E ½ of the NW ¼ and the W ½ of the NE ¼ of Seciton 30 and the S ½

of the SW ¼ of Seciton 19, all in the T6N, R2E, BHM, Lawrence County, South Dakota. NOW THEREFORE BE IT ORDAINED by the Lawrence County Board of Commissioners that the The Timbers Road District is hereby incorporated pursuant to SDCL 31-12A-11. DATED this 21st day of August, 2007. Terry W. Weisenberg, Vice-Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

WILDERNESS ESTATES ROAD DISTRICT: Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice-Chairperson to sign the following Order Declaring Wilderness Estates Road District Incorporated. Motion Carried. Seward absent. ORDER DECLARING WILDERNESS ESTATES ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Wilderness Estates Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on July 31, 2007. 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 Lots 1-26 of Wilderness Estates located in the SE ¼ of Section 7, the West ½ of Section 8, the NW ¼ of Section 17 of T4N, R3E, 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 Wilderness Estates Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 21st day of August, 2007. Terry W. Weisenberg, Vice-Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

ASPEN VIEW ROAD DISTRICT: Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice-Chairperson to sign the following Order Declaring Aspen View Road District Incorporated. Motion Carried. Seward absent. ORDER DECLARING ASPEN VIEW ROAD DISTRICT INCORPORATED: WHEREAS, an election was held among the registered voters in the Aspen View Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on August 14, 2007. 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 5 (Five), together with the number of 5 (Five) voting for and the number of 0 (Zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Showing the location of Aspen View Drive accessing Lots 6A, 7A, 8, 9, 10, 11 and 12 of Aspen View Subdivision, located in the NE ¼ NE ¼ of Section 19 and the NW ¼ NW of Section 20 and Pearson Tract 1 of a portion of the NE ¼ NW ¼ of Section 20, T5N, R4E, 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 Aspen View Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 21st day of August, 2007. Terry W. Weisenberg, Vice-Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

HAZARDOUS FUELS REDUCTION GRANT: Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice Chairperson to sign the Hazardous Fuels Reduction Grant with the SD Department of Agriculture to Firewise the Search and Rescue property. Motion Carried. Seward absent.

INCIDENT MANAGEMENT TEAM (IMT): Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice Chairperson to sign the Acceptance Certificate for ICS Position on SD IMT for Paul Thomson. Motion Carried. Seward absent.

SD MULTI-HAZARD CONTRACT AGREEMENT: Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Vice Chairperson to sign the SD Multi-Hazard Contract Agreement and to designate Paul Thomson as the Contract Coordinator. Motion Carried. Seward absent.

EMERGENCY OPERATIONS PLAN: Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Vice Chairperson to sign the Certificate of Adoption on the Lawrence County Operations Plan Administrative Overview and Emergency Operations Plan. Motion Carried. Seward absent.

BLM / HAZARDOUS FUELS REDUCTION GRANT / FIREWISE: Moved-Seconded (Thompson-Ewing) to approve Paul Thomson to apply for a grant for the Continuation of BLM Hazardous Fuels Reduction Grant for Lawrence County in the amount of \$58,248.40. Motion Carried. Seward absent.

SAFETY COMMITTEE / AED'S REQUEST: A request from the Safety Committee for AED's was considered. The Board discussed match funds for a grant and it was decided that a 100% grant be applied for because it was not a budgeted item.

RESOLUTION #2007-31 / ICS/NIMS: Moved-Seconded (Ewing-Douglas) to approve and authorize the Vice Chairperson to sign Resolution #2007-31. Motion Carried. Seward absent. LAWRENCE COUNTY RESOLUTION # 2007- 31 WHEREAS, Homeland Security Presidential Directive 5 was passed for federal, state, local and tribal governments to work effectively and efficiently together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity; and WHEREAS, the Lawrence County Emergency Management National Incident Management System (NIMS) County Implementation Plan was adopted in September 2005; and WHEREAS, as part of the implementation plan, the Lawrence County Commission acknowledges the need to adopt plain language (English) as the official means of communication during multi-agency responses within Lawrence County; NOW THEREFORE BE IT RESOLVED, this resolution promotes the required implementation of Incident Command System (ICS) and National Incident Management Systems (NIMS) as an operational part of the Local Incident Management Plan. Dated this 21 st day of August, 2007. FOR THE BOARD: Terry W. Weisenberg VICE-CHAIR. ATTEST: Connie Atkinson, Auditor.

HIGHWAY BRIDGE BID: Moved-Seconded (Ewing-Douglas) to set the bid opening for September 25, 2007 at 8:30 a.m. for the 41-079-006 Bridge Abutment Rehabilitation. Motion Carried. Seward absent.

UTILITY PERMIT: Moved-Seconded (Ewing-Thompson) to approve and authorize the Vice Chairperson to sign the permit to occupy County Highway Right of Way for Montana Dakota Utilities on Crook City Road from Crook Mountain to NE 600'. Motion Carried. Seward absent.

8:40 A.M. EXECUTIVE SESSION: Moved-Seconded (Ewing-Thompson) to go into executive session to discuss personnel with Dick Birk, Highway Superintendent. Motion Carried. Seward absent. 8:52 a.m. the Board opened for regular business.

TEEN COURT PROCLAMATION: Moved-Seconded (Thompson-Weisenberg) to approve and authorize the Vice Chairperson to sign the LAWRENCE COUNTY PROCLAMATION SEPTEMBER 2007 AS "TEEN COURT MONTH". Motion Carried. Seward absent. LAWRENCE COUNTY PROCLAMATION SEPTEMBER 2007 AS "TEEN COURT MONTH" Whereas Lawrence County is built on strong communities in which all citizens play an active role and invest in the success and future of the youth; Whereas the National Youth Court Month celebrates the outstanding achievements of youth court programs throughout the country; Whereas since the inception of Teen Court in Lawrence County in 1995, more than 1300 juvenile cases have been heard and over 48,000 hours of community service have been completed by youth offenders; Whereas 1,210 youth court programs in 49 States and the District of Columbia provide restorative justice for juvenile offenders, resulting in effective crime prevention, early intervention and education for all youth participants, and enhanced public safety throughout the United States; Whereas youth courts address offenses that might otherwise go unaddressed until the offending

behavior escalates thus increasing the caseloads for the juvenile justice system; Whereas youth courts redirect the efforts of juvenile offenders toward becoming contributing members of their communities by holding juvenile offenders accountable and reconciling victims, communities, juvenile offenders, and their families; Whereas Federal, State, and local governments, corporations, foundations, service organizations, educational institutions, juvenile justice agencies, and individual adults support youth court programs because these programs actively promote and contribute to building successful, productive lives and futures for the youth; Whereas a fundamental correlation exists between youth service and lifelong community involvement; Whereas volunteer service and related service learning opportunities enable young people to build character and develop and enhance life-skills, such as responsibility, decision-making, time management, teamwork, public speaking, and leadership, which prospective employers will value; and Whereas youth court programs encourage participants to become valuable members of their communities: Now, therefore, be it Now, therefore, I, Terry W. Weisenberg, Vice Chairperson for the Lawrence County Commissioners, South Dakota, by virtue of the authority vested in me by our county hereby proclaim September 2007 as "Teen Court Month" IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August, 2007. Terry W. Weisenberg, Vice-Chairperson

GILDED MOUNTAIN:

CHANGE OF ZONING #266: First Reading and a public hearing was held on the Amendment to the Zoning Ordinance COZ # 266-SUBDIVISION-PF to SRD; Owner/Representative: **Scott Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.; Location: Lead West-Hwy 14A-Across from Whitetail Court; Purpose: Residential Subdivision-Townhomes-Condos; Zoning: PF to SRD. Brandon Flanagan presented the request. Carol & Dale Peters, Jim Sternhagen, Judy Gray, Art Nelson, Mike Green, landowners in the area, and Roberta Odson were present to express concerns about the traffic impacts, lack of notification, water, sewer, pool drainage, overdevelopment in the area and affects on tourism and wildlife. Letters of concern were received from Judy Gray, Romona Tinker, and Dale and Carolgene Peters. The Public Hearing was closed. Discussion followed and second reading will be held on September 4, 2007.

PLANNED UNIT DEVELOPMENT #12: A public hearing was held on PUD #12-SUBDIVISION-PF and SRD; Owner/Representative: **Scott Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.; Location: Lead West-Hwy 14A-Across from Whitetail Court; Purpose: Residential Subdivision-Townhomes-Condos; Zoning: PF and SRD. Brandon Flanagan presented the request. The landowners expressed their concerns as stated in the COZ #266. The Public Hearing was closed. Discussion followed and will be revisited on September 4, 2007.

CHANGE OF ZONING #265: First Reading and a public hearing was held on Amendment to Zoning Ordinance on COZ # 265-SUBDIVISION-A-1 to RR Owner/Representative: **Frank, Daphne Loup**; Legal Description: NW1/4 NW1/4 of Section 35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E. Location: Kerwin Lane/Spearfish North; Purpose: Residential Subdivision; Zoning: A-1 to RR. William Bradford, surrounding landowner in attendance voiced concerns on road access, storm water, sewer and water. The public hearing was closed. Discussion followed and second reading will be held on September 4, 2007.

PLANNING & ZONING REPORT: Amber Vogt, Planning and Zoning Director, updated the Board on Planning and Zoning Issues from the Planning and Zoning Meeting.

COZ#264: Moved-Seconded (Ewing-Weisenberg) to set a public hearing for September 25, 2007 at 9:30 a.m. for COZ #264. Motion Carried. Seward Absent.

CUP#344: Moved-Seconded (Ewing-Thompson) to set a public hearing for September 25, 2007 at 9:45 a.m. for CUP #344. Motion Carried. Seward Absent.

COZ#268: Moved-Seconded (Ewing-Weisenberg) to set a public hearing for September 25, 2007 at 10:00 a.m. for COZ #268. Motion Carried. Seward Absent.

ORDINANCE #07-02: Moved-Seconded (Douglas-Ewing) to set a public hearing for September 25, 2007 at 10:15 a.m. for Ordinance #07-02. Motion Carried. Seward Absent.

CUP #246 & CUP #267 AMENDMENTS: Moved-Seconded (Ewing-Thompson) to set September 25, 2007 at 10:20 a.m. for Amendment to CUP#246 public hearing and September 25, 2007 at 10:30 a.m. for Amendment to CUP#267 public hearing. Motion Carried. Seward Absent.

RECESS: Moved-Seconded (Douglas-Ewing) to recess the County Commission Meeting until 10:25 a.m. Motion Carried. Seward absent.

10:25 a.m. Chairman Seward arrived and called the County Commission meeting back to order.

ANNUAL REVIEW WHARF / GOLDEN REWARD: Carol Koerner, Wharf Mine Environmental Manager presented the annual review for Wharf & Golden Reward.

TITLE III FUNDING: Bill Coburn and Aaron Everett presented a request for project learning tree for \$5,000 from Title III Funding. Moved-Seconded (Weisenberg-Thompson) to begin the advertising for the 45 day comment period. Motion Carried.

MALT BEVERAGE LICENSE TRANSFER: A public hearing was held on a transfer of Malt Beverage License. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve the following transfer RETAIL (ON-OFF SALE) MALT BEVERAGE: PREVIOUS OWNERS) BARBARA BISSON, TROUT HAVEN: 22485 US HWY 385, Deadwood, SD – Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7. NEW OWNERS) Todd Mastroilli , TROUT HAVEN: 22485 US HWY 385, Deadwood, SD – Tract 1 & 2 S/D of SW1/4 W1/4, T2, R5, Section 7. Motion Carried.

11:32 A.M. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Thompson) to go into executive session to discuss legal and contractual matters with Bruce Outka, Tom Brady, Rod Senn, Neil Clarke and Bob Golay. Motion Carried. 11:50 a.m. the Board opened for regular business.

AIRPORT IMPROVEMENT PROJECT:

LAND ACQUISITION: Tom Brady stated they are continuing negotiations on the land acquisition.

AIRPORT IMPROVEMENT PROJECT GRANT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Airport Improvement Project Grant Agreement and Acceptance of Funds, and date for September 22, 2007. Motion Carried.

AIRPORT IMPROVEMENT PROJECT TERMS & CONDITIONS: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairman to sign the Airport Improvement Project Terms & Conditions, and date for September 22, 2007. Motion Carried

AIRPORT PROJECT BIDS: Moved-Seconded (Douglas-Weisenberg) to bring from the table the Airport Project Bids. Motion Carried. Moved-Seconded (Douglas-Weisenberg) to accept the following bids and waive any irregularities: Foothills Contracting - \$4,481,394.55; Martin Construction - \$5,595,098.54; Rapid Construction - \$4,536,323.65; and to award the bid to the lowest bidder Foothills Contracting - \$4,481,394.55 and to authorize the Chairperson to sign contracts and agreements relating to the bid. Motion Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson.

Thompson stated he could not vote for the awarding of the bid because the County has not taken deed to the land.

12:02 p.m. Chairman Seward left the meeting and Vice-Chairman Weisenberg took over the meeting.

INVASIVE SPECIES MANAGMENT:

BIDS: Moved-Seconded (Ewing-Weisenberg) to set September 25th, 2007 at 10:35 a.m. for a bid opening on a weed spray contract for Spearfish Creek. Motion Carried. Seward absent.

CHEMICAL PROGRAM: Dave Heck explained the weed chemical program they will be offering in 2008. The County will purchase approximately \$65,000 in chemical and will offer the chemical to citizens in the County to spray weeds. The chemical will have to be sprayed by a licensed sprayer. The chemicals will be bought off of state bid or from a supplier who can honor the state bid price.

SPEARFISH JOINT POWERS AGREEMENT / MAP: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the Joint Powers Agreement with the City of Spearfish. Motion Carried. Seward absent.

JOINT POWERS RESOLUTION #2007-32: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the Joint Powers Resolution #2007-32. Motion Carried. Seward absent. RESOLUTION #2007-32: A RESOLUTION TO ENTER INTO A JOINT POWERS AGREEMENT BETWEEN THE CITY OF SPEARFISH AND LAWRENCE COUNTY COVERING THAT DESIGNATED AREA EXTRATERRITORIAL TO THE CITY LIMITS OF THE CITY OF SPEARFISH. WHEREAS, the Common Council of the City of Spearfish and the Lawrence County Board of Commissioners believe it to be in the best interests of their citizens to enter into a Joint Powers Agreement governing International codes and licensing regulations in an area adopted by Lawrence County and the City of Spearfish. BE IT RESOLVED by Lawrence County as follows: Lawrence County is hereby authorized to enter into and execute the Joint Powers Agreement, a true and correct copy of which is attached to this resolution as Exhibit "A", and the Chairman and Auditor are directed to sign the Joint Powers Agreement in the name of Lawrence County as of the date of this Resolution. Dated this 21st day of August, 2007. LAWRENCE COUNTY: Terry W. Weisenberg, Vice Chairperson. Attest: Connie Atkinson, Auditor.

TIMBERS SUBDIVISION BONDING: Moved-Seconded (Douglas-Thompson) to approve and authorize the Vice Chairperson to enter into a bonding agreement with Timbers Subdivision, contingent upon the account being funded. Motion Carried. Seward absent.

TAX DEED PROPERTY: Deb Tridle, Treasurer, discussed parcel #30025-07100-000-20. This parcel is located behind the Lead/Deadwood Hospital on Stewart Street. Discussion followed on the liability involved with this property. Moved-Seconded (Ewing-Thompson) to allow the County to take deed to the property and authorize the Chairman to sign the deed to transfer the property to the City of Deadwood. Motion Carried.

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

Payroll: Comm-\$5,731.36; Aud-\$6,690.39; Treas-\$8,752.48; Comp-\$5,217.42; States Atty-\$12,214.00; Pd-\$8,208.16; Gen Govt Bldg-\$6,649.44; Equal-\$12,476.60; Rod-\$6,356.57; Vso-\$1,053.97; Disp-\$11,235.84; Sher-\$32,561.10; Jail-\$19,446.97; Emerg Mgnt-\$2,895.59; E911-\$1,475.00; Highway-\$33,022.68; Air-\$443.10; Ext-\$1,361.20; Weed-\$3,551.19; Pz-\$2,521.42;

Bills: Davis,J-\$169.00; Mowell,R-\$7,476.00; Rombough,D-\$49.95; Schulz,S-\$105.98; Schumacher,K-\$12.22; Smith,J-\$11.10; Smith,M-\$24.42; Utecht,J-\$33.32; A&B Business Equip-\$2,054.41; Aaa Collections-\$125.00; American Family Life-\$3,370.99; BH Federal Credit Union-\$19,492.00; BH Power & Light-\$8,761.51; Blue Cross-\$53,441.87; Deadwood Recreation Center-\$165.00; Delta Dental Of South Dakota-\$4,701.70; Dept Of The Treasury-\$82,716.89; Fort Dearborn Life Ins-\$1,040.62; LC Treasurer-\$100.00; Megas Propane-\$486.50; NH Family Ymca-\$301.40; Office Of Child Support-\$177.23; SD Retirement System-\$45,293.94; Sdrs Supplemental Retirement-\$1,933.00; A&B Welding Supply-\$45.83; A&I Distributors-\$1,100.95; Aaa Collections-\$125.00; Abc Business Supply-\$894.66; Accurint Account-\$85.25; Active Data Systems-\$2,600.00; Adams County-\$38.00; Alco Store-\$141.09; Altaire Enterprises-\$20.00;

Amcon Distributing-\$233.20; American Bar Association-\$108.75; American Tech Serv-\$600.00; Andersen,N-\$15.00; Anderson Oil Co-\$38.50; At&T-\$5.40; BH Chemical Company-\$2,584.24; BH Medical Ctr Pharmacy-\$1,670.31; BH Pest Control-\$95.00; BH Pioneer-\$1,355.87; BH Travel Agency-\$671.20; Baseco-\$2,297.51; Best Business Prod-\$18.00; Binger Law Office-\$3,421.41; Black Hills Pure-\$15.75; Bob Barker Company-\$406.34; Brady Pluimer-\$2,822.39; Brevik Law Office-\$197.91; Brownsville Fire Dept-\$2,263.66; Butler Law Office-\$2,462.40; Butler Machinery Co-\$76.35; Butte Electric Coop-\$232.70; Campbell Supply Co-\$49.99; Central Parts-\$448.48; Chemical Sanitizing Sys-\$94.55; Christensen Law Office-\$2,163.55; City/County Alcohol & Drug-\$1,286.00; Clinical Lab Of BH-\$1,875.40; Conoco-\$245.75; Correctional Billing-\$9.19; Culligan Soft Water Serv-\$198.00; Dakota Graphics-\$69.00; Dakota Supply Group-\$128.61; Dale's Tire & Retread-\$790.00; Dash Medical Gloves-\$47.90; Deadwood Home Center-\$6.69; Deadwood Vol Fire Dept-\$8,509.70; Deadwood, City Of-\$646.53; Decastro Law Firm-\$129.26; Dietrich,D-\$93.13; Display Sales Company-\$672.00; Ecolab-\$111.00; Eddie's Truck Sales/Serv-\$5,012.66; Ellingson,J-\$1,013.42; Esri-\$1,200.00; Evercom Systems-\$1,106.00; Evident Crime Scene Products-\$183.40; Extension Service-\$90.86; Farmers Union Oil-\$45,846.73; Fastenal-\$459.14; 1st Stop Gun-\$187.70; First Western Bank-\$41.47; Fish,V-\$150.00; Fisher Sand & Gravel-\$23,949.42; Frederickson, John R-\$374.40; Fsh Communications-\$60.00; Gall's-\$1,441.23; Glenney,T-\$540.00; Gold Dust-\$102.35; Great Western Tire-\$497.80; Greens Alignment-\$993.13; Hallmark Inns & Resorts-\$890.66; Hansen & Hubbard-\$1,842.48; Havemeier,L-\$153.00; Heisler Hardware-\$82.00; Hickok's Iron Horse Inn-\$82.67; Ibm Corp-\$571.02; Intoximeters-\$222.50; J D Evans-\$146.83; Janke,W-\$1,823.20; Jenner Equipment Co-\$429.52; Kadrmas, Lee And Jackson-\$4,637.20; Karl's-\$718.00; Karpinen,S-\$1,350.00; Kimbell's Auto Repair-\$255.96; Kinney,Matthew-\$1,709.24; Knecht True Value-\$602.97; Koala Electric-\$321.43; Kosel, Joseph-\$4,166.67; LC Journal-\$554.92; LC Sheriff-\$112.30; LC Treasurer-\$50.00; Language Line Services-\$22.00; Lead Fire Department-\$12,581.90; Lead, City Of-\$51.32; Lead-Deadwood Regional-\$70.92; Lead-Deadwood Regional Hospital-\$390.791; Lead-Deadwood Sanitary-\$373.86; Lee,J-\$15.00; Lexisnexis Matthew Bender-\$178.80; Lexisnexis On-Line-\$361.00; Lueders-\$13.11; Lyle Signs-\$1,002.26; 2007 Motic Conference & Train-\$252.00; M&M Sanitation-\$185.00; May,Johnson,Doyle& Becker-\$3,471.69; McArthur,J-\$45.00; McClure,S-\$135.00; Mcleod's Office Supply-\$339.90; Meade County Sheriff-\$10.80; Meade School District-\$15,969.98; Michael Todd & Company-\$104.40; Midwest Alarm Co-\$84.00; Mikelson,G-\$39.00; Montana-Dakota Util-\$1,207.48; Moss,William Psy-\$1,170.00; Nw Regional Transport Conferene-\$500.00; Nelson,T-\$1,620.00; Nemo Volunteer Fire Dept-\$1,039.01; Neve's Uniforms-\$295.37; Office Depot-\$695.23; Office Of Child Support-\$177.23; Office Technology/Supply-\$32.70; Outdoor Motor Sports-\$457.64; Pacific Northwest Rental-\$167.31; Pennington Co Auditor-\$143.00; Pennington Co Jail-\$1,746.15; Pennington County Sheriff-\$14.73; Pennington County Sts Attny-\$200.00; Performance One-\$82.50; Pitney Bowes-\$88.98; Prairiewave Communications-\$3,155.53; Queen City Rocket Lube-\$226.42; Queen City Tire-\$24.00; Quill Corp-\$104.37; Qwest-\$1,292.82; RC Finance Office-\$1,400.00; RC Medical Center-\$453.05; RC Regional Hospital-\$4,390.00; RC Regional Hospital Pharmacy-\$24.90; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$141.95; Radisson Paper Valley Hotel-\$396.00; Rapid Delivery-\$8.40; Regional Behavioral Health Ctr-\$383.98; Rehfuss,C-\$15.00; Reindl,Staci-\$3,744.36; Reliable-\$300.98; Reserve Account-\$7,000.00; Rochford Vol Fire Dept-\$524.00; SD Assn Of Co Comm-\$1,600.00; SD Dept Of Transportation-\$924.00; SD Federal Property Agency-\$38.00; SD Public Assur Alliance-\$35,259.00; SD State Treasurer-\$807.65; Spearfish Police Dept-\$12,634.01; Sand Creek Printing-\$36.00; Servall Towel & Linen-\$443.40; Seward & Odenbach-\$3,163.42; Shell Fleet Management-\$53.76; Silverado-\$1,290.03; Spearfish Auto Supply-\$1,140.63; Spearfish Canyon Fire Dept-\$1,652.83; Spearfish Fire Dept-\$27,747.84; Spearfish Husky-\$66.00; St Onge Fire Dept-\$874.32; State Bar Of South Dakota-\$135.00; State Radio Communication-\$2,400.00; Sturgis Fire Department-\$1,140.82; Subway-\$15.96; Superior Lamp And Supply-\$361.92; Tellinghuisen & Gordon-\$1,741.60; Tigerdirect-\$141.70; Triple K Tire & Repair-\$459.85; Tri-Tech-\$216.90; Tucker,F-\$4,650.00; Twin City Hardware & Lumber-\$702.12; US Marshalls Service-\$865.35; United Parcel Service-\$14.38; Unitrol/Stinger Spike Systems-\$344.25; Usd School Of Law-\$48.00; Verizon Wireless-\$448.63; Victims Of Violence-\$2,080.00; Warne Chemical-\$1,127.64; Waste Connections-\$430.00; Wells Fargo Business Card-\$38.39; West Group-\$850.00; West River International-\$166.08; Western Communication-\$362.86; Western Sd Juvenile Serv-\$9,600.00; Western Stationers-\$2,260.00; Whitewood Vol Fire Dept-\$3,551.19; Winner Police Department-\$225.00; Wolff's Plumbing & Heating-\$134.11; Xerox Corporation-\$54.18; Yankton Co Sheriff-\$25.00; Z&S Dust Control-\$32,197.81; **Witness & Jurors:** Churchill,J-\$30.36; Arsaga,M-\$52.96; Bacon,S-\$122.20; Bax,H-\$104.44; Bishop,S-\$61.10; Christman,M-\$50.74; Clapp,B-\$61.10; Derby,R-\$61.10; Dugger,Z-\$50.74; Enderby,I-\$50.74; Hines,R-\$137.00; Klumb,L-\$122.20; Mccolley,M-\$119.24; Mclean,D-\$117.76; Phillip,G-\$104.44; Rohrer,R-\$52.96; Salzsieder,L-\$122.20; Schell,C-\$153.60; Stuart,S-\$62.58; Wisener,M-\$61.10; Heibolt,A-\$26.40; Jost,A-\$26.40; Kimler,J-\$21.92; Myers,M-\$29.60; Baird,P-\$22.58; Balo,M-

\$27.02; Barnes,F-\$24.80; Becht,B-\$64.80; Card,C-\$21.10; Carr,R-\$55.18; Deibert,B-\$24.80; Dimick,E-\$20.36; Eggers,C-\$24.80; Faure,C-\$62.58; Hofer,D-\$14.44; Kemp,J-\$24.80; Kluthe,J-\$21.10; Miller,W-\$21.10; Ohayon,G-\$12.96; Randolph,D-\$10.74; Rantapaa,K-\$60.36; Sell,J-\$18.14; Spargur,A-\$68.50; Stanley,J-\$13.70; Valdez,K-\$12.96; Young,G-\$21.10; Zeeb,B-\$12.22; Zuhr,R-\$53.70; Benedict,T-\$31.10; Morton,T-\$182.80; Lehto,L-\$31.10; Kreiger,K-\$31.10; Martinez,J-\$31.10; Churchill,D-\$30.36; Lawver,S-\$22.22; Albright,S-\$31.10; Hart,S-\$22.89; Styles,S-\$20.00; Delon,H-\$31.10; Sherck,A-\$31.10; Deichert,R-\$33.32; Kyner,A-\$31.10; Juso,N-\$20.00; Boring,W-\$20.00; Stevens,K-\$22.89; Sherman,D-\$31.10; Goodwin,L-\$20.00; Porter,H-\$98.07; Grohs,M-\$294.54; Doud,K-\$20.00; Burke,T-\$20.00; Eldeen,B-\$31.10; Noren,K-\$20.00; Callier,G-\$32.58; Navas,D-\$20.00; Dunn,T-\$31.10; Donahue,M-\$31.10; Tillman,T-\$32.58; Burnham,K-\$20.00

ADJOURN: 2:08 p.m. There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENTS MEETING – August 21, 2007

Vice-Chairperson Terry W. Weisenberg called the Lawrence County Board of Adjustment meeting to order at 10:00 a.m. on August 21, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Connie H. Douglas, Bob Ewing and Tommy Thompson present. James J. Seward was absent.

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

VARIANCE #113 / J.D. BELL / BOARS NEST: A public hearing was held and no public input was voiced. Moved-Seconded (Ewing-Thompson) to approve the application for Variance #113 - **J.D. Bell/Boars Nest** - A 24' Variance to the 25' Setback to Build a Detached Garage Located on SD Hwy 85/ Bottom of Aztec Hill. Motion Carried. Seward absent.

CONDITIONAL USE PERMIT #342 / DAN & SHERRI JOHNSON: A public hearing was held on CUP # 342-DAN & SHERRI JOHNSON-STORAGE BUILDING. Owner/Representative: Dan & Sherri Johnson. Legal Description: SW1/4SW1/4, Sec. 32, T7N, R2E. Location: Diamond Dr/Spearfish North. Purpose: Storage building. Zoning: A-1. Betty Zafus was present to verify if an additional building would be built. Amber Vogt stated the proposed CUP is only for the existing building. The public hearing was closed. Moved-Seconded (Ewing-Thompson) to approve Conditional Use Permit #342, as recommended by Planning and Zoning, with conditions as on file in the Planning and Zoning Office. Motion Carried. Seward absent.

ADJOURN: 10:25 a.m. There being no further business it was Moved-Seconded (Thompson-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 4, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 4, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Connie H. Douglas, Bob Ewing and Tommy Thompson present.

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

AGENDA: Moved-Seconded (Ewing-Weisenberg) to approve the agenda for September 4, 2007. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of August 21, 2007 County Commission meeting. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve the Board of Adjustment minutes of August 21, 2007 meeting. Motion Carried.

PERSONNEL

EQUALIZATION: Moved-Seconded (Weisenberg-Thompson) to approve Timothy Hodson as an Appraiser III G1 at the base rate of \$14.73 an hour, effective 9-4-2007. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Carmen Symonds as an Appraiser III G2 at the base rate of \$15.03 an hour, effective 9-4-2007. Motion Carried.

ADOPTION OF 2008 BUDGET RESOLUTION #2007-36: A public hearing was held on the 2008 budget. No public was present for comment and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to adopt the 2008 Annual Budget and approve the following Resolution #2007-36. Motion Carried. The 2008 Budget resulted in a 12% decrease in the County Levy.

RESOLUTION #07-36: 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, 2008 and ending December 31, 2008 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 4th day of September, 2007 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	6,464,485	4.03
SNOW REMOVAL	200,000	.12
HIGHWAY & BRIDGE	220,000	.14
COURTHOUSE & JAIL	100,000	.06
FIRE PROTECTION	62,927	.08
TOTALS	7,047,412	4.43

DATED at Deadwood, South Dakota, this 4th day of September 2007. LAWRENCE COUNTY COMMISSIONERS: James J. Seward, Chairman; Connie H. Douglas, Robert Ewing, Terry W. Weisenberg, and Tommy Thompson. ATTEST: Connie Atkinson, Auditor.

SUPPLEMENTAL BUDGET RESOLUTION #07-33: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign Resolution #07-33 for a supplemental budget. Motion Carried. RESOLUTION #07-33 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND: SHERIFF – Capital Assets \$132,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 4th day of September, 2007 at the hour of 8:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 4th day of September, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS: JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

FIRE PROTECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Douglas) to approve an automatic supplement of \$7,387.40 in Fire Protection / Fire Wise Grant Budget to cover grant fund expenditures. Motion Carried. Seward absent.

RESOLUTION #2007-35 SURPLUS PROPERTY: Moved-Seconded (Ewing-Thompson) to approve the following Resolution #2007-35 Surplus Property. Motion Carried. RESOLUTION #2007-35 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 4th day of September 2007, For the Board of Lawrence County Commissioners: James J. Seward, Chairperson. ATTEST: Connie Atkinson, Auditor.

FUEL QUOTES:

The following fuel quotes were submitted as of August 29, 2007: Whitewood Diesel 800 Gallons: (prices per gallon) Cenex Oil Co. \$2.56*; Southside Oil - \$2.64; Rollin Oil - \$2.645. (*represents lowest quote).

AG CRITERIA: Moved-Seconded (Weisenberg-Ewing) to leave the minimum AG Criteria at 41 acres for assessment purposes. Motion Carried.

CHANGE OF ZONING #265: Second Reading was held on an Amendment to Zoning Ordinance on COZ # 265-SUBDIVISION-A-1 to RR Owner/Representative: **Frank, Daphne Loup**; Legal Description: NW1/4 NW1/4 of Section 35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E. Location: Kerwin Lane/Spearfish North; Purpose: Residential Subdivision; Zoning: A-1 to RR. Moved-Seconded (Douglas-Ewing) to approve Change of Zoning #265 An Ordinance Amending Lawrence County Zoning Ordinance Number One From A-1 General Ag to RR – Rural Residential, based on considerations of 5.9.3 of the Planning and Zoning Ordinance, that the criteria has been reviewed and complied with. Motion Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson.

GILDED MOUNTAIN:

CHANGE OF ZONING #266: Second Reading and was held on the Amendment to the Zoning Ordinance COZ # 266-SUBDIVISION-PF to SRD; Owner/Representative: **Scot Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.; Location: Lead

West-Hwy 14A-Across from Whitetail Court; Purpose: Residential Subdivision-Townhomes-
Condos; Zoning: PF to SRD. Was closed. Discussion followed on water and sewer issues.
Moved-Seconded (Weisenberg-Seward) to follow Planning and Zoning recommendation and
approve Change of Zoning #266 An Ordinance Amending Lawrence County Zoning Ordinance
Number One From PF-Park Forest to SRD – Suburban Residential District, based on considerations
of 5.9.3 of the Planning and Zoning Ordinance, that the criteria has been reviewed and complied
with. Motion Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson.

PLANNED UNIT DEVELOPMENT #12: PUD #12- SUBDIVISION-PF and SRD;
Owner/Representative: **Scot Munro/BH Surveying**; Legal Description: M.S. 1755 Grand Eastern,
Section 6, T4N, R3E.; Location: Lead West-Hwy 14A-Across from Whitetail Court; Purpose:
Residential Subdivision-Townhomes-Condos; Zoning: PF and SRD. Moved-Seconded (Douglas-
Seward) to approve Planned Unit Development #12, based on considerations of 4.10 of the
Planning and Zoning Ordinance, that the criteria has been reviewed and complied with. Motion
Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson. Douglas stated the
Planned Unit Development allows for the least amount of destruction in an area and allows the
Commission to control certain aspects of the development.

PRELIMINARY PLAT / SCOTT MUNRO / GILDED MOUNTAIN: Moved-Seconded
(Douglas-Weisenberg) to approve the preliminary plat for Owner/Representative: Scot Munro/TSP
Inc/Brandon Flanagan. Legal Description: Plat of Lots 1-38, G-1, G-2 & C-1, Gilded Mt Tract,
Section 5, T4N, R3E (legal shortened) Location: Hwy 85; Purpose: New Lots; Zoning: PF &
SRD. Motion Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson.

CROW PEAK BENCH SUBDIVISION BOND RELEASE: Moved-Seconded (Ewing-
Thompson) to release the present bonding / Irrevocable Letter of Credit for Crow Peak Bench
Subdivision / J&K of Spearfish. Motion Carried.

ANNUAL REVIEW CUP #323 / ALAN GRAGO – GRAVEL PIT: An annual review was held
on CUP#323 / Alan Crago for a gravel pit. Activity has not started and the Board allowed a one
year extension and will be reviewed in 12 months.

ANNUAL REVIEW CUP #318 DAVID RUTH – MASSAGE THERAPY: An annual review
was held on CUP#318 / David Ruth for massage therapy. Activity has not started. Moved-Seconded
(Douglas-Ewing) to review in six months. Motion Carried. The Board asked that a copy of the State
License be filed in the Planning and Zoning Office.

ANNUAL REVIEW #331 JEROLYN RUTH BEAUTY SHOP: An annual review was held on
CUP#331 / Jerolyn Ruth for a Beauty Shop. Activity has not started. Moved-Seconded (Ewing-
Seward) to review in six months. Motion Carried.

**ANNUAL REVIEW #328 JIM & TAMARA MONTIETH – SADDLE MOUNTAIN
MINISTRIES/CHURCH:** An annual review was conducted on CUP#328 for Jim & Tamara
Montieth for Saddle Mountain Ministries/Church. Moved-Seconded (Douglas-Thompson) CUP
#328 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 #329 – CINDY ARNIO GILLIES – SECOND RESIDENCE: An annual
review was conducted on CUP#329 for Cindy Arnio Gillies for a second residence. Moved-
Seconded (Weisenberg-Seward) to amend CUP#329 to turn the old building into a garage and
review the CUP in one year. Motion Carried.

OLD TOBOGGAN HILL SUBDIVISION BOND RELEASE: Moved-Seconded (Ewing-Weisenberg) to release the present bonding / Irrevocable Letter of Credit for Old Toboggan Hill Subdivision / Keystone Land Development LLC. Motion Carried.

PERSONNEL POLICY UPDATE – COBRA HEALTH COVERAGE: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairperson to sign the following Resolution #07-34. Motion Carried. **LAWRENCE COUNTY RESOLUTION # 07-34 / AMENDMENT #1 LAWRENCE COUNTY PERSONNEL MANUAL:** WHEREAS, the Lawrence County Commissioners have adopted the Lawrence County Personnel Manual Resolution #2005-19 to establish a fair system of personnel administration; and WHEREAS, updates need to be made to the manual to ensure the fair and equitable system is updated; THEREFORE BE IT RESOLVED, that effective September 1st, and upon favorable passage of this resolution and until otherwise revised, the following revision is hereby adopted for **ARTICLE XVIII GENERAL INFORMATION 18.3) HEALTH INSURANCE** of the Lawrence County Personnel Manual. **18.3) HEALTH INSURANCE:** The County provides health insurance of which the employee is responsible to pay a portion of the monthly premium, as determined by the County Commission, through payroll deduction. The County will pay the remaining portion of the premium. A permanent employee must be employed at least thirty (30) hours a week to participate in this insurance. Insurance coverage is available, upon an employee's termination. The employee can continue the health insurance under the COBRA plan. Length of health insurance continuation is eighteen (18) months unless a qualifying event lengthens the entitlement. The employee is responsible to pay the full premium. (See appendix 5) Dated this 4TH day of September, 2007. **FOR THE BOARD OF COUNTY COMMISSIONERS:** JAMES J SEWARD, Chairperson. **ATTEST:** CONNIE ATKINSON LAWRENCE COUNTY AUDITOR

FRAWLEY RANCH EAST PHASE II SUBDIVISION: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the Memorandum of Agreement with Frawley Ranches, Inc and to authorize Bruce Outka to sign the Guarantee of Credit as Legal Council for Lawrence County. Motion Carried.

SLIME PLANT PROJECT / COUNTY PARKING: An update was presented on the Slime Plant Project and the county parking situation.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$5,731.36; Aud-\$6,690.39; Treas-\$8,752.50; Comp-\$5,217.43; States Atty-\$12,861.06; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,487.70; Equal-\$11,965.81; Deeds-\$6,351.71; Vso-\$1,053.97; Disp-\$15,948.08; Sher-\$46,539.07; Jail-\$24,911.10; Emerg Mgnt-\$2,895.59; E911-\$1,475.00; Highway-\$33,248.65; Air-\$961.20; Ext-\$1,239.20; Weed-\$2,073.44; **Bills:** Bertch,A-\$55.50; Fish,K-\$104.66; Harris,K-\$45.00; Silvernail,J-\$50.00; Smith,M-\$14.80; Aaa Collections-\$125.00; Alltel-\$599.05; American Family Life-\$3,370.93; BH Federal Credit Union-\$9,806.00; Blue Cross-\$53,738.45; Bp-\$1,848.22; Deadwood Recreation Center-\$165.00; Delta Dental Of South Dakota-\$4,701.70; Dept Of The Treasury-\$49,372.14; Express Collections-\$100.00; Fort Dearborn Life Ins-\$1,040.62; LC Treasurer-\$50.00; NH Family Ymca-\$334.40; Office Of Child Support-\$177.23; Phillips Petroleum Co-\$30.05; SD Retirement System-\$48,769.92; Sdrs Supplemental Retirement-\$966.50; Shell Fleet Management-\$102.07; Verizon Wireless-\$808.37; A&B Business Equip-\$166.54; A&H Truck Salvage-\$250.00; Abc Business Supply-\$447.99; Aberdeen Llc-\$610.00; Alpine Impressions-\$30.00; Amcon Distributing-\$297.25; American Inn Hotel & Suites-\$218.70; BH Pioneer-\$22.61; BH Power & Light-\$1,245.17; Best Business Prod-\$18.00; Biegler,Greg-\$60.00; Black Hills Pure-\$11.50; Bob Barker Company-\$163.60; Bob's Auto Body-\$49.95; Brady Pluimer-\$1,929.20; Bullberry Systems-\$6,950.00; Butler Machinery Co-\$3,025.28; Cdw Government-\$900.39; Central Parts-\$4.49; Chemical Sanitizing Sys-\$122.91; Christensen Law Office-\$571.75; City/County Alcohol &Drug-\$3,085.00; Dakota Graphics-\$125.00; Datec-\$3,531.95; Deadwood, City Of-\$766.89; Dept Of Hlth Lab Services-\$33.00; Ecsi-\$465.00; Eddie's Truck Sales/Serv-\$25.67; Extension Service-\$303.24; Fastenal-\$644.00; Fish,Veronica-\$20.00; Fisher Sand & Gravel-\$6,070.02; Gall's-\$504.09; Godfrey's Brake Serv-

\$1,764.50; Great Western Tire-\$48.40; Havemeier,Leslie-\$123.00; Heisler Hardware-\$9.48; Hickok's Iron Horse Inn-\$310.75; Hobart Sales & Service-\$400.44; Howell,Jack Ken-\$38.00; Ikon Office Solutions-\$159.63; Kosel,Joseph-\$4,166.67; LC Journal-\$980.18; LC Sheriff-\$321.23; Lead, City Of-\$55.30; Lead-Deadwood Regional-\$14.50; Lead-Deadwood Regional Hospital-\$360.27; Lyle Signs-\$795.14; Mb Enterprises-\$175.00; Mcarthur,Janet-\$90.00; Mccright,Leo-\$273.00; Mcleod's Office Supply-\$423.97; Montana Dakota Utilities-\$1,200.81; Motorola-\$7,920.00; National Academy Of Emd-\$90.00; Nelson,Christy-\$360.00; Neve's Uniforms-\$136.15; New View Optical-\$45.50; New World Systems-\$17,170.00; Office Depot-\$215.88; Pennington County Sts Attny-\$600.00; Pitney Bowes-\$145.47; Pizza Hut-\$92.70; Prairiewave Communications-\$1,263.54; Queen City Rocket Lube-\$43.97; RC Medical Center-\$33.05; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$10.00; Rapidcare-\$140.00; Roland,E-\$36.00; SD Human Services Center-\$102.78; Servall Towel & Linen-\$577.01; Shell Fleet Management-\$108.31; Span Publishing-\$134.10; Spearfish City Of-\$232.03; Spearfish School District-\$15,562.46; State Bar Of South Dakota-\$150.00; Subway-\$15.96; Summit Signs & Supply-\$9.00; Triple K Tire & Repair-\$113.50; Twin City Hardware & Lumber-\$241.06; United Parcel Service-\$10.18; Verizon Wireless-\$113.39; Voelker & Adams-\$1,336.14; Walmart Store-\$961.81; Western Communication-\$396.50; **Witness & Jurors:** Arsaga,M-\$52.96; Christman,M-\$50.74; Derby,R-\$61.10; Dugger,Z-\$50.74; Enderby,I-\$50.74; Rohrer,R-\$52.96; Wisener,M-\$61.10; Noren,K-\$666.00

ADJOURN: 10:00 a.m. There being no further business it was Moved-Seconded (Weisneberg-Thompson) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – September 25, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on September 25, 2007 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 Tommy Thompson present. Connie H. Douglas was absent.

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

AGENDA: Moved-Seconded (Ewing-Weisenberg) to approve the agenda for September 25, 2007 as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Thompson) to approve the minutes of September 4, 2007 County Commission meeting. Motion Carried.

PERSONNEL

TREASURER: Moved-Seconded (Thompson-Weisenberg) to approve Carleen Brownlow as an Accounting Clerk G1 at the base rate of \$10.99 an hour, effective 10-1-2007. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to approve John Walker and Scott Jones as temporary Deputy 2 G2 at the base rate of \$19.03 an hour, effective 10-1-2007. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve Scott Jones as a part-time Corrections Officer 2G2 at the base rate of \$14.72 an hour, effective 9-7-2007, upon completion of 40 hours of training. Motion Carried.

TRAVEL REQUEST:

PLANNING & ZONING: Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign the travel request for Amber Vogt, Bob Ewing, Marty O'Dea, Sherryl Schulz, and Bruce Outka to attend the SD Planners Association meeting in Oacoma, SD on November 6-8, 2007. Motion Carried.

SEVERANCE TAX / OFF-HIGHWAY VEHICLE STUDY: Moved-Seconded (Ewing-Thompson) to approve the expenditure of \$10,000 from Severance Tax Funds Division#2 toward the economic impact study for off-highway vehicle recreation in the Black Hills

REVISED ORDER DECLARING WILDERNESS ESTATES ROAD DISTRICT

INCORPORATED: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign the following Revised Order Declaring Wilderness Estates Road District Incorporated. Motion Carried.

WHEREAS, an election was held among the registered voters in the Wilderness Estates Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on July 31, 2007. 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: Lots 1-26 of Wilderness Estates Consisting of the Nile, Cairo, Cairo NO. 2, Cairo NO. 5, and O.B. Fraction Lode of the 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 ¼ of Section 7, W1/2 of Section 8, NW ¼ of Section 17, T4N, R3E, 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 Wilderness Estates Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 25th day of September, 2007. James J. Seward, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

REVISED ORDER DECLARING ASPEN VIEW ROAD DISTRICT INCORPORATED:

Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the following Revised Order Declaring Aspen View Road District Incorporated. Motion Carried. WHEREAS, an election was held among the registered voters in the Aspen View Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on August 14, 2007. 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 5 (Five), together with the number of 5 (Five) voting for and the number of 0 (Zero) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: Showing the location of Aspen View Drive accessing Lots 6A-1, 7A-1, 8, 9, 10, 11 and 12 of Aspen View Subdivision, located in the NE ¼ NE ¼ of Section 19 and the NW ¼ NW of Section 20 and Pearson Tract 1 of a portion of the NE ¼ NW ¼ of Section 20, T5N, R4E, 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 Aspen View Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 25TH day of September, 2007. James J. Seward, Chairperson Lawrence County Commission. ATTEST: CONNIE ATKINSON, Auditor

FUEL QUOTES:

The following fuel quotes were submitted as of September 6, 2007: Spearfish Diesel 4600 Gallons: (prices per gallon) Cenex Oil Co. \$2.564*; Southside Oil - \$2.64; Rollin Oil – no bid (*represents lowest quote). Spearfish Unleaded 750 Gallons: (prices per gallon) Cenex Oil Co. \$2.85; Southside Oil - \$2.84*; Rollin Oil – no bid (*represents lowest quote).

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Ewing) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of August 31, 2007 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)-\$87,176.60; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,473.94; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$251,967.67, Money Market \$502,842.94; Bank Balance-\$4,154,304.15; Total \$9,202,650.30.

8:15 a.m. EXECUTIVE SESSION: Moved-Seconded (Thompson-Ewing) to go into executive session to discuss personnel with Joe Harmon, Chief Deputy Sheriff. Motion Carried. 8:23 a.m. opened for regular business.

108TH STREET BRIDGE BIDS: The following bid was received for the 108th Street Bridge. J.V. Bailey Co., Inc. for \$117,244.00. Neil Stodolski, NJS Engineering stated this was way over the engineers estimate. Moved-Seconded (Ewing-Thompson) to reject all bids. Motion Carried.

FIRST READING / ORDINANCE REGULATING THE INSTALLATION OF UTILITIES OR EXCAVATION WITHIN PUBLIC RIGHT-OF-WAYS: A public hearing and First Reading was held on Lawrence County Ordinance #07-01 Utility Installation Within the Public Right-Of-Ways – An Ordinance To Regulate the Installation of Utilities Or Excavation Within the Public Right-Of-Ways. No public input was voiced and the public hearing was closed.

VANOCKER CANYON ROAD AGREEMENT: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Agreement to Exchange Federal For State Funds for Construction of Project P 6404(00), PCN 01L8, In Lawrence County. Motion Carried.

DEVELOPMENT AGREEMENT / WARD: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Development Agreement with Ward Development Company, LLC. Motion Carried.

OLD BELLE HIGHWAY BID: Moved-Seconded (Weisenberg-Seward) to set the bid opening for the surfacing of the Old Belle Oil for October 23, 2007 at 8:30 a.m. Motion Carried.

UTILITY PERMIT:

WARD DEVELOPMENT: Moved-Seconded (Thompson-Ewing) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-Of-Way with Ward Development from Old Belle road (Eccels Lane Int.) 1500 feet north of I-90. Motion Carried.

JOHN MCGRATH: Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-Of-Way with John McGrath located in Section 21, T3N, R3E, to provide Service to John McGrath. Motion Carried.

QWEST: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Application for Permit to Occupy County Highway Right-Of-Way with Qwest Communications located in Section 21, T7N, R1E, to provide additional service to Fish Hatchery. Motion Carried.

PLANNING & ZONING / PUBLIC HEARINGS:

COZ #269: Moved-Seconded (Ewing-Thompson) to set the 1st Reading and public hearing for COZ#269 Darrel Vig for October 23, 2007 at 9:00 a.m. and the 2nd Reading for November 13, 2007 at 9:00 a.m. Motion Carried.

COZ #270: Moved-Seconded (Weisenberg-Thompson) to set the 1st Reading and public hearing for COZ#270 Dave Elsom for October 23, 2007 at 9:10 a.m. and the 2nd Reading for November 13, 2007 at 9:10 a.m. Motion Carried.

CUP #346: Moved-Seconded (Weisenberg-Seward) to set the public hearing for CUP#346 Ted Thompson for October 23, 2007 at 9:20 a.m. Motion Carried.

VAR #115: Moved-Seconded (Ewing-Weisenberg) to set the public hearing for VAR#115 Ralph Reausaw for October 23, 2007 at 9:25 a.m. Motion Carried.

FINAL PLAT FRAWLEY RANCH EAST SUBDIVISION: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Final Plat for Frawley Ranches Inc/NJS Engineering. Legal Description: Plat Lot 34, 39, 40, 41 & 43, Frawley Ranch East Section 7 & 18 T6N, R4E (Shortened Legal, Location: East of Spearfish, Purpose: New Lots, Zoning: A-1 & Final Plat for Frawley Ranches Inc/NJS Engineering. Legal Description: Plat Lot 48, Frawley Ranch East Section 7 & 18 T6N, R4E (Shortened Legal, Location: East of Spearfish, Purpose: New Lots, Zoning: A-1. Motion Carried.

TIMBERS SUBDIVISION BOND APPROVAL: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the Guarantee of Credit and Memorandum of Agreement with Timbers Subdivision. Motion Carried.

FINAL PLAT THE TIMBERS: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Final Plat for The Timbers / Owner/Representative: Cannon River Investments/NJS Engineering. Legal Description: Plat of Lot 1 blk 1, 1-3 blk 2, 1-8 & 12-17 blk 3, 1-9 blk 4, 5-7 blk 5, The Timbers Section 30,19 T6N, R2E (legal shortened), Location: West of Spearfish on Iron Creek Road, Purpose: New Lots-First final will go to County Commission, Zoning: PF . Motion Carried.

FIRST READING CHANGE OF ZONING #264 WAYNE LINDSTAD/RON HALVORSON:

A public hearing and First Reading was held on Change of Zoning #264 Owner/Representative: Wayne Linsted/Ron Halvorson, Legal Description: SW1/4 NW1/4, Section 35, T7N, R2E, Location: Kerwin Lane/Spearfish North, Purpose: Residential Subdivision, Zoning: A-1 to RR. No public input was voiced and the hearing was closed.

RECESS: 9:45 a.m. Moved-Seconded (Weisenberg-Ewing) to recess the County Commission Meeting. Motion Carried. 9:50 a.m. The Chairman called the meeting back to order.

FIRST READING CHANGE OF ZONING #268 RATH: A public hearing and First Reading was held on Change of Zoning #268 Owner/Representative: Rath Family Trust/Anthony & Brenda Rath, Legal Description: SE ¼ & E1/2SW ¼ Section 30, T6N, R4E, NE ¼, SE ¼ and E1/2, NE ¼ and NW ¼ of NE ¼, Section 31, T6N, R4E., Location: Crook City Road, Purpose: Division of land among family members, Zoning: A-1 to PF. Fritz Wolf was present and stated they had no objection to the Change of Zoning. The public hearing was closed.

FIRST READING AMENDMENT #07-02 TO ZONING ORDINANCE PUBLIC SIGNAGE: 1st Reading and a public hearing was held on Planning and Zoning Ordinance #07-02 Public Signage. No public input was voiced and the public hearing was closed.

RECESS: 10:20 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Commission Meeting. Motion Carried. 10:30 a.m. The Chairman called the meeting back to order.

SPEARFISH CREEK WEED SPRAY BID: Moved-Seconded (Ewing-Weisenberg) to accept the only bid received for the Spearfish Creek Weed Spray Bid from MidDakota Vegetation Management for \$49.95 an hour or \$29,970 Total. Motion Carried.

DEADWOOD LOG HOMES / RICK JOHNSON: The Board discussed if Deadwood Log Homes/Rick Johnson, Legal Description: Lot B of HES 613, Sec 11 T5N, R3E, Location: Hwy 85 at McMasters Corner, Purpose: Sales office and Sign for same, Zoning: PF, would need to have a conditional use permit. Rick Johnson stated he expected maybe four visits per week and this would not be a production mill area. The Board decided at this time it would be considered a home based business and no CUP would be required.

ANNUAL REVIEW CUP#332 KEN LARSON: An annual review was held on CUP#332 / Ken Larson for Riding and Horse Training Facility. CUP#332 will be reviewed in one year.

ANNUAL REVIEW CUP#313 GREG MCADOO WINERY: 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 CUP#267 PERFORMANCE DEVELOPMENT GROUP: Annual Review of Conditional Use Permit #267 - Performance Development Group - Tower Located West of Spearfish was conducted and will be reviewed in one year.

LAWRENCE COUNTY RESOLUTION #2007-37 BURN BAN: Moved-Seconded (Ewing-Seward) to approve and authorize the Chairperson to sign Resolution #2007-37 Amending the Temporary Emergency Regulation of Fire Hazards in Lawrence County. Motion Carried. WHEREAS, the Lawrence County Commission is charged with protecting the health and safety of citizens of Lawrence County including all property situated therein; and WHEREAS, on July 10, 2007, the Lawrence County Commission instituted temporary controls to ban open burning; prohibited 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 lessened therefore allowing open fires for those possessing a valid campfire permit; WHEREAS, the fire danger posed by open fires is still present and the burn ban originally enacted on July 10, 2007 remains in effect with the exception of those possessing a valid campfire permit. NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commission does hereby lift, in part, the temporary controls instituted by Resolution #2007-24. Dated this 25th day of September, 2007. FOR THE BOARD, JAMES J. SEWARD, Chair. ATTEST: Connie Atkinson, Auditor.

COUNTY HEALTH FAIR: Moved-Seconded (Weisenberg-Thompson) to follow the Safety Committee's recommendation and approve the County Health Fair for County Employees for 2007 and leave the costs the same for the employees as 2006, the County will pick up the additional fees. Motion Carried.

US FOREST SERVICE PROJECT UPDATES: Rhonda O'Byrne and Kay Olpin of the Forest Service were present and reviewed the proposed Travel Management Plan. The Plan is currently in the formal comment period. O'Byrne stated this is a living, breathing document and can be changed and amended in the future.

O'Byrne also reviewed the West Rim Project. Moved-Seconded (Weisenberg-Seward) to approve and authorize the Chairman to sign a letter requesting cooperating status for the project. Motion Carried.

O'Byrne asked the Commission if they would support a mineral withdraw for the Spearfish Canyon Area. The Board asked for additional information on the request for them to review. O'Byrne also discussed Road #134 and the Grizzly Gulch Forest Service and Homestake Land exchange.

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-\$11,462.72; Aud-\$13,386.62; Treas-\$21,856.31; Comp-\$10,434.85; States Atty-\$24,809.32; Pub Def-\$16,417.92; Gen Govt Bldg-\$13,201.79; Equal-\$23,622.65; Rod-\$12,703.42; Vso-\$2,107.94; Disp-\$24,451.89; Sher-\$59,989.59; Jail-\$40,738.64; Emerg Mgny-\$5,788.18; E911-\$2,950.00; Highway-\$66,669.94; Air-\$1,997.40; Mh Serv-\$1,110.00; Ext-\$2,607.40; Weed-\$3,816.68; Pz-\$4,992.84; **Bills:** Fitzgerald,J-\$37.00, Hodson,T-\$121.00; Mowell,R-\$9,132.00; Piekola,D-\$121.00; Rombough,D-\$544.60; Sandvig,S-\$121.00; Smith,M-\$3.70; Symonds,C-\$121.00; A&B Business Equip-\$2,482.46; A&B Welding Supply-\$63.65; A&J Supply-\$68.26; A-Z Shredding-\$18.00; A.B.C-\$15.00; Aaa Collections-\$250.00; Abc Business Supply-\$420.08; Accurint Account-\$75.00; Alltel-\$966.98; Altaire Enterprises-\$320.00; Amcon Distributing-\$444.80; Anderson Oil Co-\$48.28; At&T-\$5.54; BH Chemical Company-\$1,397.05; BH Counseling Service-\$150.00; BH Digital Mapping Assoc-\$150.00; BH Federal Credit Union-\$19,612.00; BH Land Analysis-\$877.50; BH Medical Ctr Pharmacy-\$1,669.24; BH Pest Control-\$95.00; BH Pioneer-\$796.13; BH Power & Light-\$8,357.13; BH Security & Systems-\$4,285.72; Behavioral Medicine Clinic-\$361.02; Belle Fourche Landfill-\$9.53; Best Western Ramkota Inn-\$1,360.00; Bierschbach Equip & Supply-\$509.80; Blue Cross-\$51,086.24; Bob Barker Company-\$338.94; Bp -\$1,735.70; Business Research Bureau-\$4,136.00; Butte County Sheriff-\$10.76; Butte Electric Coop-\$292.39; Campbell Supply-\$537.47; Carquest Of Spearfish-\$324.12; Cdw Government-\$1,862.09; Central Parts-\$956.29; Chain Saw Center/Dakota Equip-\$943.86; Christensen Law Office-\$1,338.50; City/County Alcohol &Drug-\$1,439.00; Clauser Machine Works-\$6.25; Clinical Lab Of BH-\$2,809.14; Conoco-\$236.49; Cooperative Extension Service-\$210.61; Corral West-\$193.70; Culligan Soft Water Serv-\$131.00; DWare-\$150.00; Dale's Tire & Retread-\$2,948.50; Datec-\$17,740.90; Deadwood Home Center-\$18.64; Deadwood Recreation Center-\$165.00; Dept Of The Treasury-\$85,312.12; Diesel Machinery-\$950.18; Dietrich,Donna-\$205.82; Ensignal-\$179.98; Ertz,Dewey J-\$1,202.50; Executone Of The BH-\$136.00; Express Collections-\$200.00; Farmers Union Oil-\$13,842.40; Fast Break Screen Printing-\$75.00; Fastenal-\$847.73; First Western Bank-\$587.26; Fish,Veronica-\$1,917.40; Fisher Sand & Gravel-\$27,406.04; Foothills Seed-\$250.00; Frederickson,John-\$850.20; Fsh Communications-\$60.00; Gene's Lock Shop-\$6.80; Genpro Power Systems-\$22,995.00; Great Plains Chemical-\$180.00; Great Western Tire-\$63.45; Greens Alignment-\$408.46; H&S Sand & Gravel-\$1,835.94; Heisler Hardware-\$90.35; Hewlett-Packard Company-\$1,247.00; Hills Material Comp-\$793.52; Hillside Disposal Service-\$69.00; Honeywell-\$849.15; Kadrmas, Lee And Jackson-\$1,269.87; Kieffer,Tracy-\$106.00; Kinney,Matthew-\$302.90; Klopfenstein Dr-\$14.60; Knecht True Value-\$295.64; Kooistra,Nelva-\$15.00; LC Sheriff-\$272.00; LC Treasurer-\$100.00; Lead-Deadwood Regional-\$200.76; Lead-Deadwood Sanitary-\$448.38; Lee,James-\$15.00; Lewis & Clark Bhs-\$130.00; Lexisnexis On-Line-\$361.00; Lyle Signs-\$1,379.10; Marshall & Swift-\$566.85; McArthur,Janet-\$90.00; McClure,Susan-\$90.00; Megas Propane-\$577.50; Meade County Sheriff-\$10.80; Miller,Steve-\$13,180.01; Minitman-\$73.90; Montana-Dakota Util-\$37.05; Moran,P-\$57.00; Motorola-\$7,016.20; Mutchler,Tricia-\$65.20; ND State University-\$46.25; NH Family Ymca-\$349.80; Nelson,Tonya-\$540.00; Novus-\$70.00; Occupational Health Network-\$210.00; Office Of

Child Support-\$354.46; Outdoor Motor Sports-\$142.80; Pamida Stores Pharmacy-\$57.99; Pennington Co Auditor-\$364.00; Pennington Co Jail-\$1,698.80; Pennington County Sts Attny-\$1,000.00; Pitney Bowes-\$1,395.97; Pizza Hut-\$125.57; Powerplan-\$760.32; Prairiewave Communications-\$1,589.17; Queen City Rocket Lube-\$290.20; Queen City Tire-\$9.50; Qwest-\$1,308.49; RC Finance Office-\$4,235.00; RC Medical Center-\$337.31; RC Police Dept-\$50.00; RC Regional Hospital-\$4,095.09; RC Regional Hospital Pharmacy-\$15.60; Rabe Elevator-\$331.83; Radio Shack/Kazco-\$311.91; Rapid Delivery-\$9.60; Rapid Diesel-\$563.22; Rehfuss, Cathryn-\$15.00; Reindl, Staci-\$5,077.79; SD Human Services Center-\$105.10; SD Planners Association-\$440.00; SD Retirement System-\$46,189.72; SD State Treasurer-\$14,523.75; Spearfish Police Dept-\$49.05; Safeway-\$41.06; Sdrs Supplemental Retirement-\$1,933.00; Servall Towel & Linen-\$670.30; Seward & Odenbach-\$652.75; Slate Creek Counseling-\$522.26; Slowey, Yavonne-\$117.50; Southside Oil-\$2,073.20; Spearfish Auto Supply-\$1,471.12; Subway-\$19.95; Summit Signs & Supply-\$300.00; 3d Specialities-\$4,746.42; Tellinghuisen & Gordon-\$294.80; Tigerdirect-\$3,092.82; Triple K Tire & Repair-\$518.66; Twin City Hardware & Lumber-\$175.52; US Identification Manual-\$82.50; US Marshalls Service-\$955.02; United Parcel Service-\$21.03; Verizon Wireless-\$474.32; Victims Of Violence-\$2,130.00; Walmart Store-\$273.13; Waste Connections-\$430.00; Wells Fargo Bank-\$13.70; Wells Fargo Business Card-\$570.81; Wells Plumbing & Farm Supp-\$29.80; West River International-\$22.17; Westcoast Sales & Marketing-\$35.54; Western Communication-\$98.90; Western SD Juvenile Serv-\$16,400.00; Wolff's Plumbing & Heating-\$129.04; Xerox Corporation-\$54.18; Yankton Co Sheriff-\$50.00; Yankton County-\$118.05; **Witness & Jurors:** Luze, R-\$22.96; Mcgrath, S-\$37.76; Noren, J-\$41.46; Holmes, C-\$57.00; Arsaga, M-\$52.96; Bacon, S-\$61.10; Bax, H-\$52.22; Bishop, S-\$61.10; Christman, M-\$50.74; Clapp, B-\$61.10; Derby, R-\$61.10; Dugger, Z-\$50.74; Enderby, I-\$50.74; Hines, R-\$68.50; Klumb, L-\$61.10; Mclean, D-\$58.88; Richardson, A-\$61.10; Rohrer, R-\$52.96; Salzsieder, L-\$61.10; Schell, C-\$153.60; Stuart, S-\$62.58; Wisener, M-\$61.10; Styles, S-\$22.22; Burnett, A-\$53.30; Debusk, D-\$32.58; Luze, J-\$22.96; Luze, R-\$20.00; Olson, D-\$34.80; Wade, A-\$25.18; Aschenbrenner, D-\$12.22; Axlund, M-\$21.10; Bartel, B-\$10.74; Beguin, V-\$64.80; Bergstrom, M-\$52.96; Branham, J-\$61.84; Derby, P-\$51.48; Edwards, B-\$68.50; Enderby, W-\$24.80; Enderle, D-\$21.10; Epperson, J-\$27.02; Frederickson, P-\$61.84; Gienger, T-\$62.58; Gilbery, T-\$52.22; Grout, L-\$24.80; Harlan, K-\$21.10; Hill, W-\$18.88; Hoffman, M-\$24.80; Huffman, T-\$58.88; Johnson, M-\$21.10; Johnson, T-\$57.40; Kermu, K-\$12.22; Kieffer, R-\$23.32; Lueders, J-\$24.80; Mathern, Z-\$24.80; Schwab, G-\$64.80; Swenson, G-\$57.40; Tallmage, D-\$12.22; Tchida, S-\$17.40; Weeks, J-\$21.10; Bunch, J-\$156.66; Calkins, J-\$21.84; Carlson, T-\$24.80; Cottrill, L-\$12.22; Croft, J-\$19.62; Cudmore, T-\$13.70; Dikoff, G-\$183.30; Douglas, S-\$13.70; Ford, M-\$156.66; Gusso, K-\$21.10; Hale, M-\$17.40; Hall, T-\$152.22; Hansen, M-\$18.88; Hauck, W-\$19.62; Higbee, S-\$24.80; Houser, J-\$183.30; Huebner, D-\$19.62; Huse-Wika, K-\$20.36; Huyett, R-\$23.32; Jurak, M-\$10.74; Keehn, L-\$10.74; Keim, D-\$22.58; Knoepfle, L-\$158.88; Kruse, A-\$26.28; Larsen, R-\$12.22; Lewis, J-\$21.10; Ligtenberg, E-\$194.40; Lockman, J-\$181.08; Loree, J-\$18.88; Maliske, T-\$183.30; Mathern, D-\$185.52; Neal, C-\$158.88; Oliver, L-\$19.62; Paisley, J-\$22.58; Peterson, T-\$194.40; Rosenau, J-\$21.10; Sargent, C-\$21.84; Schmidt, J-\$21.10; Smith, V-\$21.10; Sorensen, M-\$11.48; Thompson, E-\$20.36; Tjaden, S-\$187.74; Trumblee, T-\$12.96; Wagner, K-\$24.80; Welch, D-\$15.18; Burton, T-\$20.00; Collins, B-\$20.00; Epherington, C-\$20.74; Ford, T-\$22.22; Hermanson, M-\$57.00; Himle, K-\$20.00; Himrich, G-\$31.84; Johnson, D-\$51.08; Kaiser, C-\$27.40; Noeller, T-\$31.10; Ovitz, J-\$20.00; Paramo, K-\$20.00; Pidde, D-\$29.62; Skaggs, S-\$20.00; Story, I-\$31.32; Johnson, T-\$32.80; Anderson, S-\$58.88; Bing, C-\$61.10; Blair, T-\$50.74; Cremean, D-\$24.80; Darland, A-\$21.84; Deneui, J-\$24.80; Eisenbraun, R-\$24.80; Farley, T-\$61.10; Foltz, K-\$61.84; Hambek, B-\$18.88; Hanson, E-\$22.58; Henry, D-\$58.88; Higgins, C-\$62.58; Jensen, L-\$61.10; Johnson, D-\$12.22; Kokesh, R-\$63.32; Ludens, T-\$24.06; Mathis, B-\$61.10; Mcamis, M-\$23.32; Mcdermott, K-\$21.10; Melton, K-\$61.10; Meyerink, R-\$21.84; Mills, C-\$24.06; Oberlander, M-\$10.74; Olson, C-\$24.80; Reller, D-\$12.96; Roberts, J-\$21.84; Saunders, J-\$52.22; Schmidt, K-\$32.20; Winslow, T-\$11.48; Burghduff, K-\$42.20; Burghduff, L-\$20.00; Haefs, K-\$23.70; Yurgilevich, S-\$60.00; Bunney, N-\$31.84; Crotty, J-\$20.00; Head, B-\$20.00; Jarvis, A-\$20.00; Krenn, A-\$34.80; Lohman, M-\$20.00; Mccoy, A-\$20.00; Turney, D-\$20.00; Roland, E-\$644.00; Paradeis, D-\$32.58; Stahl, M-\$12.22

ADJOURN: 11:53 a.m. There being no further business it was Moved-Seconded (Thompson-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENTS MEETING – September 25, 2007

Chairperson James J. Seward called the Lawrence County Board of Adjustment meeting to order at 8:45 a.m. on September 25, 2007 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 Tommy Thompson present. Connie H. Douglas was absent.

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

CONDITIONAL USE PERMIT #344 / BITUMINOUS PAVING INC: A public hearing was held on Conditional Use Permit #344 for Owner/Representative: Bituminous Paving Inc, Legal Description: SW1/4, Section 29, T7N, R2E., Location: NW of Spearfish-McGuigan Road, Purpose: Asphalt Plant, Zoning: A-1. No public input was voiced and the public hearing was closed. Moved-Seconded (Ewing-Thompson) to approve Conditional Use Permit #344 with conditions as on file in the Planning and Zoning Office. Motion Carried.

RECESS: 9:50 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Board of Adjustment Meeting. Motion Carried. 10:20 a.m. The Chairman called the meeting back to order.

AMENDMENT CUP#241 / MADALINE CUSTIS: A public hearing was held on an Amendment to Conditional Use Permit #241 for Madaline Custis to add one additional room above the attached Garage for a Bed and Breakfast, located on McGuigan Road. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Ewing) to approve the Amendment to Conditional Use Permit #241 for Madaline Custis. Motion Carried.

AMENDMENT CUP#267 / PERFORMANCE DEVELOPMENT GROUP: A public hearing was held on an Amendment to Conditional Use Permit #267 Performance Development Group, Cell Tower to revise number and size of buildings located on Schenk Property West of Spearfish. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to approve the Amendment to Conditional Use Permit #267 for Performance Development Group. Motion Carried.

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

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 9, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 9, 2007 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 Tommy Thompson present. Connie H. Douglas was absent.

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

AGENDA: Moved-Seconded (Ewing-Weisenberg) to approve the agenda for October 9, 2007 as amended. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of September 25, 2007 County Commission meeting and the Board of Adjustment Minutes of September 25, 2007. Motion Carried.

MEETING DATE: Moved-Seconded (Weisenberg-Seward) to change the December 25th meeting to December 27, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Seward) to accept the resignation of Roger Asheim as a full time corrections officer effective 10-16-2007, and to approve Roger Asheim as a part time transport officer at the base rate of \$11.07 an hour, effective 10-17-2007. Motion Carried.

Moved-Seconded (Ewing-Thompson) to approve the advertising for a full-time corrections officer. Motion Carried.

PROJECT LEARNING TREE / TITLE III FUNDING: Moved-Seconded (Weisenberg-Thompson) to approve the request for project learning tree for \$5,000 from Title III Funding. Motion Carried.

WEED AUTOMATIC SUPPLEMENT: Moved-Seconded (Ewing-Seward) to approve an automatic supplement of \$3,520 in Weed-Grants Budget for funds received from Meade County. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Thompson-Weisenberg) to set a supplemental budget hearing for October 23, 2007 at 8:10 a.m. for the Juvenile Detention budget for \$45,000. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Thompson-Weisenberg) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of September 30, 2007 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)-\$74,275.20; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$2,675.91; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$251,967.67, Money Market \$504,726.33; Bank Balance-\$4,367,480.83; Total \$9,404,010.94.

LAWRENCE COUNTY RESOLUTION #07-39 SELL REAL PROPERTY: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the following Resolution #07-39 to Sell Real Property. Motion Carried. **LAWRENCE COUNTY RESOLUTION #07-39 SELL REAL PROPERTY WHEREAS**, Lawrence County is the owner of the property herein described, having acquired title thereto by Tax Deed or other Proceedings, and the same being at the present time in an unproductive state, and making little or no return to Lawrence County, and it appearing that the same can now be sold for a reasonable sum and placed upon the Tax List, and the

Board of Commissioners of Lawrence County, South Dakota, deeming it advisable to offer said property for sale. **NOW, THEREFORE**, it is by the Board of Commissioners of Lawrence County, South Dakota **RESOLVED** That in the opinion of the majority of the said Commissioners, it is in the best interest of Lawrence County to declare the real property surplus and sell the following described real property, to wit: 1) Lot 20 Cyanide Street, being a portion of M.S. 918, M.S. 1005, M.S. 374, M.S. 395, M.S. 1281 and M.S. 1319, Kenwood Addition, Lead, Lawrence County, South Dakota, as more fully described in Plat recorded at the Lawrence County Register of Deeds Office as Plat Document No. 89-1383. **SPECIAL ASSESSMENTS DUE.** 2) Tract B S1/2 SW1/4 SE1/4 S-29 T-6 R-3 As recorded in Plat Book 7 Page 79, Lawrence County, South Dakota. (Located within Road District – Special Assessment may be applicable) 3) Deadwood Cleveland Heights Addn. Lot 18 & 19 Blk E, Deadwood, Lawrence County South Dakota. And, that said real property be offered for sale in accordance with the provisions of Chapter 7-29 of the South Dakota Codified Laws as Amended and that before said property is offered for Sale, the same be appraised by a Board of Appraisers, consisting of the Board of Commissioners of Lawrence County, South Dakota. Dated this 9th day of October, 2007. **FOR THE BOARD OF COUNTY COMMISSIONERS.** JAMES J. SEWARD. ATTEST: CONNIE ATKINSON, Lawrence County Auditor.

APPRAISAL OF REAL PROPERTY: Moved-Seconded (Weisenberg-Ewing) to approve the following Appraisal of Real Property. Motion Carried.

APPRAISAL OF REAL PROPERTY: STATE OF SOUTH DAKOTA / SS /COUNTY OF LAWRENCE: We, the undersigned, Board of County Commissioners of Lawrence County, South Dakota, being severally sworn, each for himself, states he will honestly and impartially appraise the real estate (property) here in after described, according to the best of his knowledge and ability. James J. Seward, Terry W. Weisenberg, Bob Ewing, and Tommy Thompson. Subscribed and sworn to before me this 9th day of October, 2007. CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR.

1) Lot 20 Cyanide Street, being a portion of M.S. 918, M.S. 1005, M.S. 374, M.S. 395, M.S. 1281 and M.S. 1319, Kenwood Addition, Lead, Lawrence County, South Dakota, as more fully described in Plat recorded at the Lawrence County Register of Deeds Office as Plat Document No. 89-1383. (SPECIAL ASSESSMENTS DUE AT TIME OF SALE)

Appraised Value \$1.00.

2) Tract B S1/2 SW1/4 SE1/4 S-29 T-6 R-3 As recorded in Plat Book 7 Page 79, Lawrence County, South Dakota. . (Located within Road District – Special Assessment may be applicable)

Appraised Value \$1.00.

3) Deadwood Cleveland Heights Addn. Lot 18 & 19 Blk E, Deadwood, Lawrence County South Dakota.

Appraised Value \$1.00.

STATE OF SOUTH DAKOTA / SS /COUNTY OF LAWRENCE: The Board of County Commissioners of Lawrence County, being severally sworn, each for himself, states the foregoing is a true and just appraisal of the real property described, as he verily believes. James J. Seward, Terry W. Weisenberg, Bob Ewing, and Tommy Thompson. Subscribed and sworn to before me this 9th day of October, 2007. CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR.

AIRPORT UTILITY EASEMENTS: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Montana Dakota Utilities Co. Pipeline Easement by owner for the Airport Utility Easement. Motion Carried.

AIRPORT AWOS SYSTEM: Bob Golay and Ray Jilek were present to discuss the AWOS System. Golay stated it has been an ongoing need at the airport but they have tried to manage with the old NEXWOS System, however, it has now failed them and they can not get parts for the old system. Jilek stated they can't get the old system certified and they are basically working with a 1994 computer. Jilek presented communication from Wayne Nelson, DOT, stating they would support trying to obtain federal discretionary funding for the new AWOS within the 2008 runway discretionary grant request. The County share would be approximately 3%; the total cost of the system would be \$100,000-\$130,000. Greg Dias, Computer Systems Manager, stated this is computer based technology and bidding would not be required. Bruce Outka, stated this would be exempt from the bidding requirement because of the computer based technology and it is communications related. Moved-Seconded (Weisenberg-Seward) to allow the Airport Board to solicit for proposals for a new AWOS System, as this would be exempt from the bidding requirements. Motion Carried.

AIRPORT ROAD: Dick Birk, Highway Superintendent stated Airport Road will be closed for approximately 10 days and then a detour will be available.

UTILITY PERMITS:

BLACK HILLS POWER: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairperson to sign the Application for Permit to Occupy County Highway Right-of-Way from Black Hills Power located approximately 1.05 mile east of Galena, to occupy the south side of the road easement for app 785' with underground cable. Motion Carried.

HIGHWAY PURCHASE OFF OF STATE BID: Moved-Seconded (Weisenberg-Ewing) to approve the purchase of a four door Silverado pickup from Queen City Motors for \$25,951 as they will match state bid. Motion Carried.

SECOND READING / ORDINANCE REGULATING THE INSTALLATION OF

UTILITIES OR EXCAVATION WITHIN PUBLIC RIGHT-OF-WAYS: Second Reading was held on Lawrence County Ordinance #07-01 Utility Installation Within the Public Right-Of-Ways – An Ordinance To Regulate the Installation of Utilities Or Excavation Within the Public Right-Of-Ways. Moved-Seconded (Thompson-Ewing) to approve the Ordinance Regulating The Installation Of Utilities Or Excavation Within Public Right-Of-Ways. Motion Carried.

ANNUAL REVIEW / CUP #116, 125, 202 LAC MINERALS: Mark Tieszen presented the Annual Review for Conditional Use Permit #116, 125 and 202 for LAC Minerals.

SECOND READING CHANGE OF ZONING #264 WAYNE LINDSTAD/RON

HALVORSON: Second Reading was held on Change of Zoning #264 Owner/Representative: Wayne Linsted/Ron Halvorson, Legal Description: SW1/4 NW1/4, Section 35, T7N, R2E, Location: Kerwin Lane/Spearfish North, Purpose: Residential Subdivision, Zoning: A-1 to RR. Moved-Seconded (Ewing-Weisenberg) to approve Change of Zoning #264 An Ordinance Amending Lawrence County Zoning Ordinance Number One From A-1 General AG to RR – Rural Residential. Motion Carried.

SECOND READING CHANGE OF ZONING #268 RATH:

Second Reading was held on Change of Zoning #268 Owner/Representative: Rath Family Trust/Anthony & Brenda Rath, Legal Description: SE ¼ & E1/2SW ¼ Section 30, T6N, R4E, NE ¼, SE ¼ and E1/2, NE ¼ and NW ¼ of NE ¼, Section 31, T6N, R4E., Location: Crook City Road, Purpose: Division of land among family members, Zoning: A-1 to PF. Moved-Seconded (Weisenberg-Thompson) to follow Planning and Zoning recommendation and approve Change of Zoning #268 An Ordinance Amending Lawrence County Zoning Ordinance Number One From A-1 General AG to PF – Park Forest. Motion Carried.

SECOND READING AMENDMENT #07-02 TO ZONING ORDINANCE PUBLIC

SIGNAGE: Second Reading was held on Planning and Zoning Ordinance #07-02 Public Signage. Moved-Seconded (Ewing-Weisenberg) to approve Planning and Zoning Ordinance No. 07-2 An Ordinance Amending The Lawrence County Zoning Ordinance. Motion Carried.

SEVERANCE TAX REQUEST / LEAD-DEADWOOD SCHOOL DISTRICT:

Lisa Rantappa, Sheila Kinghorn and Larry Woodle, Lead-Deadwood High School 4th Grade Teachers, were present to request \$80,000 from the Severance Tax Funds for 60 tablets and three access points. The Commission will consider the request.

INVASIVE SPECIES MANAGEMENT:

Dave Heck, Weed Supervisor, and Weed Board Members were present to discuss the need for a resolution of support and funds to hire a lobbyist.

They would like to submit legislation to establish the special invasive species weed and pest management fund, and to increase the pesticide registration fee. Jerry Boyer, Weed Board Member stated the funds they are requesting would not be from taxpayer's money but from funds earned from the Weed Department for contracts. The Board asked if this should be a state wide function. Heck stated they have tried that avenue but Lawrence County is more aggressive with controlling noxious weeds. The Board stated they will discuss the issue with the Black Hills District and with the County Commissioners Association to gain support for the proposed legislation. The estimated cost would be \$7,500 plus \$35 in a registration fee.

Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the following Resolution #07-40 A RESOLUTION SUPPORTING THE SOUTH DAKOTA WEED AND PEST SUPERVISORS ASSOCIATION'S REQUEST TO AMEND SDCL 38-20A-59 INCREASING THE BI-ANNUAL REGISTRATION FEES. Motion Carried. WHEREAS, the South Dakota Weed and Pest Supervisors Association, the South Dakota Weed and Pest Commission and Lawrence County have deemed the treatment and control of noxious weeds and invasive species be a priority in furtherance of protecting public health and safety, maintaining biodiversity and ensuring the productivity of agricultural lands in South Dakota; WHEREAS, Lawrence County has been a leader in the state-wide effort to treat, control and thereby minimize the detrimental affects of noxious weeds and invasive species; WHEREAS, the cost to the several counties of South Dakota to implement programs to effectively treat and control noxious weeds and invasive species continues to increase; WHEREAS, funds available to the several counties of South Dakota to effectively treat and control noxious weeds and invasive species is limited; WHEREAS, an increase of the bi-annual registration fees found in SDCL 38-20A-59 would provide additional funds necessary to effectively treat and control noxious weeds and invasive species in South Dakota; and WHEREAS, the Lawrence County Commission endorses the proposed increase of bi-annual registration fees found in SDCL 38-20A-59 in furtherance of and for the purposes expressed herein. Dated this 9th day of October, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chair to enter into agreement, on behalf of the County, with Mitch Richter as a lobbyist. Motion Carried.

WEST RIM PROJECT COOPERATING STATUS: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairman to enter into the Memorandum of Understanding Agreement with the US Forest Service and to appoint Bill Coburn as the Contact Person for the County on the West Rim Project. Motion Carried.

WEST RIM COMMENTS: Moved-Seconded (Weisenberg-Ewing) to accept the Timber Committee's Comments and submit to the Forest Service as the County's Official Comments on the West Rim Project. Motion Carried.

APPLE SPRINGS BOND: Moved-Seconded (Weisenberg-Ewing) to release the Letter of Credit for Apple Springs dated January 23, 2007 because this phase is complete. Motion Carried.

Moved-Seconded (Thompson-Seward) to approve and authorize the Chairperson to sign the Memorandum of Agreement with Apple Springs Inc. and to approve and accept the Letter of Credit for Apple Springs dated October 9, 2007 for the new phase. 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-\$5,706.36; Aud-\$6,690.39; Treas-\$7,545.28; Comp-\$5,217.43; States Atty-\$12,347.78; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,568.10; Equal-\$12,728.83; Deeds-\$6,351.71; Vso-\$1,053.97; Disp-\$11,343.03; Sher-\$28,839.77; Jail-\$18,178.73; Emerg Mgnt-\$2,892.59; E911-\$1,472.00; Highway-\$33,156.45; Air-\$911.20; Mh Serv-\$780.00; Ext-\$1,260.20; Weed-\$1,808.53; Pz-\$2,095.17; **Bills:** Davis,J-\$35.00; Locken,W-\$178.40; Mowell, R-\$9,132.00; Rosenau,R-\$239.79; Vandenberg,M-\$52.00; Whitcher,E-\$278.23; Wright,B-\$52.00; Hagerty,S-\$6.50; Alltel-

\$34.15; American Family Life-\$3,370.94; Delta Dental Of South Dakota-\$4,621.80; Fort Dearborn Life Ins-\$1,018.36; A&B Business Equip-\$949.68; A&B Welding Supply-\$38.75; Aaa Collections-\$125.00; Abc Business Supply-\$461.26; Accurint Account-\$75.00; Amcon Distributing-\$577.43; American Inn Hotel & Suites-\$53.78; Anderson Oil Co-\$29.50; Bb Cody's-\$107.53; BH Chemical Company-\$2,297.88; BH Federal Credit Union-\$9,806.00; BH Pest Control-\$95.00; BH Power & Light-\$554.92; BH Windshield Repair-\$50.00; Bentz Equipment-\$142.13; Best Business Prod-\$18.00; Bickle's Truck & Diesel-\$207.51; Black Hills Pure-\$28.25; Bob Barker Company-\$249.30; Brady Pluimer-\$2,890.10; Brevik Law Office-\$172.91; Butler Machinery-\$81.16; Butte County Sheriff-\$22.28; Butte Electric Coop-\$278.74; Central Parts-\$814.03; Chemsearch-\$263.90; City/County Alcohol & Drug-\$2,561.00; Conoco-\$79.91; Culligan Soft Water Serv-\$64.00; Deadwood, City Of-\$724.66; Dept Of Hlth Lab Services-\$35.00; Dept.Of The Treasury-\$40,186.10; Eddie's Truck Sales/Serv-\$36.55; Edmunds Co Extension Office-\$65.00; Evercom Systems-\$1,050.00; Express Collections-\$100.00; Extension Service-\$218.82; Farm Plan/Rdo-\$185.40; Fastenal-\$38.65; Fayer,Liz-\$1,200.00; Federal Express Corp-\$16.21; First Western Bank-\$98.97; Fisher Sand & Gravel-\$17,054.94; Godfrey's Brake Serv-\$109.75; Greens Alignment-\$128.99; Havemeier, Leslie-\$14.40; Heisler Hardware-\$53.32; Hero 247-\$50.00; Hiway Super Service-\$49.26; Hobart Sales & Service-\$230.91; Holiday Inn City Centre-\$93.00; Huron Culvert & Tank Co-\$14,649.44; Ikon Office Solutions-\$159.63; JI's Gifts-\$259.50; Juneks' Chrysler/Dodge-\$60.57; Kar Products-\$429.05; Kieffer, Tracy-\$832.60; Kimball-Midwest Co-\$277.02; Kinney,Matthew-\$804.37; Koala Electric-\$358.21; Kosel,Joseph-\$4,166.67; LC Conservation Dist-\$5,000.00; LC Journal-\$273.38; LC Sheriff-\$291.78; LC Treasurer-\$50.00; Lead, City Of-\$52.38; Lead-Deadwood Regional Hospital-\$360.00; Lead-Deadwood Sanitary-\$453.24; Mb Enterprises-\$175.00; McClure, Susan-\$405.00; Mcgas Propane-\$179.74; Mcpherson Propane-\$69.00; Mobile Electronic Service-\$150.00; Montana-Dakota Util-\$1,635.24; Morman Law Firm-\$43.70; National Academy Of Emd-\$45.00; National Assoc Of Counties-\$485.00; Nebraska Salt & Grain-\$3,949.10; Nelson,Christy-\$315.00; New World Systems-\$36.75; Office Of Child Support-\$177.23; Outdoor Motor Sports-\$298.74; Pennington Co Auditor-\$52.00; Pennington County Sts Attny-\$400.00; Pitney Bowes-\$162.67; Postmaster, Deadwood-\$234.00; Prairiewave Communications-\$931.58; Queen City Motors-\$16.26; Quill Corp-\$146.50; RC Medical Center-\$100.50; RC Regional Hospital-\$565.40; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$199.99; Rapid Delivery-\$8.40; Reindl,Staci-\$6,511.52; Rushmore Communications-\$85.00; SD Assn Of Co Comm-\$185.00; SD State Treasurer-\$871.06; Spearfish Police Dept-\$3,715.87; Salzsieder,Milan-\$3,735.00; Sand Creek Printing-\$126.00; Sdaco-\$30.00; Sdrs Supplemental Retirement-\$1,016.50; Servall Towel & Linen-\$13.69; Spearfish Glass-\$384.00; Triple K Tire & Repair-\$445.80; Twin City Hardware & Lumber-\$665.35; United Parcel Service-\$14.13; Verizon Wireless-\$684.51; Waste Connections-\$430.00; Western Communication-\$431.50; **Witness & Jurors:** Bacon,S-\$61.10; Bax,H-\$52.22; Bishop,S-\$61.10; Clapp,B-\$61.10; Hines,R-\$68.50; Klumb,L-\$61.10; Mccolley,M-\$59.62; Mclean,D-\$58.88; Phillip,G-\$52.22; Salzsieder,L-\$61.10; Bachand,B-\$20.00; Droppers,J-\$32.95; Geffre,J-\$22.96; Howie,W-\$32.58; Marko,T-\$34.80; Raber,C-\$28.88; Solano,K-\$31.10; Solano,M-\$31.10; Storbeck,K-\$34.80; Valenzuela,L-\$20.00; Wright,D-\$28.14.

ADJOURN: 10:15 a.m. There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – October 23, 2007

Terry W. Weisenberg, Vice-Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on October 23, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Connie H. Douglas and Tommy Thompson present. James J. Seward was absent.

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

AGENDA: Moved-Seconded (Ewing-Thompson) to approve the agenda for October 23, 2007. Motion Carried.

MINUTES: Moved-Seconded (Ewing-Weisenberg) to approve the minutes of October 9, 2007 County Commission meeting. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Ewing-Thompson) to approve Dave Trentz as a Full-Time Correctional 2 G3 at the base rate of \$15.02 hr, effective 10-15-2007. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve Scott Jones as a Temporary Full-Time Correctional 2 G2 at the base rate of \$14.72 hr, effective 10-15-2007. Motion Carried.

Moved-Seconded (Thompson-Weisenberg) to approve Korey Richter as a part time Correctional I G3 at the base rate of \$13.06 hr, upon the completion of 40 hours of training at \$8.36 hr., effective 10-15-2007. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to allow employees to donate sick leave to Angie McKee. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve Bob Williams as a Full-Time Correctional II G3 at the base rate of \$15.02 hr., effective 10-15-2007. Motion Carried.

AIRPORT TRAVEL REQUEST: Moved-Seconded (Douglas-Weisenberg) to approve the travel request for Bob Golay, Jim Seward, Neil Clarke, Travis Lantis, Ray Jilek, and Bruce Outka to attend the Federal Aviation Adm. Airports Fall Conference in Mandan/Bismarck ND on October 30 & 31, 2007. Motion Carried.

USGS JOINT FUNDING AGREEMENT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Vice-Chairperson to sign the U.S. Department of the Interior U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations. Motion Carried.

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Douglas-Ewing) to set a supplemental budget hearing for November 13, 2007 at 8:45 a.m. for the Courts Court Appointed Attorney budget for \$30,000. Motion Carried.

SUPPLEMENTAL BUDGET: Moved-Seconded (Thompson-Douglas) to approve and authorize the Chair to sign Resolution #07-41 To Adopt a Supplemental Budget for Juvenile Service Center for \$45,000. Motion Carried. RESOLUTION #07-41 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL

FUND JUVENILE SERVICES CENTER - JDC \$45,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 23RD day of October, 2007 at the hour of 8:10 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 23rd day of October, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS. TERRY W. WEISENBERG, Vice-Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

RESOLUTION #07-38 TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION:

Moved-Seconded (Ewing-Weisenberg) to approve the following Resolution #07-38 to establish a Consolidated Board of Equalization. Motion Carried. RESOLUTION #07-38 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 23rd day of October, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS, TERRY W. WEISENBERG, Vice-Chairperson. ATTEST: CONNIE ATKINSON, Auditor

CHRISTMAS LUNCHEON: Moved-Seconded (Douglas-Ewing) to allow the County Offices to close from 11:30 a.m. to 1:00 p.m. on December 11, 2007 for the Christmas Luncheon. Motion Carried.

ABATEMENTS:

DORA JEAN GARLICK: Moved-Seconded (Ewing-Thompson) to approve the abatement for Dora Jean Garlick on parcel #32720-03800-010-00 because the house was torn down in September 2007. Motion Carried.

PATRICK A EWALT: Moved-Seconded (Douglas-Ewing) to approve the abatement for Patrick A. Ewalt on Mobile Home #10887890 because the Mobile Home was moved to Arizona September 2007. Motion Carried.

HEALTH & LIFE INSURANCE: Moved-Seconded (Ewing-Thompson) to follow the recommendation of the Insurance Committee and contract with Medica for Health Insurance and Hartford for Life Insurance for County Employees in the year 2008. Motion Carried. The Board stated a new Health Insurance Carrier was needed because Wellmark did not have a contract with the Spearfish Regional Hospital. The County will continue paying 60% of the Health Insurance Premium and 50% for Employee Life Coverage.

BID OPENING / OLD BELLE HIGHWAY: The following bids were received for the Old Belle Highway Shoulder Widening & Asphalt Overlay Project: Sacrison Paving-\$121,750; Hills

Materials-\$120,000, and Simon Contractors-\$193,150. Moved-Seconded (Ewing-Thompson) to award the bid to the low bidder Hills Materials for \$120,000. Motion Carried.

UTILITY PERMITS:

MIDCONTINENT: Moved-Seconded (Douglas-Ewing) to approve the Application for Occupancy on Lawrence County Right of Way on Old Belle Highway for a fiber optic line. Motion Carried.

BUTTE ELECTRIC: Moved-Seconded (Thompson-Weisenberg) to approve the Application for Utility Permit on Lookout Mountain Rd for Underground Power. Motion Carried.

FUEL QUOTES:

The following fuel quotes were submitted as of October 22, 2007: Deadwood Diesel 7300 Gallons: (prices per gallon) Cenex Oil Co. #1-\$3.078 & #2-\$2.812, Southside Oil - \$no bid; Rollin Oil – no bid M.G. Oil Co. \$2.7863*(*represents lowest quote). Deadwood Unleaded 9600 Gallons: (prices per gallon) Cenex Oil Co. \$2.592; Southside Oil - \$2.64; Rollin Oil – no bid M.G. Oil Co. \$2.5732*(*represents lowest quote).

PLANNING & ZONING:

CUP #345: Moved-Seconded (Douglas-Ewing) to set a public hearing for CUP#345 Lyle & Rebecca Haak-Specialty Resort for November 13, 2007 at 9:15 a.m. Motion Carried.

CHANGE OF ZONING #269: First Reading and a Public Hearing was held on Change of Zoning #269 SUBDIVISION-RC to PF. Owner/Representative: Darrel Vig, Legal Description: Tract 3A of M.S. 1158, Section 13 & 18, T4N, R3E. Location: Deer Mt. Purpose: Deter recreational Commercial activity. Zoning: RC to PF. No public input was voiced and the public hearing was closed. The 2nd Reading is November 13, 2007 at 9:00 a.m.

CHANGE OF ZONING #270: First Reading and a Public Hearing was held on Change of Zoning #270 SUBDIVISION A-1 to A-2. Owner/Representative: David Elsom. Legal Description: NE1/4SE1/4 Section 17, T6N, R2E. Location: Southwest of Spearfish on Tinton Road. Purpose: Subdivision. Zoning: A-1 to A-2. No public input was voiced and the public hearing was closed. The 2nd Reading is November 13, 2007 at 9:05 a.m.

RECESS: 9:15 a.m. Moved-Seconded (Douglas-Weisenberg) to recess the County Commission Meeting. Motion Carried. 9:35 a.m. The Vice-Chairman called the meeting back to order.

AGRICULTURAL DESIGNATION: Kristie Kay Benson was present to request Agricultural Designation for the 40 acre lot she owns. Benson presented history on the property and stated she uses this land as true Ag. The Board stated they could not make an exception for one property owner. If they change the number of acres required for Ag designation it would change it for everyone. Darlene Piekkola, Director of Equalization explained the Board of Equalization Process. Benson asked the Board to reconsider the number of acres required for Ag designation.

FINAL PLAT PARADISE ACRES III: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairperson to sign the Final Plat for Owner/Representative: Paradise Acres III/Maitland Partners/Ponderosa Land Surveys. Legal Description: Plat Lot 87 Paradise Acres III Subdivision, Secs 17,18,19 & 20, T5N, R3E (legal shortened) Location: Maitland. Purpose: Subdivision-1st. Zoning: PF. Motion Carried.

PRELIMINARY PLAT FRAWLEY RANCH EAST PHASE III: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign the Preliminary Plat for Owner/Representative: Frawley Ranch East Phase III/ NJS Engineering. Legal Description: Plat of

Lots 51 through 72, Lot 37A, Lot N & R Frawley Ranch East, Secs 7 & 18, T6N, R4E (legal shortened) Location: North East of Exit 17. Purpose: New lots. Zoning: A-1. Motion Carried.

PRELIMINARY & FINAL PLAT APPLE SPRINGS SUBDIVISION: Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Preliminary Plat for Owner/Representative: Apple Springs Inc/ CETEC Engineering. Legal Description: Plat of Lots 1-6, Blk 12 & Lots 1-5 Blk 13, Sec 11, T5N, R4E (legal shortened) Location: Boulder Canyon/ Purpose: New Lots. Zoning: SRD. Motion Carried.

Moved-Seconded (Ewing-Weisenberg) to approve and authorize the Chairperson to sign the Final Plat for Lots 1-6, Blk 12 & Lots 1-5 Blk 13, Sec 11, T5N, R4E (legal shortened) Location: Boulder Canyon/ Purpose: New Lots. Zoning: SRD. Motion Carried.

LAWRENCE COUNTY RESOLUTION #2007-42 BURN BAN: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign Resolution #2007-42 A Resolution to Lift the Temporary Emergency Regulations of Fire Hazards in Lawrence County. Aye-Douglas, Thompson and Weisenberg. Nay-Ewing. Motion Carried.

WHEREAS, the Lawrence County Commission is charged with protecting the health and safety of citizens of Lawrence County including all property situated therein; and WHEREAS, on July 10, 2007, the Lawrence County Commission instituted temporary controls to ban open burning; prohibited 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; WHEREAS, the fire ban was partially lifted on September 25, 2007 in Resolution #2007-37 allowing fires for those possessing a valid campfire permit; NOW THEREFORE BE IT RESOLVED, that the Lawrence County Commission does hereby lift, all temporary controls instituted by Resolution #2007-24 and 2007-37. Dated this 23rd day of October, 2007. FOR THE BOARD, TERRY W. WEISENBERG, Vice-Chair. ATTEST: Connie Atkinson, Auditor.

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-\$5,756.36; Aud-\$6,691.20; Treas-\$8,457.12; Comp-\$5,217.42; States Atty-\$12,347.78; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,557.10; Equal-\$12,853.86; Deeds-\$6,351.71; Vso-\$1,053.97; Disp-\$11,663.82; Sher-\$29,969.94; Jail-\$21,784.28; Emerg Mgnt-\$2,889.80; E911-\$1,472.00; Highway-\$33,189.04; Air-\$986.20; Mh Serv-\$702.00; Exten-\$1,327.12; Weed-\$1,550.30; Pz-\$2,350.86; **Bills:** Asheim,R-\$4.66; Dias,G-\$105.89; Piekola,D-\$34.25; Rombough,D-\$25.90; Smith,M-\$14.80; Berndt,W-\$78.74; A&B Business Equip-\$650.39; A&J Supply-\$292.36; Aaa Collections-\$125.01; Abc Business Supply-\$273.64; Alltel-\$619.78; Altaire Enterprises-\$20.00; At&T-\$4.14; BH Federal Credit Union-\$9,806.00; BH Land Analysis-\$517.50; BH Legal Professionals Assoc-\$70.00; BH Medical Ctr Pharmacy-\$3,448.57; BH Orthopedic & Spine Center-\$150.00; BH Pioneer-\$372.15; BH Power & Light-\$6,870.01; BH Window Cleaning-\$15.00; Behavioral Medicine Clinic-\$171.22; Biegler,Greg-\$120.00; Binger Law Office-\$1,193.40; Blue Cross-\$51,919.75; Bob Barker Company-\$447.09; Bp-\$1,685.02; Brady Pluimer-\$4,455.48; Brevik Law Office Prof-\$224.51; Butler Machinery Co-\$1,272.68; Central Parts-\$227.34; Chain Saw Center/Dakota Equip-\$45.00; Clark Printing-\$112.50; Cna Surety-\$50.00; Cover To Cover-\$160.00; Csd-\$427.20; Culligan Soft Water Serv-\$54.00; Dakota Graphics-\$242.50; Deadwood Home Center-\$2.89; Deadwood Recreation Center-\$165.00; Dept Of The Treasury-\$41,866.30; Diesel Machinery-\$795.10; Dietrich,Donna-\$130.63; Ellingson,Joseph-\$301.98; Esri-\$400.00; Express Collections-\$100.00; Faa Bismarck Ado-\$210.00; Fastenal-\$93.47; Fish,Veronica-\$1,116.20; Fisher Sand & Gravel-\$121.26; Foothills Contracting-\$265,399.70; Fort Dearborn Life Ins-\$1,031.32; Fsh Communications-\$60.00; Golay,Bob-\$19.76; Great Western Tire-\$30.00; Heisler Hardware-\$81.31; Hewlett-Packard Company-\$961.00; Intoximeters-\$411.50; Kadoo Express-\$38.20; Karpinen,Sharon-\$495.00; Knecht True Value-\$74.96; Kooistra,Nelva-\$15.00; LC Sheriff-\$420.14; LC Treasurer-\$50.00; Lead-Deadwood Regional-\$100.39; Lee,J-\$15.00; Lewis & Clark Bhs-\$260.00; Lexisnexis On-Line-\$361.00; Loll,Joseph-\$850.00; Lueders-\$29.15; Lynn's Dakotamart-\$25.06; M&M Sanitation-\$92.50; Mid-Continent Testing-\$30.00; Montana-Dakota

Util-\$10.85; NH Family Ymca-\$316.80; National Emergency-\$360.00; Nebraska Salt & Grain-\$16,913.30; Nelson,Christy-\$360.00; Nelson,Tonya-\$585.00; Neve's Uniforms-\$42.50; Office Of Child Support-\$177.23; Office Technology/Supply-\$43.27; Pennington Co Jail-\$1,659.70; Pennington County Sts Attny-\$200.00; Phillips Petroleum Co-\$46.65; Prairiewave Communications-\$887.89; Queen City Rocket Lube-\$279.67; Quill Corp-\$99.27; Qwest-\$1,315.50; Qwest Communications-\$27.86; RC Finance Office-\$1,400.00; RC Regional Hospital-\$1,074.85; Radio Shack/Kazco-\$442.97; Rapidcare-\$140.00; Regan Battery Ma Services-\$55.00; Rehfuss,Cathryn-\$15.00; Reliable-\$93.93; SD Aao-\$75.00; SD Human Services Center-\$105.10; Spearfish Police Dept-\$1,975.12; Sanchez-Kirkpatrick,Sharon-\$83.90; Sand Creek Printing-\$160.00; Sdrs Supplemental Retirement-\$1,016.50; She-\$1,000.00; Servall Towel &Linen-\$697.68; Shell Fleet Management-\$57.14; Spearfish Auto Supply-\$525.80; Spearfish Glass-\$492.80; Stadler Ind Service-\$156.00; Stan Houston Equip-\$324.74; Superior Sanitation-\$250.00; Tigerdirect-\$189.66; Triple K Tire & Repair-\$124.50; Twin City Hardware & Lumber-\$411.09; US Postal Service-\$600.00; Verizon Wireless-\$297.78; Victims Of Violence-\$1,045.00; Walmart Store-\$404.86; Wells Fargo Business Card-\$42.41; Western Communication-\$150,300.00; Western Sd Juvenile Serv-\$2,600.00; Xerox Corporation-\$144.21; Yankton Co Sheriff-\$25.00; Yankton County-\$98.55; **Witness & Jurors:** Arsaga,M-\$52.96; Christman,M-\$50.74; Derby,R-\$61.10; Dugger,Z-\$50.74; Enderby,I-\$50.74; Rohrer,R-\$52.96; Schell,C-\$153.60; Stuart,S-\$62.58; Wisener,M-\$61.10; Crotty,J-\$20.00; Anderson,V-\$20.00; Brack,A-\$31.10; Canfield,T-\$69.95; Decker,C-\$20.00; Fike,B-\$20.00; Johnson,K-\$20.00; Klynsma,D-\$20.00; Knowles,D-\$20.00; Laidlaw,H-\$20.00; Moak,M-\$20.00; Nelson,T-\$29.62; Olson,A-\$31.10; Maurer,S-\$20.00; Raber,M-\$20.00; Thimmesch,J-\$20.00

ADJOURN: 10:16 a.m. There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING – October 23, 2007

Vice-Chairperson Terry W. Weisenberg called the Lawrence County Board of Adjustment meeting to order at 9:20 a.m. on October 23, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Bob Ewing, Connie H. Douglas and Tommy Thompson present. James J. Seward was absent.

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

CONDITIONAL USE PERMIT #346 / TED THOMPSON: A public hearing was held on Conditional Use Permit #346 Owner/Representative: Ted Thompson. Legal Description: Tract T-7 S1/2 SW1/4NW1/4 & NW1/4 SW1/4 Section 22, T6N, R4E. Location: Whitewood. Purpose: 2nd Residence for a family member. Zoning: A-1. No public input was voiced and the public hearing was closed. Discussion followed on the relationship between the applicant and Commissioner Thompson. Commissioner Thompson stated he did not feel he needed to abstain from the decision on the Conditional Use Permit.

Moved-Seconded (Douglas-Weisenberg) to table action on Conditional Use Permit #346 until November 13, 2007 at 8:50 a.m to allow all Board members to be present. Aye-Douglas, Ewing and Weisenberg. Nay-Thompson. Motion Carried.

VARIANCE #115 / RALPH REAUSAUW: A public hearing was held on Variance Request #115 for Ralph Reausaw for 24' Variance to the 25' setback to replace golf cart storage buildings located at Lead County Club. No public input was voiced and the applicant was not in attendance. Moved-Seconded (Douglas-Ewing) to continue the hearing for Variance #115 at 9:30 a.m. on November 13, 2007. Motion Carried.

ADJOURN: 9:35 a.m. There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 13, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 13, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of October 23, 2007 County Commission meeting and the Board of Adjustment minutes of October 23, 2007. Motion Carried.

JANUARY 2008 MEETINGS: The meeting dates for January 2008 will be the 2nd and 22nd.

HOLIDAYS: Moved-Seconded (Ewing-Thompson) to declare Friday November 23rd and Monday December 24th as a Holiday, allowing the county offices to be closed, to allow employees to spend time with their families. Motion Carried. Monday December 31st will be a regular work day.

PERSONNEL:

TREASURER: Moved-Seconded (Ewing-Thompson) to allow employees to donate sick leave to Sandy Sandvig. Motion Carried.

SHERIFF: Moved-Seconded (Ewing-Weisenberg) to advertise for a Full-Time Deputy Sheriff to fill a position that will be vacant. Motion Carried.

COUNTY BOARD PER/DIEM: Moved-Seconded (Douglas-Thompson) to approve a per diem of \$40.00 per meeting for the Weed Board, Airport Board and Planning and Zoning Board, effective December 1, 2007. Motion Carried. Aye-Douglas, Thompson and Seward. Nay-Weisenberg and Ewing.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of October 31, 2007 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)-\$905,594.58; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$17,802.66; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$255,175.80, Money Market \$506,555.79; Bank Balance-\$11,382,712.07; Total \$17,270,725.90

FUEL QUOTES:

The following fuel quotes were submitted as of November 13, 2007: Spearfish Diesel 4200 Gallons: (prices per gallon) Cenex Oil Co. #1-\$3.077*, Southside Oil - \$3.20; Rollin Oil – no bid M.G. Oil Co. \$no bid (*represents lowest quote). Spearfish Unleaded 1100 Gallons: (prices per gallon) Cenex Oil Co. \$2.86*; Southside Oil - \$2.87; Rollin Oil – no bid M.G. Oil Co. no bid (*represents lowest quote). Whitewood Diesel 600 Gallons: (prices per gallon) Cenex Oil Co. #1-\$3.087*, Southside Oil - \$3.20; Rollin Oil – no bid M.G. Oil Co. \$no bid (*represents lowest quote).

EMERGENCY MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Seward) to approve an automatic supplement of \$17,678.16 in Emergency Management Grants Budget for funds received from other Government Entities. Motion Carried

FIRE PROTECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Douglas) to approve an automatic supplement of \$2,595 in Fire Protection Grants Budget for funds received from other Government Entities. Motion Carried

SUPPLEMENTAL BUDGET HEARING: Moved-Seconded (Weisenberg-Ewing) to set a supplemental budget hearing for November 27, 2007 at 8:15 a.m. for the Sheriff Travel-\$27,000, Sheriff Utilities-\$18,000, and Sheriff Capital Assets-\$16,000. Motion Carried.

Moved-Seconded (Douglas-Weisenberg) to set a supplemental budget hearing for November 27, 2007 at 8:15 a.m. for the Emergency Management Search & Rescue budget -\$900.00 and Severance Tax Budget \$1,000,000.00. Motion Carried.

SUPPLEMENTAL BUDGET RESOLUTION #07-43: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chair to sign Resolution #07-43 To Adopt a Supplemental Budget for Court Appointed Attorneys for \$30,000. Motion Carried. RESOLUTION #07-43 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND COURT APPOINTED ATTORNEYS - \$30,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 13th day of November, 2007 at the hour of 8:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 13th day of November, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS. JAMES J. SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR

SEVERANCE TAX REQUEST / LEAD-DEADWOOD & SPEARFISH SCHOOL

DISTRICT: Moved-Seconded (Weisenberg-Ewing) to approve \$20,000 from the Severance Tax Funds for 60 tablets and three access points for the Lead/Deadwood School District for a five year time frame and to approve \$20,000 to the Spearfish School District for their computer program. Motion Carried.

SURPLUS PROPERTY: Moved-Seconded (Weisenberg-Seward) to declare the 89 Voting Booths surplus and allow them to be given to other government entities. Motion Carried.

WELLS FARGO MEMBERSHIP PROGRAM: The Board opted not to participate in the Wells Fargo Membership Program. Motion Carried.

BROWN BAG PERMITS: Moved-Seconded (Weisenberg-Ewing) to approve a brown bag permit for Eagle Aviation for December 13th, 2007 for the annual appreciation night. Motion Carried.

Moved-Seconded (Douglas-Ewing) to approve a brown bag permit for Lawrence County Search and Rescue for December 8th, 2007 for the annual Christmas Party. Motion Carried.

AIRPORT ISSUES: Moved-Seconded (Douglas-Ewing) to send a letter to the City of Spearfish stating the County will be responsible for the facilities at the Airport and will maintain them. Motion Carried.

108TH STREET BRIDGE BIDS: Neil Stodolski, NJS Engineering presented an alternative option for the 108th Street Bridge. Moved-Seconded (Douglas-Ewing) to contract with Neil Stodolski, NJS Engineering, to prepare plans and bid specs for the new rehabilitation project on the 108th St. Bridge. Motion Carried. The cost for the project will be covered with Severance Tax Funds.

RECESS: 8:50 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 9:00 a.m. The Chairman called the meeting back to order.

PLANNING & ZONING:

CHANGE OF ZONING #269: Second Reading was held on Change of Zoning #269 SUBDIVISION-RC to PF. Owner/Representative: Darrel Vig, Legal Description: Tract 3A of M.S. 1158, Section 13 & 18, T4N, R3E. Location: Deer Mt. Purpose: Deter recreational Commercial activity. Zoning: RC to PF. Moved-Seconded (Douglas-Weisenberg) to approve Change of Zoning #269; SUBDIVISION-RC to PF. Owner/Representative: Darrel Vig. Motion Carried.

RECESS: 9:00 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 9:45 a.m. The Chairman called the meeting back to order.

CHANGE OF ZONING #270: Second Reading was postponed until next meeting on Change of Zoning #270 SUBDIVISION A-1 to A-2. Owner/Representative: David Elsom. Legal Description: NE1/4SE1/4 Section 17, T6N, R2E. Location: Southwest of Spearfish on Tinton Road. Purpose: Subdivision. Zoning: A-1 to A-2

RECESS: 9:15 a.m. Moved-Seconded (Douglas-Weisenberg) to recess the County Commission Meeting. Motion Carried. 9:35 a.m. The Vice-Chairman called the meeting back to order.

SHERIFF VEHICLES: Moved-Seconded (Douglas-Ewing) to approve the purchase from State Bid for three 2008 Dodge Durango's. Motion Carried.

ROAD & BRIDGE ISSUES / SNOWPLOWING REQUEST FS ROAD 231: Dorothy Vincent and Ray Oyen were present to request the County plow Forest Service Road #231. The Board explained this is a forest service road and not a county road. The Board encouraged them to discuss the issue with the Forest Service. The Forest Service would have the option to contract with a private individual to service the road or they can try and negotiate with the County to service the road for a fee. Douglas stated when you build out in the County it is the landowner's responsibility to determine what road maintenance is available before you build a full time residence.

PLANNING & ZONING INFORMATION:

BOUNDARY PLAT FRAWLEY RANCH EAST PHASE III: Moved-Seconded (Ewing-Weisenberg) to approve the Boundary Plat for Frawley Ranch East Phase III, Legal Description: Plat of Tract P3, Frawley Ranch East, Section 7 & 18, T6N, R4E (legal shortened), Location: NE of Exit 17. Purpose: Boundary of New Phase. Zoning: A-1. Motion Carried.

COUNTRY CLUB ESTATES: Moved-Seconded (Weisenberg-Ewing) to approve the Plat for Country Club Estates/Hander/Arleth & Associates, Legal Description: Plat of Lots 2,3,5,10,15,16,19,24 & 29, Country Club Subdivision, Sec 36, T4N, R2E & Sec 31 T4N, R3E (legal shortened), Location: Adjacent to Lead County Club, Purpose: New Lots, Zoning: SRD. Motion Carried.

WILD TURKEY ESTATES: Moved-Seconded (Weisenberg-Thompson) to approve the Revised Preliminary Wild Turkey Estates/MJG Inc/ NJS Engineering, Legal Description: Lots 1-25, Blk 1, Lots 1-38, Blk 2, Lots 1-8, Blk 3, Lots 1-4, Blk 4, Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31,

T7N, R2E, Sec 6, T6N, R2E (legal shortened), Location: West of Spearfish off Hillsview Rd, Purpose: New lots, Zoning: PF & A-2. Motion Carried.

DAVE BENNING TRACTS: Moved-Seconded (Weisenberg-Thompson) to approve the Preliminary and Final Plat for Owner/Representative: Dave Benning/Ponderosa Land Surveys, Legal Description: Plat of Tracts 1 & 2 Sub of Pount #3 MS 1732, Secs 19 & 30 T5N, R3E (Shortened Legal), Location: North of Cutting Mine Road, Purpose: Subdivision, Zoning: PF. Motion Carried.

LARRY JACOBS: Moved-Seconded (Weisenberg-Ewing) to approve the Preliminary and Final Plat for Owner/Representative: Larry Jacobs/Ponderosa Land Surveys, Legal Description: Plat Tracts 1 & 2, Gold Edge #3 MS 1672, Sec 30, T5N, R3E (legal shortened), Location: North of Cutting Mine Road, Purpose: Subdivision, Zoning: PF. Motion Carried.

GARY SALMON: Moved-Seconded (Douglas-Weisenberg) to approve the Preliminary and Final Plat for Owner/Representative: Owner/Representative: Gary & Lonnie Salmon/Ponderosa Land Surveys, Legal Description: Plat of Tracts 1 & 2, Pount #1 MS 1732, Sec. 30, T4N, R3E (legal shortened), Location: North of Cutting Mine Road, Purpose: Subdivision, Zoning: PF. Motion Carried.

AIRPORT APRON PROJECT AND TAXIWAY PROJECT: Ray Jilek, Buck Deweese, and Rod Senn were present to discuss Airport issues. The FAA suggested the County look into an Airport Apron Project. There could be some cost saving realized because contractors are on site. Jilek stated they are currently short on space and when the new taxiway project is completed the apron will be impacted even further. The Board discussed the safety issue of the apron. Senn stated there would not be any cost involved to generate the documents for the first stage. Moved-Seconded (Douglas-Weisenberg) to direct Senn to generate the preliminary numbers for the Apron Project so the Board can discuss if the project should go forward. Motion Carried.

AWOS SYSTEM: Moved-Seconded (Weisenberg-Thompson) to set the bid opening for the new AWOS System for December 11, 2007 at 10:30 a.m during the Commissioners meeting. Motion Carried.

TRAVEL MANAGEMENT PLAN: Eric Hunt, Recreation Wildlife & Tourism Committee, presented the comments on the US Forest Service Travel Management Plan. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Travel Management Plan Comments to be sent to the Forest Service as amended. Motion Carried.

BLM RESOURCE MANAGEMENT PLAN: Bill Coburn presented the comments on the BLM Resource Management Plan. Moved-Seconded (Weisenberg-Ewing) to approve and authorize the BLM Resource Management Plan Comments to be sent to the Bureau of Land Management. Motion Carried

TITLE III FUNDS: Moved-Seconded (Douglas-Weisenberg) to approve the advertising of the 45 day comment period for up to \$50,000 for forest management in Spearfish Canyon. Motion Carried.

RESOLUTION #07-44 APPROVING CASH SALE: Connie Atkinson, Auditor gave the Report of Cash Sale for the County land sale on November 7, 2007. Moved-Seconded (Ewing-Thompson) to approve and authorize the Chairperson to sign the following Resolution #07-44 Approving Cash Sale and for the Chair to sign the Quit Claim Deeds. Motion Carried. LAWRENCE COUNTY RESOLUTION #07-44 APPROVING CASH SALE: WHEREAS, the Board of Commissioners by Resolution, authorized the sale of the below described tax deed real property, and it appearing that pursuant to Resolution, the property has been appraised, notice of sale prepared and published, and sale conducted, as by law provided, and a report of sale made to this Board at the first meeting following date of sale and; it appearing that said Real Property was sold for fair price and in the best interests of Lawrence County and should be approved. WHEREAS, the property was sold to the following purchasers for the said amount: 1)) Todd Harter, 114 S Main St., Lead SD: (Lot 20 Cyanide Street, being a portion of M.S. 918, M.S. 1005, M.S. 374, M.S. 395, M.S. 1281 and M.S. 1319, Kenwood Addition, Lead, Lawrence County, South Dakota, as more fully described in Plat

recorded at the Lawrence County Register of Deeds Office as Plat Document No. 89-1383.) for the sum of thirteen thousand dollars (\$13,000), plus costs of fifty dollars (\$50) and special assessments of three hundred one dollars and seventy five cents (\$301.75) for special assessments for a total of \$13,351.75. 2) Jerry H. Wild-Bagley, 111 S. Stone, Lead SD: (Tract B S1/2 SW1/4 SE1/4 S-29 T-6 R-3 As recorded in Plat Book 7 Page 79, Lawrence County, South Dakota.) for the sum of five dollars (\$5) plus costs of fifty dollars (\$50) for a total of \$55.00. 3) Ron Robley, 9 Charles St., Deadwood, SD: (Deadwood Cleveland Heights Addn. Lot 18 & 19 Blk E, Deadwood, Lawrence County South Dakota.) for the sum of five hundred dollars (\$500) plus costs of fifty dollars (\$50) for a total of \$550.00 NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Lawrence County, South Dakota that the full amount has been paid to the Lawrence County Treasurer, prior to the date hereof, and the sale on the 7th day of November, 2007 be approved in all respects, and It is further resolved and ordered that a proper conveyance, namely a Quit Claim Deed, be delivered to the purchaser (s) thereof, which conveyance shall be executed in the name of the County of Lawrence; by the Chairman of the Board of Lawrence County Commissioners and attested by the County Auditor, and which conveyance shall vest in the grantee all of the right, title and interest of said Lawrence County, in and to such real property herein described and every part thereof. Dated this 13th day of November, 2007. JAMES J. SEWARD, Chairman. ATTEST: Connie Atkinson, Auditor

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-\$5,706.36; Aud-\$6,91.19; Treas-\$8,430.08; Comp-\$5,226.50; States Atty-\$12,347.78; Pub Def-\$8,208.96; Gen Govt Bldg-\$12,730.76; Deeds-\$6,351.71; Vso-\$1,053.97; Disp-\$12,746.08; Sher-\$29,487.02; Jail-\$20,035.83; Emerg Mgnt-\$2,893.39; E911-\$1,478.00; Highway-\$34,450.44; Air-\$886.20; Ext-\$1,239.20; Weed-\$1,675.30; Pz-\$2,095.25; **Bills:** American Family Life-\$3,370.95; Delta Dental Of South Dakota-\$4,752.10; SD Retirement System-\$45,375.55; Spearfish Police Dept-\$4,483.22; Kaiser,D-\$219.75, Lantis,T-\$2,021.00; Mowell,R-\$7,980.00; Outka,B-\$47.00; Piekola,D-\$29.00; Rombough,D-\$136.10; Seward,J-\$47.00; A&B Business Equip-\$1,812.69; A&B Welding Supply-\$94.69; A&J Supply-\$169.65; A-Z Shredding-\$10.20; Aaa Collections-\$125.00; Abc Business Supply-\$813.94; Accurint Account-\$75.00; Alco Store-\$39.99; Altaire Enterprises-\$20.00; Amcon Distributing-\$693.99; American Tech Serv-\$3,187.50; Anderson Oil Co-\$67.60; Armstrong Extinguish-\$126.53; BH Chemical Company-\$2,402.51; BH Connections-\$102.04; BH Federal Credit Union-\$9,546.00; BH Medical Ctr Pharmacy-\$2,876.43; BH Pest Control-\$95.00; BH Pioneer-\$1,144.01; BH Power & Light-\$602.28; Best Business Prod-\$18.00; Bickle's Truck & Diesel-\$3,179.50; Biegler,Greg-\$120.00; Birdsall Sand & Gravel-\$145.50; Black Hills Pure-\$11.50; Brookings Fairfield Inn-\$200.88; Butler Machinery Co-\$230.35; Butte Electric Coop-\$1,468.62; C&H Distributors-\$412.33; Cdw Government-\$261.33; Central Parts-\$1,699.72; Charm-Tex-\$293.40; Chemical Sanitizing Sys-\$75.64; Chris Supply Co-\$5.64; Christensen Law Office-\$2,690.25; City/County Alcohol & Drug-\$725.00; Clarke,N-\$47.00; Clinical Lab Of BH-\$1,565.40; Conoco-\$310.38; Culligan Soft Water Serv-\$96.00; Datec-\$381.00; Deadwood, City Of-\$642.64; Dept Of The Treasury-\$45,911.13; Eagle Aviation-\$315.97; Ecolab-\$111.00; Eddie's Truck Sales/Serv-\$140.62; Election Sys & Software-\$993.44; Esri-\$9,278.52; Evercom Systems-\$1,113.00; Executone Of The BH-\$19,920.10; Express Collections-\$100.00; Extension Service-\$44.10; Fast Break Screen Printing-\$75.00; First Western Bank-\$20.00; Fish,Veronica-\$695.20; Fisher Sand & Gravel-\$27,333.51; Foothills Contracting-\$763,563.95; Frederickson,John R-\$335.40; Fsh Communications-\$60.00; Gall's-\$369.96; Gene's Lock Shop-\$8.75; Genpro Power Systems-\$461.74; Golay,Bob-\$47.00; Gold Dust-\$74.75; Great Western Tire-\$628.79; Havemeier,Leslie-\$2.80; Heartland Paper Co-\$145.90; Heisler Hardware-\$70.31; Henkens Equipment-\$17.59; Henry Schein-\$314.10; Hero 247-\$179.75; Hewlett-Packard Company-\$6,344.00; Hickok's Iron Horse Inn-\$73.32; Honeywell-\$25,661.00; Huron Culvert & Tank Co-\$3,848.58; Ibm Corp-\$85.02; Insight Public Sector-\$249.95; Jacobs Precision Welding-\$89.20; Janke,Wendy-\$855.00; Jilek,Ray-\$47.00; Jonathan Publishing-\$39.00; Juneks' Chrysler/Dodge-\$18.36; Kadoo Express-\$34.00; Kadrmas, Lee And Jackson-\$26,639.71; Kimball-Midwest Co-\$269.94; Knox County Extension Non-Tax-\$30.00; Kosel,Joseph M-\$4,166.67; LC Journal-\$1,215.90; LC Sheriff-\$20.01; LC Treasurer-\$50.00; Lawson Products-\$215.53; Lead, City Of-\$74.90; Lead-Deadwood Regional Medical Clinic-\$50.00; Lead-Deadwood Regional Hospital-\$241.39; Lead-Deadwood Sanitary-\$370.62; Lee,James-\$15.00; M&M Sanitation-\$185.00; Mb Enterprises-\$175.00; Mcarthur,Janet-\$45.00; McClure,Susan-\$405.00; Meperson Propane-\$119.00; Meade County Sheriff-\$11.60; Mg Oil Company-\$42,458.13; Midwest Alarm Co-\$84.00; Mikelson,Gary E-\$156.17; Montana-Dakota Util-\$2,212.67; Motive Parts & Supply-\$113.25; NH Training Center-\$2,850.00; Nelson,Christy M-\$360.00; Nelson,Tonya-\$315.00; Neve's Uniforms-\$396.11; Newman Traffic Signs-\$178.45; Office Of Child

Support-\$177.23; Office Technology/Supply-\$53.68; Pennington County Sheriff-\$20.32; Prairiewave Communications-\$503.83; Queen City Motors-\$0.93; Queen City Rocket Lube-\$372.34; Queen City Tire-\$8.50; Quill-\$2,871.32; Qwest-\$339.76; RC Medical Center-\$620.72; RC Regional Hospital-\$131.40; Rapid Delivery-\$8.40; Rdo Equipment-\$640.00; Reindl,Staci-\$3,566.50; Rushmore Communications-\$306.72; SD Assn Of Co Comm-\$3,116.24; SD Project Learning Tree-\$5,000.00; SD Sheriff's Association-\$150.00; SD State Treasurer-\$852.60; Spearfish Police Dept-\$15,551.97; Safety Benefits-\$165.00; SD Ltap/Sdsu-\$70.00; Sdsu Print Lab-\$13.35; Secretary Of State-\$25.00; Servall Towel & Linen-\$161.74; Skc Communication Products-\$45.25; Slate Creek Counseling-\$1,229.29; Southside Service-\$82.65; Spearfish Auto Supply-\$755.76; Spearfish Building Supply-\$33.04; Subway-\$38.95; The Mercantile-\$295.99; Tigerdirect-\$3,016.33; Twilight First Aid & Safety-\$89.00; Twin City Hardware & Lumber-\$303.53; US Geological Survey-Doi-\$14,315.00; US Marshalls Service-\$843.59; United Parcel Service-\$10.93; Verizon Wireless-\$905.54; Waste Connections-\$430.00; Wendell,Joel-\$900.00; West Group-\$964.00; West River International-\$749.11; Western Communication-\$60.50; Williams Standard Serv-\$91.85; Xerox Corporation-\$54.18; Zep Manufacturing Co-\$169.27; **Witness & Jurors:** Nolan,John-\$22.22; Dickson,M-\$267.90; Donner,T-\$57.00; Head,W-\$20.00; Arsaga,M-\$52.96; Bacon,S-\$61.10; Bax,H-\$52.22; Ishop,S-\$61.10; Christman,M-\$50.74; Clapp,B-\$61.10; Enderby,I-\$50.74; Hines,R-\$68.50; Klumb,L-\$61.10; Mccolley,M-\$59.62; Rohrer,R-\$52.96; Salzsieder,L-\$122.20; Schell,C-\$153.60; Stuart,S-\$62.58; Aschenbrenner,D-\$52.22; Axlund,M-\$21.10; Bartel,B-\$50.74; Beguin,V-\$24.80; Bergstrom,M-\$12.96; Derby,P-\$11.48; Edwards,B-\$68.50; Enderby,W-\$64.80; Enderle,D-\$61.10; Frederickson,P-\$61.84; Gienger,T-\$62.58; Gilbery,T-\$52.22; Grout,L-\$64.80; Harlan,K-\$21.10; Huffman,T-\$18.88; Johnson,M-\$61.10; Johnson,T-\$17.40; Kermu,K-\$12.22; Kieffer,R-\$23.32; Lueders,J-\$64.80; Mathern,Z-\$24.80; Swenson,G-\$57.40; Tchida,S-\$17.40; Rost,S-\$22.58; Willson,J-\$21.10; Griffith,K-\$27.40; Johnson,B-\$53.30; Klamm,M-\$20.00; Nelson,S-\$53.30; Schallenkamp,L-\$20.00; Huntington,J-\$22.22; Lawson,J-\$32.58; Schuetzle,K-\$31.10; Tenold,J-\$31.10; Thomson,B-\$31.10; Wilson,J-\$31.10; Alfson,K-\$28.88; Baenen,K-\$22.59; Clark,S-\$27.40; Colombe,C-\$28.88; Corcoran,R-\$20.00; Cundy,D-\$27.40; Culver,D-\$31.10; Esquibel,D-\$105.10; Grant,R-\$20.00; Grant,R-\$20.00; Grant,S-\$50.34; Harwood,N-\$31.10; Hayford,D-\$29.62; Hedstrom,J-\$31.10; Horner,M-\$31.10; Kast,A-\$20.00; Kinghorn,M-\$31.10; Lalonde,L-\$20.00; Lauer,K-\$20.00; Mollman,A-\$31.10; Payne,D-\$32.80; Roszel,A-\$31.10; Shannon,S-\$53.30; Simmons,A-\$20.00; Tetrault,C-\$31.10; Torrez,C-\$31.10; Weyrich,J-\$31.84; White,A-\$50.34; Willis,J-\$26.29

ADJOURN: 12:12 p.m. There being no further business it was Moved-Seconded (Thompson-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING – November 13, 2007

Chairperson James J. Seward called the Lawrence County Board of Adjustment meeting to order at 8:50 a.m. on November 13, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

Commissioner Thompson abstained and left the room at 8:50 a.m.

CONDITIONAL USE PERMIT #346 / TED THOMPSON: Moved-Seconded (Weisenberg-Ewing) to approve Conditional Use Permit #346 for Owner/Representative: Ted Thompson. Legal Description: Tract T-7 S1/2 SW1/4NW1/4 & NW1/4 SW1/4 Section 22, T6N, R4E. Location: Whitewood. Purpose: 2nd Residence for a family member. Zoning: A-1. Aye-Douglas, Ewing, Weisenberg and Seward. Absent-Thompson. Motion Carried. The Board stated they previously had a second residence on the property.

Commissioner Thompson returned at 8:52 a.m.

RECESS: 8:52 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Board of Adjustment Meeting. Motion Carried. 9:15 a.m. The Chairman called the meeting back to order.

CONDITIONAL USE PERMIT #345 / LYLE & REBECCA HAAK: A public hearing was held on CUP #345-Lyle & Rebecca Haak-Specialty Resort. Owner/Representative: Lyle & Rebecca Haak. Legal Description: Lot 4, Van Horn Subdivision, Sec 7, T6N, R2E., Location: West of Spearfish in Higgins Gulch., Purpose: Specialty Resort, Zoning: PF. Jack Jenkins was present and voiced concern about the density, fire hazard, traffic hazards and the eyesore to the area this has caused in the past. Jenkins stated Haak's have rented out this facility in the past and are currently renting the facility. Haak's stated they are not receiving rent at this time and are only allowing friends to stay as building of their home is being completed. The public hearing was closed and Specialty Resort requirements were reviewed. Outka stated currently the Ordinance does not allow renting out a garage apartment, etc. The Board asked Outka to work with Planning and Zoning and address this issue for the future. Lyle and Rebecca Haak withdrew their request at this time to allow the County time to review the Ordinance. Moved-Seconded (Douglas-Weisenberg) to refund the applicants fees. Motion Carried.

Vogt asked if there is a problem if the Haak's have guests stay. The Board stated as long as they are not receiving compensation they are not in violation.

VARIANCE #115 / RALPH REAUSAW: A public hearing was held on Variance Request #115 for Ralph Reausaw for 24' Variance to the 25' setback to replace golf cart storage buildings located at Lead County Club. No public input was voiced and the applicant was not in attendance. Moved-Seconded (Ewing-Weisenberg) to continue the hearing for Variance #115. Motion Carried.

ADJOURN: 9:45 a.m. There being no further business it was Moved-Seconded (Weisenberg-Ewing) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – November 27, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on November 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

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

MINUTES: Moved-Seconded (Weisenberg-Thompson) to approve the minutes of November 13, 2007 County Commission meeting and the Board of Adjustment minutes of November 13, 2007. Motion Carried.

EXTENSION BOARD APPOINTMENT: Moved-Seconded (Ewing-Seward) to appoint Roxie Tetrault to the Extension Board to replace the open position left by Kate Johnson. Motion Carried.

2008 COMMUNITY HEALTH AGREEMENT: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the 2008 Contract for Community Health Services between Lawrence County and the SD Department of Health. Motion Carried.

SEVERANCE TAX REQUEST / SPEARFISH SCHOOL DISTRICT: Moved-Seconded (Weisenberg-Douglas) to approve the Spearfish School District project for the \$20,000 from the Severance Tax Funds for a five year time frame. Motion Carried.

CONFLICT OF INTEREST POLICY: The Board discussed a conflict of interest policy. No action was taken.

RESOLUTION #07-45 TO ADOPT A SUPPLEMENTAL BUDGET: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairman to sign the following Supplemental Budget Resolution #07-45, and to properly account for up to \$1,000,000 for the Airport land purchase from Severance Tax Funds as approved by the Governors Office. Motion Carried.

RESOLUTION #07-45 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2007, 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 2007, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND SHERIFF – Travel-\$27,000, Utilities-\$18,000, Capital Assets-\$16,000 (\$61,000); EMERGENCY MANAGEMENT FUND EMERGENCY MANGEMENT – Search & Rescue \$900.00; SEVERANCE TAX FUND SEVERANCE TAX - \$1,000,000.00. The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated Fund. Be it further RESOLVED that a hearing was held on the 27TH day of November, 2007 at the hour of 8:15 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 27th day of November, 2007. FOR THE BOARD OF COUNTY COMMISSIONERS. JAMES J SEWARD, Chairperson. ATTEST: CONNIE ATKINSON, LAWRENCE COUNTY AUDITOR.

AIRPORT GRANT REIMBURSEMENT / CERTIFICATE OF TITLE: Moved-Seconded (Douglas-Weisenberg) to approve and authorize the Chairperson to sign the Certificate of Title Documents for the Hansen Property so Federal grant reimbursement can be applied for. Motion Carried.

HIGHWAY BUSINESS / DUMP TRUCK BID DATE: Moved-Seconded (Ewing-Weisenberg) to set the bid opening for January 22, 2008 at 8:30 a.m. for new dump truck for the Highway Department. Motion Carried.

8:45 a.m EXECUTIVE SESSION: Moved-Seconded (Ewing-Thompson) to go into executive session to discuss personnel. Motion Carried. 9:00 a.m. the Board opened for regular business with no action taken.

SECOND READING CHANGE OF ZONING #270 DAVE ELSOM: Second Reading was held on Change of Zoning #270 SUBDIVISION A-1 to A-2. Owner/Representative: David Elsom. Legal Description: NE1/4SE1/4 Section 17, T6N, R2E. Location: Southwest of Spearfish on Tinton Road. Purpose: Subdivision. Zoning: A-1 to A-2. Moved-Seconded (Weisenberg-Seward) to follow Planning and Zoning recommendation and approve Change of Zoning #270 as proposed. Motion Carried.

EQUALIZATION VEHICLE PURCHASE: Scott Sandvig was present to request permission to purchase a vehicle from Integrity Ford. Sandvig stated the blazer needs to be surplus and replaced; and the van is hardly used at this point. Sandvig stated they would like to purchase a Ford Taurus for approximately \$11,000. They do have money in their budget to cover the expense. The car would be used for working the cities and for pool purposes. The car would also get better gas mileage than some of the other vehicles in use. The Board took no action.

RECESS: 9:25 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 9:30 a.m. The Chairman called the meeting back to order.

PRAIRIE WAVE / KNOLOGY CO. DONATION: Paul Thompson informed the Board that Prairie Wave / Knology Co. has donated five generators to the County for the emergency communications towers. The Board stated they deeply appreciated the donation and would like to thank Prairie Wave / Knology for their generosity.

COUNTY ASSISTANCE LIEN: DF was present to request the board release his lien for fees for incarceration, Public Defender, Court Reporter, and jail medical services. The Board stated the county does not release their liens and a payment plan would need to be arranged.

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-\$5,905.36; Aud-\$6,691.19; Treas-\$8,431.68; Comp-\$5,218.22; States Atty-\$12,347.79; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,623.04; Equal-\$12,691.49; Rod-\$6,351.71; Vso-\$1,053.97; Disp-\$11,009.23; Sher-\$29,119.96; Jail-\$17,581.95; Emerg Mgnt-\$2,897.19; E911-\$1,478.00; Highway-\$33,012.98; Air-\$986.20; Mh Serv-\$78.00; Ext-\$1,322.20; Weed-\$1,553.30; Pz-\$2,409.30; **Bills:** Heying,B-\$52.22; Jansevics,J-\$29.62; Larson,P-\$23.00; Outka,B-\$68.00; Schulz,S-\$68.00; Thomson,P-\$23.00; Vogt,A-\$225.82; Wright,B-\$23.00; A&B Business Equip-\$761.73; A&I Distributors-\$3,803.70; A&M Transport-\$87.50; Aaa Collections-\$109.12; Abc Business Supply-\$705.11; Aldinger Funeral Home-\$2,340.00; Aldinger,Kendall-\$175.00; Alltel-\$909.13; Amcon Distributing-\$332.64; At&T-\$1.38; BH Connections-\$153.06; BH Federal Credit Union-\$9,546.00; BH Pioneer-\$36.63; BH Power & Light-\$7,630.45; Best Business Prod-\$19.26; Bp-\$778.27; Brady Pluimer-\$424.98; Central Parts-\$85.24; Christensen Law Office-\$649.75;

City/County Alcohol & Drug-\$4,102.00; Clark Printing-\$50.05; Clinical Lab Of BH-\$1,711.50; Community Health Services-\$1,206.00; Correctional Billing-\$64.51; Csd-\$397.20; Culligan Soft Water Serv-\$49.50; Dakota Graphics-\$230.00; Deadwood Home Center-\$7.47; Dept Of The Treasury-\$39,953.56; Dietrich,Donna-\$91.63; Express Collections-\$65.83; Farmers Union Oil-\$17,727.07; Fast Break Screen Printing-\$180.00; Fisher Sand & Gravel-\$2,368.05; Frederickson,John-\$163.80; Gall's-\$192.49; Gehringer,C-\$45.00; Gene's Lock Shop-\$7.85; Glenney,T-\$270.00; Havemeier,Leslie-\$138.00; Hills Material Comp-\$1,611.68; Honeywell-\$397.00; Ibm Corp-\$486.00; Ikon Office Solutions-\$36.46; Jones,Todd Dds-\$408.00; Kinney,Matthew-\$612.00; Knoff,David-\$39.00; Koala Electric-\$927.50; Kooistra,Nelva-\$15.00; LC Journal-\$48.00; LC Treasurer-\$50.00; Lead-Deadwood Regional-\$108.42; Lead-Deadwood School District-\$20,000.00; Lewis & Clark Bhs-\$130.00; Lexisnexis On-Line-\$397.00; Mci A Verizon Company-\$13.32; Mid-Night Star-\$105.33; Mobile Binders-\$2,225.00; Montana-Dakota Util-\$132.88; NJS Engineering-\$2,831.50; National Business Furniture-\$575.00; Neve's Uniforms-\$53.95; Odea,Marty-\$68.00; Office Max-\$209.74; Office Of Child Support-\$177.23; Pennington Co Jail-\$1,313.55; Quill Corp-\$1,349.99; Qwest-\$1,618.29; RC Finance Office-\$1,855.00; RC Journal-\$180.00; RC Medical Center-\$100.50; RC Regional Hospital-\$1,978.67; Raubach,Frederick-\$53.70; Regional Behavioral Health Ctr-\$79.94; Rehfuss,Cathryn-\$15.00; Reindl,Staci-\$811.91; Reliable-\$207.64; Reserve Account-\$7,500.00; Spearfish Police Dept-\$39.74; Sdrs Supplemental Retirement-\$1,066.50; Servall Towel & Linen-\$267.97; Seward & Odenbach-\$934.34; Sioux Corporation-\$102.20; Spearfish City Of-\$150.00; Spearfish Motors-\$116.03; Stretch's Glass & Mirror-\$3,927.44; Tigerdirect-\$2,626.26; Triple K Tire & Repair-\$116.87; Twin City Hardware & Lumber-\$108.83; US Marshalls Service-\$912.94; Verizon Wireless-\$1,153.41; Victims Of Violence-\$1,065.00; Voelker & Adams-\$6,570.15; Walmart Store-\$486.69; Wells Fargo Business Card-\$999.53; Western Communication-\$60.50; Western Sd Juvenile Serv-\$400.00; Wyoming State Archives-\$7.00; Yankton County-\$98.55; **Witness & Jurors:** Bacon,S-\$61.10; Bax,H-\$52.22; Bishop,S-\$61.10; Hines,R-\$68.50; Klumb,L-\$61.10; Mccolley,M-\$59.62; Mclean,D-\$58.88; Phillip,G-\$52.22; Salzsieder,L-\$61.10; Albright,P-\$22.58; Butcher,K-\$12.22; Caropino,M-\$52.22; Chapeau,J-\$21.10; Deichert,M-\$63.32; Hamaker,W-\$28.50; Hoggatt,R-\$10.74; Jensen,M-\$19.62; Jones,M-\$32.20; Kerney,K-\$27.02; Kleinheksel,E-\$27.76; Langer,L-\$61.10; Langer,S-\$32.20; Lesselyoung,A-\$21.84; Loper,D-\$65.54; Mason,J-\$57.40; Mattson,J-\$23.32; Nelson,C-\$67.02; Newton,J-\$61.10; Nichols,K-\$10.74; Peep,S-\$23.32; Rarick,M-\$61.10; Ruff,M-\$24.80; Snyder,T-\$61.84; Stevens,N-\$24.80; Taylor,R-\$18.88; Votroubek,B-\$24.80; Weiers,R-\$63.32; Cox,D-\$29.62; Cracco,H-\$22.59; Crawford,D-\$20.00; Hess,D-\$29.67; Palmer,T-\$31.10; Stock,L-\$27.40; Wickham,D-\$24.44

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

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING – November 27, 2007

Chairperson James J. Seward called the Lawrence County Board of Adjustment meeting to order at 9:25 a.m. on November 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

VARIANCE #115 / RALPH REAUSAW: A public hearing was held on Variance Request #115 for Ralph Reusaw for 24' Variance to the 25' setback to replace golf cart storage buildings located at Lead County Club. Reusaw stated the County Club is in support of the request. They will be tearing down the two old buildings and putting up one new one. No public input was voiced and the public hearing was closed. Moved-Seconded (Ewing-Weisenberg) to approve Variance #115 as submitted. Motion Carried.

ADJOURN: 9:30 a.m. There being no further business it was Moved-Seconded (Ewing-Weisenberg) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 11, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 11, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present. Ewing left at 11:30 a.m.

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

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

MINUTES: Moved-Seconded (Weisenberg-Thompson) to approve the minutes of November 27, 2007 County Commission meeting and the Board of Adjustment minutes of November 27, 2007. Motion Carried.

PERSONNEL:

SHERIFF: Moved-Seconded (Weisenberg-Ewing) to approve Robert Williams as a full time Deputy II G1 at the base rate of \$18.74 an hour, effective 12-15-2007. Motion Carried.

Moved-Seconded (Ewing-Douglas) to approve Dan Brady as a part time Corrections Officer II G3 and to approve Ashlee Finnesand as a full time Corrections Officer II G3 at the base rate of \$15.02 an hour, effective 12-12-2007. Motion Carried.

COUNTY LIEN RELEASE: Moved-Seconded (Ewing-Weisenberg) to deny the lien release request from D.W. Motion Carried.

SEARCH & RESCUE MEMBERS: Moved-Seconded (Weisenberg-Seward) to approve Bob Ewing and Alexandra Olson as Search and Rescue Members. Motion Carried.

CONFLICT POLICY RESOLUTION #2007-49: Moved-Seconded (Douglas-Seward) to approve the following Resolution #2007-47 A RESOLUTION DECLARING LAWRENCE COUNTY POLICY ON CONFLICTS OF INTEREST ISSUES FOR ALL MEMBERS OF THE COUNTY COMMISSION, RELATED BOARDS AND COMMITTEES. Motion Carried.

WHEREAS, it is essential that the work of the Lawrence County Commission, related boards and committees not be compromised by any significant conflict of interest or commitment; WHEREAS, for this purpose, the term “conflict of interest or commitment” means: any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual’s objectivity or (2) could create an unfair competitive advantage for any person or organization; WHEREAS, the term “conflict of interest/commitment” means something more than individual bias. There must be an interest, ordinarily financial, that could be directly affected by the work Commission, related board or committee; WHEREAS, conflict of interest/commitment requirements are objective and prophylactic. They are not an assessment of one’s actual behavior or character, one’s ability to act objectively despite the conflicting interest, or one’s relative sensitivity to particular dollar amounts of specific assets because of one’s personal wealth; WHEREAS, conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the other members of the Commission, related board or committee, the County and the public interest; WHEREAS, the member, the Commission, related board or committee, and the County should not be placed in a situation where others could reasonably question, and perhaps discount or dismiss, the work of the Commission, related board or committee simply because of the existence of such conflicting interests, WHEREAS, the mere appearance of a conflict may be serious and potentially damaging to public trust. Reports of conflicts based on appearances can undermine public trust in ways that may not be adequately restored even when the mitigating facts of a situation are brought to light. Apparent conflicts, therefore, should be evaluated and managed with the same vigor as known conflicts. WHEREAS, conflicts of interest/commitment have the potential to bias directly or indirectly many aspects of the Commission, related board or committee endeavor, particularly when members are in a position to set policy, approve contracts, select equipment or supplies, or other instances in which objectivity and integrity are paramount; WHEREAS, the term “conflict of

interest/commitment” applies only to current interests. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest; WHEREAS, the term “conflict of interest/commitment” applies not only to the personal financial interests of the member but also to the interests of others with whom the member has substantial common financial interests if these interests are relevant to the functions to be performed. Thus in assessing a member’s potential conflicts of interest or commitment, consideration must be given not only to the interests of the member but also to the interests of the member’s spouse and children, the member’s employer, the member’s business partners, and others with whom the member has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g. being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee). WHEREAS, full disclosure followed by monitoring and conflict management is the key to preventing and resolving conflict situations. Full disclosure of relevant information and the establishment of a public record are in the best interest of both the institution and member. It demonstrates good faith on the part of the member and protects his or her reputation and that of the County. Disclosure will not necessarily restrict or preclude a member’s activities. In fact, activities that may at first appear questionable may be deemed acceptable and permissible when all facts regarding the activity are examined; WHEREAS, members are responsible for disclosing potential conflicts of interest/commitment. Such instances shall be reported to the Commission, related board or committee of which the individual is a member and to the State’s Attorney’s Office. Disclosure shall include the type of potential conflict (conflict of interest/commitment), the nature of the activity, a description of all parties involved, the potential financial interests and rewards, possible violations of state and federal requirements, and any other information which the member feels necessary to evaluate the disclosure. WHEREAS, when evaluating disclosures, it is necessary that a framework be utilized for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to the member, the County, and other entities that may be affected. Several questions are or may be relevant in evaluating potential conflicts of interest/commitment. Although the list is not inclusive and other questions related to special circumstances should be added as appropriate. When presented with the facts of a given situation, it must first be determined if there is legitimate cause for concern related to the inappropriateness of behavior or evidence of bias by the activities of the member: Has all relevant information concerning the member’s activities been acquired (i.e., has there been full disclosure)? Do the member’s relevant financial interests suggest the potential for conflicts or the appearance of conflicts or bias? Is there any indication that the member in his or her professional role has improperly favored any outside entity or appears to have incentive to do so? Has the member inappropriately represented the County to outside entities? Does the member appear to be subject to incentives that might lead to conflicts or bias? Is there any indication that obligations to the County are not being met? Is the member involved in a situation that might raise questions of bias, inappropriate use of county assets, or other impropriety? Could the member’s circumstances represent any possible violation of federal or state requirements? Do the current engagements of the member represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing business entities)? WHEREAS, after appropriate evaluation, most situations will be found to be: Permissible since the disclosed information does not represent a possible source of bias or an inappropriate activity; Permissible with modifications aimed at avoiding bias or inappropriate activities; or Inconsistent with county policy and thus not permissible. WHEREAS, in a case where member activity is permitted but requires modifications, options for resolution and a mechanism for reporting should be developed. The possible options are as numerous as the types of situations reviewed. Possible options include, but are not limited to: Public disclosure of all relevant information; Close monitoring of the situation; Divestiture of relevant personal interests; Termination of inappropriate member involvement; and Severance of outside relationships that pose conflicts. NOW, THEREFORE BE IT RESOLVED, that it is essential to the effective Cooperation of the Lawrence County Commission, its related boards and committees, that all such members be independent and impartial in all actions involving the County, that public office not be used for private gain, and that there be complete public confidence in the integrity of County officials and their designates Dated this 11th day of December, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

CANCELED CHECK RESOLUTION #2007-46: Moved-Seconded (Weisenberg-Thompson) to approve and authorize the Chairman to sign the following Resolution #2007-46. Motion Carried.

Aye-Weisenberg, Thompson and Douglas. Nay-Ewing and Seward. LAWRENCE COUNTY RESOLUTION # 2007-46 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, and WHEREAS, there are twenty four (24) checks totaling \$452.48 that are outstanding, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register and turn over to the State Treasurer. DATED this 11th day of December 2007. FOR THE BOARD: James J. Seward, Chairperson. ATTEST: Connie Atkinson, Auditor

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Weisenberg-Thompson) to accept the following report as read by the Auditor. Motion Carried. Auditor's Account with the County Treasurer: as of November 30, 2007 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)-\$85,751.86; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,279.30; Petty Cash-\$1,635.00; Total amount of deposits in bank include: CD's-\$4,200,000; Savings \$255,175.80, Money Market \$508,391.88; Bank Balance-\$6,261,300.76; Total \$11,318,784.60

STATES ATTORNEY RESOLUTION #07-47: Moved-Seconded (Douglas-Thompson) to approve and authorize the Chairman to sign the following Resolution #2007-47 designating a Full Time States Attorney. Motion Carried. **LAWRENCE COUNTY RESOLUTION #07-47 A RESOLUTION PROVIDING FOR A FULL-TIME STATE'S ATTORNEY FOR LAWRENCE COUNTY** WHEREAS, the Lawrence County Commission adopted a full-time State's Attorney for Lawrence County in December of 1982 as provided in SDCL 7-7-12 and; **WHEREAS**, the Lawrence County Commission deems it necessary and appropriate for the need of Lawrence County that the position of State's Attorney be a full-time position as provided by SDCL 7-7-12; NOW, THEREFORE, **BE IT RESOLVED** that the Lawrence County Commission does hereby designate the position of Lawrence County State's Attorney as a full-time position for the term of office to be elected in 2008 and commencing on or about January 1, 2009. DATED THIS 11TH DAY OF DECEMBER, 2007. JAMES J. SEWARD, Chairman. ATTEST: CONNIE ATKINSON, Auditor

ABATEMENTS:

LAWRENCE COUNTY: Moved-Seconded (Douglas-Weisenberg) to approve the abatement for Lawrence County on parcel #21000-00603-294-55 because the property was taken for tax deed, and sold at County auction, but did not generate enough funds to pay back taxes. Motion Carried.

CROSSWAIT: Moved-Seconded (Douglas-Ewing) to approve a two month abatement for Robert & Charlene Crosswait on parcel #32090-04500-060-00 because the property was burned and torn down on October of 2007. Motion Carried.

HIGHWAY BUSINESS / FOREST SERVICE CONTRACT: Moved-Seconded (Weisenberg-Ewing) to approve the extension of Forest Service Contract for 2008 Modification #2 to Cooperative Road Agreement #07-RO-11020300-017. Motion Carried.

KIRK ROAD / HMC: The Board discussed a request from Homestake to plat a portion of Kirk Road. The cost to the County would be \$900.00 and Homestake would then deed the remaining parcels found on the road to the County. The Board stated it is not a benefit or a responsibility of the County to pay for the platting.

2008 LIQUOR LICENSE RENEWALS: A public hearing was held on the 2008 Liquor License Renewals. No public input was voiced and the hearing was closed. Moved-Seconded (Ewing-Weisenberg) to renew the following liquor licenses for 2008: 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.

PLANNING & ZONING: Amber Vogt, Planning and Zoning Director updated the Board on Planning and Zoning Issues. Public Hearings were scheduled for CUP#351 David Elson and CUP#353 Charles Brown.

RECESS: 9:15 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Commission Meeting. Motion Carried. 9:20 a.m. The Chairman called the meeting back to order.

2005-2006 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to discuss the 2005-2006 audit. The Board discussed the rules and standards that the State uses to Audit the Counties. Oral findings in the audit: The Jail Commissary checking account does not reconcile and all inmate money is not deposited into the account. The outstanding checks, in the County bank account, over one year old are not being turned over to the State Unclaimed Property Agency. There was one material violation where Lawrence County received reimbursement from the State Domestic Preparedness Equipment Support grant program prior to purchasing and obtaining the authorized equipment. Paul Thomson, Emergency Management Director, had reported earlier to the Board, that he was acting under the direction he received from State personnel in submitting the request prior to receiving the equipment.

Moved-Seconded (Douglas-Ewing) to authorize the Chairman to sign the representation letter to the Department of Legislative Audit. Motion Carried.

PUBLIC DEFENDER CONFLICT CONTRACT: Joe Kosel presented the Public Defender Conflict Contract for 2008. The Board will review.

RECESS: 9:45 a.m. Moved-Seconded (Weisenberg-Thompson) to recess the County Commission Meeting. Motion Carried. 10:22 a.m. The Chairman called the meeting back to order.

FIRE DISTRICT BOUNDARIES: Paul Thomson, Tim Eggers and Rob Mattox presented suggested changes to the Fire District Boundaries. The changes are agreeable between the adjoining Fire Departments. Final adjustments will be made to the legal descriptions and maps and presented at a future meeting.

SAFETY MANUAL UPDATE: Paul Thomson presented proposed changes to the Safety Manual to include an All Terrain Vehicle Operations Policy and a Portable Heaters Policy. Moved-Seconded (Ewing-Thompson) to adopt the All Terrain Vehicle Operations Policy and a Portable Heaters Policy and include in the Safety Manual. Motion Carried.

AIRPORT AWOS SYSTEM: The following bids were received for the Airport AWOS System. Muth Electric - \$158,663.20 and alternate #1 - \$5,500.00; P.I.E. Inc. - \$152,204.72 and alternate #1 - \$3,900.00. Moved-Seconded (Douglas-Thompson) to table the bids until January 2, 2008 at 8:45 a.m. Motion Carried.

ANNUAL REVIEW / CUP #316 – MOUNTAIN VIEW BAPTIST CHURCH: 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 (Ewing-Weisenberg) to grant an extension on Conditional Use Permit #316 and will be reviewed in one year. Motion Carried.

ANNUAL REVIEW / CUP #314 – WARREN WHALEN VETERINARY CLINIC: An annual review of Conditional Use Permit #314 - Warren Whalen - Animal Clinic Located on West Highway 14 was held. No complaints were received. Moved-Seconded (Weisenberg-Thompson) CUP #314 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 #336 – JERRY BERGUM: An Annual Review was held on Conditional Use Permit #336-Arena/Training Facility. Owner/Representative: Jerry Bergum/Jean Brakke. No complaints were received. Moved-Seconded (Douglas-Seward) CUP #336 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 #300 LINDGREN HORSE CAMP: 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. Douglas asked Lindgren to meet with Dave Heck, Invasive Species Management.

Moved-Seconded (Weisenberg-Thompson) CUP #300 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.

VACATION OF SECTION LINE: A public hearing was held on a vacation of section line as described below. No public input was voiced and the hearing was closed. Moved-Seconded (Weisenberg-Thompson) to approve the following Resolution #07-48. Motion Carried. Aye-4, Ewing Absent. **LAWRENCE COUNTY RESOLUTION #07-48 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: The 66' section line Right-Of Way beginning at the corner common to sections 6 & 7, T6N, R2E and sections 1 & 12, T6N, R1E, thence North along the line between said sections 1 and 6 a distance of 1 mile to the corner common to section 1, T6N, R1E, section 6, T6N, R2E, section 36, T7N, R1E and section 31, T7N, R2E, thence East along the line between said sections 6 and 31 602.73 feet, terminating at the centerline of Hillview Road, all in Lawrence County, South Dakota. AFFECTING THE LANDOWNERS LISTED BELOW: **MJG, INC.**-Tract A of Wild Turkey Estates; **RONALD & SARA DEBEAUMONT**-Lot 10A of Pine Oak Subdivision; **RANDEE & CONNIE PETERSON**-Lot 12 of Pine Oak Subdivision . Dated this 11th day of December, 2007. JAMES J. SEWARD, CHAIRMAN. Lawrence County Commissioner. ATTEST: CONNIE ATKINSON. Lawrence County Auditor.

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-\$5,706.36; Aud-\$6,691.19; Treas-\$8,433.28; Comp-\$5,219.42; States Atty-\$12,347.80; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,582.76; Equal-\$12,931.15; Rod-\$6,351.71; Vso-\$1,053.97; Disp-\$14,431.84; Sher-\$32,914.30; Jail-\$24,247.93; Emerg Mgnt-

\$2,888.19; E911-\$1,469.00; Highway-\$34,859.42; Air-\$1,107.78; Ext-\$1,239.20; Weed-\$1700.30; Pz-\$2,588.59; **Bills:** Bertch,A-\$17.50; Heck,D-\$366.87; Mowell,R-\$7,464.00; Rombough,D-\$60.31; Delta Dental-\$4,752.10; SD Retirement Sysyem-\$69,854.04; Alltel-\$34.15; American Family-\$3,326.10; Deadwood Recreation Center-\$173.00; NH Family Ymca-\$338.80; Sdrs Supplement Retirement-\$1,066.50; BH Federal Credit Union-\$9,546.00; LC Treasurer-\$100.00; Office Of Child Support-\$177.23; Fort Dearborn Life Ins-\$1,042.45; Dept Of Treasury-\$45,275.59; Blue Cross-\$51,054.74; A&B Business Equip-\$1,225.56; A&B Welding Supply-\$132.20; A&J Supply-\$160.44; A-Z Shredding-\$13.00; Abc Business Supply-\$1,947.90; Accurint Account-\$75.00; Alco Store-\$19.99; Alltel-\$72.90; Amcon Distributing-\$423.89; Anderson Oil Co-\$141.40; Apco Institute-\$528.00; BH Chemical Company-\$513.38; BH Land Analysis-\$427.50; BH Medical Ctr Pharmacy-\$3,610.93; BH Pediatrics & Neonatology-\$490.00; BH Pest Control-\$95.00; BH Pioneer-\$15.83; BH Power & Light-\$66,854.43; BH State University Career-\$53.20; Best Western Ramkota Hotel-\$559.93; Black Hills Pure-\$11.50; Bob Barker Company-\$178.07; Butler Machinery Co-\$172.48; Butte Electric Coop-\$427.49; Cedar Shore-\$599.60; Central Parts-\$1,470.69; Chemical Sanitizing Sys-\$122.91; Christensen Law Office-\$2,432.92; Clark Printing-\$245.00; Clinical Lab Of BH-\$700.00; Conoco-\$217.16; Country Inn & Suites-\$93.00; Culligan Soft Water Serv-\$320.50; Dakota Graphics-\$377.00; Dale's Tire & Retread-\$2,920.00; Deadwood, City Of-\$2,198.84; Dept Of Hlth Lab Services-\$35.00; Evercom Systems-\$2,226.00; Family Fun-\$16.95; Fastenal-\$81.28; Federal Express Corp-\$23.36; First Western Bank-\$599.99; Fish,Veronica-\$231.20; Fisher Sand & Gravel-\$5,853.47; Freed's Fine Furnishings-\$1,744.00; Fsh Communications-\$60.00; Gene's Lock Shop-\$24.98; Greens Alignment-\$123.96; Havemeier, Leslie-\$68.40; Heisler Hardware-\$114.82; Hewlett-Packard Company-\$2,134.00; High Plains Business Forms-\$1,012.32; Hills Material Comp-\$65,462.79; Holiday Inn-\$64.95; Hughes County Sheriffs-\$14.30; Iaa0-\$175.00; Insight Public Sector-\$107.99; Integrity Ford-\$38.82; Jabra-\$140.00; Jacobs Precision Welding-\$18.84; Janke,Wendy-\$540.00; Karpinen,Sharon-\$360.00; Ken's Camper Sales-\$23.95; Kieffer,Tracy-\$19.00; Kimball-Midwest Co-\$125.88; Kinney, Matthew-\$774.32; Knecht True Value-\$67.62; Koala Electric-\$211.51; Kosel,Joseph-\$4,166.67; LC Journal-\$432.11; LC Sheriff-\$239.74; Language Line Services-\$57.36; Lawson Products-\$255.37; Lead, City Of-\$42.57; Lead-Deadwood Regional Hospital-\$240.00; Lead-Deadwood Sanitary-\$380.34; Lee,James-\$15.00; Lexisnexis On-Line-\$397.00; Looyenga,Dr-\$350.00; Lueders-\$13.60; Mb Enterprises-\$175.00; Mcarthur,Janet-\$90.00; Mcclure,Susan-\$135.00; Meade County Sheriff-\$40.60; Mid America Specialties-\$215.11; Minnwest Bank Sioux Falls-\$171.03; Montana-Dakota Util-\$2,272.58; Moore Medical-\$102.17; Nasppg-\$2,718.30; National Assoc Legal Assistant-\$105.00; Neafcs-Sd Affiliate Treasurer-\$115.00; Nelson,Tonya-\$360.00; Neve's Uniforms-\$178.00; Occupational Health Network-\$175.00; Office Depot-\$1,088.92; Office Technology/Supply-\$258.52; Paasd-\$475.00; Park County Sheriff Office-\$35.00; Pennington Co Auditor-\$403.00; Pheasantland Industries-\$220.63; Postmaster,Spearfish-\$137.18; Prairiewave Communications-\$1,411.75; Pronto Auto Supply-\$17.92; Queen City Rocket Lube-\$57.73; Quill Corp-\$697.74; Qwest-\$983.23; RC Finance Office-\$1,435.00; Rabe Elevator-\$658.05; Radio Shack/Kazco-\$149.99; Reindl,Staci-\$3,599.42; SD Aao-\$275.00; SD Association Of County-\$195.00; SD State Treasurer-\$1,962.70; Spearfish Police Dept-\$3,676.36; Sanford School Of Medicine-\$158.10; Sd Weed&Pest Supervisors Assoc-\$100.00; Servall Towel & Linen-\$295.35; Seward & Odenbach-\$2,236.97; Sharon Green Counseling-\$180.00; Spearfish Auto Supply-\$384.03; Spearfish Building Supply-\$31.24; Spearfish Husky-\$24.50; Spearfish School District-\$20,000.00; State Bar Of South Dakota-\$3,045.00; Summit Signs & Supply-\$10.00; Thompson Publishing Group-\$408.50; Tigerdirect-\$481.60; Triple K Tire & Repair-\$202.79; Turbiville Industrial Electric-\$174.50; Twilight First Aid & Safety-\$219.00; Twin City Hardware & Lumber-\$304.76; United Parcel Service-\$14.02; Waste Connections-\$430.00; West Group-\$617.00; Western Communication-\$67,468.86; Western Sd Juvenile Serv-\$7,100.00; Xerox Corporation-\$54.18; Yankton Co Sheriff-\$25.00; Yankton County-\$98.55; **Witness & Jurors:** Head,W-\$20.00; Arsaga,M-\$52.96; Christman,M-\$50.74; Derby,R-\$61.10; Enderby,I-\$50.74; Rohrer,R-\$52.96; Schell,C-\$153.60; Stuart,S-\$62.58; Brown,C-\$32.95; Merkle,K-\$20.00; Rasmussen,D-\$27.40; Reinhert,A-\$20.00; Yost,J-\$20.00;

ADJOURN: 1:28 p.m. There being no further business it was Moved-Seconded (Weisenberg-Douglas) to adjourn. Motion Carried.

Date Approved

ATTEST:

James J. Seward, Chair

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING – December 11, 2007

Chairperson James J. Seward called the Lawrence County Board of Adjustment meeting to order at 9:15 a.m. on December 11, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

CONDITIONAL USE PERMIT #348 / MIKE ANDERSON: A public hearing was held on Conditional Use Permit #348 for Mike Anderson / Sanitation & Excavation Business; Legal Description: Tr G of HES 54 & Tr 0165 SE1/4SE ¼, Sec 25, T4N, R3E.; Location: Brownsville, Purpose: Sanitation & Excavation Business. Zoning: PF & HSC. Vogt explained this property is being brought into compliance by creating a new CUP for the Excavation/Sanitation business and will cancel the prior CUP #153 for a second residence. Anderson explained the property location and the businesses. Gary Swenson was present and voiced support of the permit. The public hearing was closed. Moved-Seconded (Ewing-Thompson) to follow Planning and Zoning Recommendation and approve CUP #348 with conditions as amended and on file in the Planning and Zoning Office. Motion Carried.

RECESS: 9:20 a.m. Moved-Seconded (Douglas-Weisenberg) to recess the County Board of Adjustment Meeting. Motion Carried. 9:45 a.m. The Chairman called the meeting back to order.

CONDITIONAL USE PERMIT #349 – DOUGLAS & CARLA MARSHALL: A public hearing was held on Conditional Use Permit #349 for Douglas & Carla Marshall-2nd Residence; Legal Description: Lot 1A Block 3 Story Lane Subdivision, Sec 14, T5N, R4E; Location: Boulder Canyon; Purpose: 2nd Residence, Zoning: SRD. Vogt explained Marshalls' would like to obtain approval for a second residence on the same lot on which their Aunt has a mobile home. They are aware this is a temporary situation, and once the Aunt has passed, they would have to remove the mobile home. The public hearing was closed. Moved-Seconded (Douglas-Weisenberg) to follow Planning and Zoning Recommendation and approve CUP #349 with conditions as on file in the Planning and Zoning Office. Motion Carried.

CONDITIONAL USE PERMIT #352 / DAVID WICKSTROM / WINDMILL: A public hearing was held on Conditional Use Permit #352 for David Wickstrom –Windmill; Legal Description: N 99' Lot 2, NE1/4SE1/4, Sec 4, T6N, R2E; Location: Evans Lane, Spearfish; Purpose: Windmill; Zoning: SRD. Vogt presented letters in objection to the permit. Alyce Bertch was present and voiced concerns about the precedence being set and the number of windmills that could be located in the area. The public hearing was closed. Bruce Outka discussed they are working on an ordinance making the minimum setbacks as the height of the tower. Douglas stated the County must have standards and requirements in the County. The Board discussed possible easements when the setbacks are a hardship. The Board asked Wickstrom if he could meet the minimum setbacks as outlined in the conditions. Wickstrom stated he would have to move the windmill to the back of the property, but could accommodate the setbacks. Moved-Seconded (Weisenberg-Douglas) to follow Planning and Zoning Recommendation and approve CUP #352 with conditions as on file in the Planning and Zoning Office. Motion Carried. Aye-Douglas, Weisenberg, Ewing and Seward. Nay-Thompson.

ADJOURN: 10:21 a.m. There being no further business it was Moved-Seconded (Weisenberg-Seward) to adjourn. Motion Carried.

Date Approved

James J. Seward, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY COMMISSIONERS MEETING – December 27, 2007

James J. Seward, Chairperson called the regular meeting of the Lawrence County Commissioners to order at 8:00 a.m. on December 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

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

8:00 A.M. EXECUTIVE SESSION: Moved-Seconded (Weisenberg-Thompson) to go into executive session for litigation with Tom Brady and Bruce Outka. Motion Carried. 8:35 a.m. the Board opened with no action taken.

AIRPORT ENGINEERING SERVICES AGREEMENTS: Moved-Seconded (Weisenberg-Ewing) to approve and authorize the Chairman to sign the Amendment No.2 to the Agreement for Professional Services on AIP No. 3-46-0065-012-2005 and the Agreement for Professional Services for Black Hills Airport/Clyde Ice Field Project 3-46-0065-013-2007. Motion Carried.

MINUTES: Moved-Seconded (Weisenberg-Ewing) to approve the minutes of December 11, 2007 County Commission meeting and the Board of Adjustment minutes of December 11, 2007. Motion Carried.

PERSONNEL:

EMERGENCY MANAGEMENT: Moved-Seconded (Douglas-Weisenberg) to approve Rene Larson as an Administrative Secretary G3 at the base rate of \$14.72 hr, effective 12-23-2007. Motion Carried.

EQUALIZATION: Moved-Seconded (Douglas-Weisenberg) to approve Scott Sandvig as Equalization 1st Deputy G2 at the base rate of \$18.61 hr, effective 1-6-2007. Motion Carried. 3% CLI has been included in calculation.

Moved-Seconded (Ewing-Seward) to approve Brett Runge as Appraiser IV G3 at the base rate of \$17.10 hr, effective 1-6-2007. Motion Carried. 3% CLI has been included in calculation.

Moved-Seconded (Weisenberg-Seward) to approve Timothy Hodson as Appraiser III G2 at the base rate of \$15.48 hr, effective 1-6-2007. Motion Carried. 3% CLI has been included in calculation.

Moved-Seconded (Thompson-Douglas) to approve Carmen Symonds as Appraiser III G3 at the base rate of \$15.79 hr, effective 1-6-2007. Motion Carried. 3% CLI has been included in calculation.

REGISTER OF DEEDS: Moved-Seconded (Weisenberg-Thompson) to approve Florence Feterl as Secretary G3 at the base rate of \$14.01 hr, effective 12-23-2007. Motion Carried.

Moved-Seconded (Thompson-Ewing) to approve Davida Hansen as a Secretary G1 at the base rate of \$12.05 hr, effective 12-23-2007. Motion Carried.

COMPUTER / INFORMATION SYSTEMS & TECHNOLOGY: Greg Dias requested the Board change the name of the Computer Department to Information Systems & Technology because the overall mission and scope of operations has changed significantly over time. Additional responsibilities now include telephony, video conferencing, digital video and audio systems,

security systems, presentation systems, mobile communications, and a variety of information and application systems. Moved-Seconded (Douglas-Thompson) to accept the name change of Information Systems & Technology. Motion Carried.

Moved-Seconded (Douglas-Thompson) To accept the job description for Director, Information Systems & Technology, and appoint Greg Dias to the position; to accept the job description for Deputy Director, Information Systems & Technology, and appoint Randall McGruder to the position. Motion Carried.

TRAVEL REQUEST:

PLANNING & ZONING: Moved-Seconded (Weisenberg-Douglas) to approve the travel request for Amber Vogt to attend the 2008 American Planners Conference in Las Vegas, NV on April 27-May 1, 2008. Motion Carried.

ANNEX ROOF REPLACEMENT: Dick Birk, Highway Superintendent and Rick Frerichs, Buildings & Ground Foreman were present to update the Board on the Annex Roof. The Roof is leaking and is in need of repairs or replacement. Discussion followed on the condition of the roof and if repairs could be made in 2008 and replace it in 2009. The Board decided the roof is leaking to bad and needs to be replaced as buckets are being used to collect the water. Moved-Seconded (Ewing-Thompson) to hire Williams and Associates to prepare the bid specs for the project to be completed in 2008. Motion Carried.

RIGHT OF WAY BONDS: Dick Birk asked for clarification on the new Utility Permit Ordinance. Birk questioned if there is an exemption for bonding for government entities. The Board stated there are no exemptions according to the ordinance passed.

CITY OF SPEARFISH ANNEXATION OF UNPLATTED LANDS: Moved-Seconded (Thompson-Douglas) to approve and authorize the Chairperson to sign Resolution No. 2007-51 A Resolution Approving Resolution of Intent to Annex Submitted by the City of Spearfish, South Dakota. Motion Carried.

RESOLUTION NO. 2007-51 A RESOLUTION APPROVING RESOLUTION OF INTENT TO ANNEX SUBMITTED BY THE CITY OF SPEARFISH, SOUTH DAKOTA WHEREAS, the City of Spearfish, South Dakota, desires to extend its municipal boundaries by annexation pursuant to SDCL 9-4-1; WHEREAS, the City of Spearfish has prepared a Resolution of Intent to Annex which has been forwarded to the Lawrence County Commission pursuant to SDCL 9-44.11 all as more fully set forth in Exhibit A attached hereto and incorporated herein by reference; WHEREAS, SDCL 9-4-5 provides that annexation of unplatted territory is subject to approval by the respective county commission wherein such unplatted territory lies. Further, that no resolution describing unplatted territory therein may be adopted until it has been approved by the board of county commissioners of the county wherein such unplatted territory is situate; WHEREAS, for purposes of SDCL 9-4-5, "unplatted territory" is any land which has not been platted by a duly recorded plat or any agricultural land as defined in SDCL 10-6-31; and WHEREAS, the territory to be annexed by the City of Spearfish includes land which has not been platted by a duly recorded plat and/or agricultural land as defined in SDCL 10-6-31 and which is situate in Lawrence County; NOW, THEREFORE BE IT RESOLVED, that Lawrence County does hereby approve the Resolution of Intent To Annex prepared by the City of Spearfish as set forth in the attached Exhibit A so far as the same concerns any unplatted territory or agricultural land as defined in SDCL 10-6-31. Dated this 27 day of December, 2007. James J. Seward, Chairman. ATTEST: Connie Atkinson, Auditor

2008 CONFLICT COUNSEL CONTRACT: Moved-Seconded (Douglas-Ewing) to approve and authorize the Chairperson to sign the Contract for Legal Representation of Indigent Counsel Conflict Cases for 2008. Motion Carried.

CASE SETTLEMENT: Moved-Seconded (Douglas-Weisenberg) To approve and authorize the Chairperson to sign the Settlement and Mutual Release, Stipulation for Judgment of Dismissal and Judgment of Dismissal in the Lawrence County, et al. v. Halverson case. Motion Carried.

ABATEMENTS:

CITY OF SPEARFISH: Moved-Seconded (Weisenberg-Douglas) to approve the abatement on parcel #32340-00602-034-82 North Park Plaza, because the property was transferred to the City of Spearfish on 1-25-2007. Motion Carried.

DARLENE FOWLER: Moved-Seconded (Weisenberg-Thompson) to approve the abatement on parcel #05010-00205-073-10 because the property is assessed in Pennington County. Motion Carried.

FIRE RESPONSE DISTRICT BOUNDARY: Moved-Seconded (Weisenberg-Thompson) to approve and adopt the following Resolution 2007-50 Amending Fire Protection Response Districts. Motion Carried.

RESOLUTION #2007-50 A RESOLUTION AMENDING FIRE PROTECTION RESPONSE DISTRICTS WHEREAS, pursuant to Resolution 04-26, the Lawrence County Commission recognized the need to establish Fire Protection Response Districts for the purpose of assigning first responder responsibilities among and between the ten fire departments serving the citizens of Lawrence County; and WHEREAS, pursuant to Resolution 04-26 the Lawrence County Fire Response District Map was created; and WHEREAS, the Lead, Deadwood and Brownsville Fire Departments have re-evaluated their respective Districts boundaries, as originally established pursuant to Resolution 04-26, and have determined that adjustments to their District boundaries is appropriate; and NOW, THEREFORE, BE IT RESOLVED; that the Lawrence County Commissioners, upon the advice and consent of the Lead, Deadwood and Brownsville Fire Departments and the Lawrence County Emergency Management Director, hereby modifies and establishes the Fire Protection Response Districts for the Lead, Deadwood and Brownsville Fire Departments as follows: The boundaries of the Deadwood Fire District are defined as: LAWRENCE COUNTY: The North ½, the North ½ of the South ½ of Section 1, and that portion of Section 2 that is East of Highway 385 in Township 4 North, Range 3 East of the B.H.M.; Sections 1, 12, 13, the North ½ of Section 24, in Township 5 North, Range 2 East of the B.H.M.; Sections 1 through 18 inclusive, the North ½, the SE ¼, and the east ½ of the SW ¼ of Section 19, Sections 20 through 26 inclusive, the SE ¼, NE ¼, NW ¼, and that portion of the SW ¼ that lies within Deadwood city limits, of Section 27, the North ½ of Section 28, the NE ¼, North ½ of the SE ¼, of Section 29, that portion of Section 34 that is inside Deadwood city limits and that portion of section 34 that is East of US Highway 385, and that portion of section 35 that is East of US Highway 385, and Section 36 in Township 5 North, Range 3 East of the B.H.M; Sections 5 through 9 inclusive, the South ½ of the SW1/4, of Section 15, Sections 16 through 22 inclusive, NW ¼, South ½, of Section 23, and Sections 26 through 35 inclusive in Township 5 North, Range 4 East of the B.H.M

The boundaries of the Lead Fire District are defined as: LAWRENCE COUNTY: Sections 1, 12, 13, in Township 3 North, Range 2 East of the B.H.M.; Sections 1 through 3 inclusive and Sections 10 through 13 inclusive, and Sections 24, 25, 36 in Township 4 North, Range 2 East of the B.H.M.; Sections 21 through 23 inclusive, the South ½ of Section 24, Sections 25 through 29 inclusive, and sections 32 through 36 inclusive, in Township 5 North, Range 2 East of the B.H.M.; SW ¼, of Section 4, Sections 5 through 9 inclusive, and Sections 16 through 18 inclusive in Township 3 North, Range 3 East of the B.H.M.; That portion of Section 2 that is West of US Highway 385, Sections 3 through 10 inclusive, the North ½, the SW ¼, the West ½ of the SE ¼ of Section 11, the NW ¼ and the West ½ of the NE ¼ of Section 14, the North ½ of Section 15, NW ¼, NE ¼, SW ¼, the North ½ of the SE ¼, of Section 16, Sections 17 through 20 inclusive, and Sections 29 through 32 inclusive in Township 4 North, Range 3 East of the B.H.M.; the West ½ of the SW ¼ of Section 19, that portion of the SW ¼ of Section 27 that falls outside of Deadwood city limits, South ½ of Section 28, the NW ¼, SW ¼, South ½ of the SE ¼, of Section 29, Sections 30 through 33 inclusive, and that portion of Section 34 that is outside of Deadwood city limits and west of US Highway 385, and that portion of Section 35 that is West of US Highway 385 in Township 5 North, Range 3 East of the B.H.M. The boundaries of the Brownsville Fire District are defined as: LAWRENCE COUNTY: Sections 1 through 3 inclusive, the NW ¼, NE ¼, SE ¼, of Section 4, Sections 10 through 15 inclusive,

Sections 23 through 26 inclusive, and Sections 35, 36, in Township 3 North, Range 3 East of the B.H.M.; The South ½ of the SW ¼ and the South ½ of the SE ¼ of Section 1, the East ½ of the SE ¼ of Section 11, Section 12 and Section 13, the East ½ of the NE ¼ and the South ½ of Section 14, the South ½ of Section 15, the South ½ of the SE ¼, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M.. NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lawrence County Fire Response District Map be amended accordingly. Dated this 27th day of December, 2007. FOR THE BOARD: James J. Seward, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

FIRE PROTECTION AUTOMATIC SUPPLEMENT: Moved-Seconded (Douglas-Weisenberg) to approve an automatic supplement of \$427.50 in Fire Protection Grants Budget for funds received from other Government Entities. Motion Carried

INVASIVE SPECIES MANAGEMENT AUTOMATIC SUPPLEMENT: Moved-Seconded (Weisenberg-Ewing) to approve an automatic supplement of \$73,000.00 in Invasive Species Management Chemicals for funds received from other Government Entities. Motion Carried

RECESS: 10:00 a.m. Moved-Seconded (Ewing-Weisenberg) to recess the County Commission Meeting. Motion Carried. 10:30 a.m. The Chairman called the meeting back to order.

BILLS: Moved-Seconded (Weisenberg-Thompson) 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-\$5,746.36; Aud-\$6,691.19; Treas-\$8,433.29; Comp-\$5,220.63; States Atty-\$12,347.80; Pub Def-\$8,208.96; Gen Govt Bldg-\$6,579.08; Equal-\$12,723.97; Rod-\$6,353.71; Vso-\$1,053.97; Disp-\$9,899.56; Sher-\$29,394.45; Jail-\$18,731.99; Emerg Mgnt-\$2,894.19; E911-\$1,475.00; Highway-\$33,457.74; Air-\$1,086.20; Mh-\$780.00; Ext-\$1,311.20; Weed-\$1,750.30; Pz-\$2,421.42; **Bills:** Atkinson,C-\$126.80; Brady,D-\$1.57; Kaiser,D-\$47.19; Lantis,T-\$109.60; Little,T-\$42.38; Mcgruder,B-\$86.00; Podoll,K-\$55.00; Popowski,J-\$95.54; Rombough,D-\$157.25; Sargent,D-\$55.00; Seward,J-\$779.46; Sophusson,M-\$103.50; Woodle,S-\$12.96; A&B Business Equip-\$788.23; A&B Welding Supply-\$30.83; A&J Supply-\$269.72; Abc Business Supply-\$3,213.12; Aldinger Funeral Home-\$1,985.00; Alltel-\$563.33; Amcon Distributing-\$226.17; American Family Life-\$3,328.71; Apco Institute-\$66.00; Armstrong Extinguish-\$341.50; At&T-\$6.89; Audio-Video Solutions-\$8,665.00; Bb Cody's-\$64.75; Bhp&L-\$3,303.07; B&H-\$909.95; BH Chemical Company-\$605.61; BH Counseling Service-\$250.00; BH Federal Credit Union-\$19,092.00; BH Land Analysis-\$1,011.49; BH Pioneer-\$1,293.68; BH Power & Light-\$6,869.91; BH Security & Systems-\$4,489.80; BH State University Career-\$93.67; BH Windshield Repair-\$575.00; Barnes Distribution-\$176.87; Best Western Kelly Inn-\$93.00; Best Western Ramkota Inn-\$280.00; Boyer,Jerry-\$12.42; Bp-\$1,106.53; Brady Pluimer, P.C-\$3,392.13; Brady,Tom-\$59.20; C&H Distributors-\$1,034.66; Campbell Co Sheriffs Office-\$150.00; Central Parts-\$717.02; Chain Saw Center/Dakota Equip-\$1,158.04; Chemical Sanitizing Sys-\$56.72; Clarke,Neil-\$124.20; Clinical Lab Of BH-\$1,725.40; Coburn,Bill-\$59.20; Collin Ell Construction-\$3,001.33; Cooper Body Shop-\$1,200.00; Cooperative Extension Service-\$199.92; Creative Car Components-\$1,221.28; Csd-\$367.20; Culligan Soft Water Serv-\$19.50; Dale's Tire & Retread-\$5,079.53; Datec-\$16,892.20; Deadwood Home Center-\$185.35; Deadwood Recreation Center-\$173.00; Deadwood, City Of-\$15,390.18; Degrata Tactical-\$288.40; Delta Dental Of South Dakota-\$4,903.30; Dept Of The Treasury-\$82,043.59; Deweese,Rodney-\$114.60; Division Of Motor Veh-\$13.00; Extension Service-\$27.30; Fiferman,Dr Leslie, Phd-\$950.00; Foothills Contracting-\$967,901.90; Godfrey's Brake Serv-\$116.60; Golay,Bob-\$113.10; Great Western Tire-\$3,464.80; Greens Alignment-\$128.99; Gullickson,Scott-\$81.30; Heartland Paper Co-\$1,329.37; Heisler

Hardware-\$46.59; Hewlett-Packard Company-\$8,936.00; Hickok's Iron Horse Inn-\$188.63; Hillside Disposal Service-\$69.00; Huhnerkoch,Chris-\$29.30; Identisys-\$97.94; Insight Public Sector-\$911.86; Integrity Ford-\$11,087.00; Intoximeters-\$222.50; JH Hilt Engineering-\$119.00; Kadrmas, Lee And Jackson-\$41,530.65; Kieffer,Tracy-\$44.20; LC Journal-\$659.42; LC Treasurer-\$200.00; Lead-Deadwood Regional-\$128.50; Lead-Deadwood Regional Hospital-\$120.00; Lewis & Clark Bhs-\$130.00; Lueders-\$168.32; M&M Sanitation-\$285.00; M-R Signs Co-\$472.97; Macks Auto Body-\$2,785.43; Mailworks Plus-\$25.00; Mattson,Barb-\$14.80; Mcgas Propane-\$661.50; Mcleod's Office Supply-\$772.20; Medica-\$50,304.47; Mickelson,Craig-\$59.20; Mid Dakota Vegetation Manageme-\$29,970.00; Montana-Dakota Util-\$548.04; NH Family Ymca-\$387.20; Nacvso-\$30.00; National Business Furniture-\$1,409.00; Nelson,Christy-\$405.00; Neve's Uniforms-\$886.95; Newman Traffic Signs-\$79.68; Niesent,Ron-\$30.16; Odea,Marty-\$71.04; Office Depot-\$581.13; Office Max-\$217.31; Office Of Child Support-\$391.38; Office Technology/Supply-\$24.99; Pennington Co Jail-\$1,522.40; Phillips Petroleum Co-\$122.44; Pitney Bowes-\$1,197.00; Pizza Hut-\$427.30; Prairiewave Communications-\$1,041.00; Queen City Rocket Lube-\$31.49; Quill Corp-\$86.98; Qwest-\$1,330.41; RC Regional Hospital-\$448.00; Rabe Elevator-\$658.05; Rapid Delivery-\$9.60; Ray O'herron Co-\$1,013.85; Reindl,Staci-\$8,200.42; Reliable-\$181.38; SD Dept Of Legislative Audit-\$10,563.85; SD Emergency Mngt Association-\$25.00; SD Law Review-\$66.04; Sanitation Products-\$3,080.65; Sdrs Supplemental Retirement-\$2,133.00; Servall Towel & Linen-\$416.02; Silverado-\$1,026.38; Slate Creek Counseling-\$574.41; Sleep,Richard-\$56.55; Slowey,Yavonne-\$75.00; Smartware Corp-\$5,000.00; Spearfish Auto Supply-\$771.26; Spearfish Husky-\$121.75; Spearfish Motors-\$43.04; Stadler Ind Service-\$130.00; Stahl,Mike-\$212.81; T & W Appliance/Knothole-\$136.86; Taser International-\$95.00; The Old Woodshop-\$4,855.20; The Tech Connect-\$152.99; Thurman Law Office-\$170.29; Tigerdirect-\$3,336.04; Turning Technologies-\$623.33; Twin City Hardware & Lumber-\$1,161.82; Tysdal,Rick-\$59.20; Uap Timberland-\$64,999.50; United Building Centers-\$797.55; United Parcel Service-\$14.22; Verizon Wireless-\$1,147.53; Victims Of Violence-\$820.00; Walmart Store-\$2,339.12; Wells Fargo Business Card-\$433.79; Western Communication-\$134,913.00; White's Queen City Motors-\$25,921.00; **Witness & Jurors:** Arsaga,M-\$52.96; Christman,M-\$50.74; Derby,R-\$61.10; Enderby,I-\$50.74; Rohrer,R-\$52.96; Schell,C-\$153.60; Wisener,M-\$61.10; Juso,N-\$25.18; Cremean,D-\$20.00; Burghduff,K-\$35.54; Card,C-\$17.40; Coolley,M-\$18.88; Culbertson,R-\$122.20; Degraff,R-\$122.20; Denton,B-\$24.80; Douglas,N-\$114.80; Garrett,R-\$18.14; Guilbert,M-\$10.74; Hansen,B-\$20.36; Harris,W-\$24.80; Heckenliable,C-\$122.20; Hinch,C-\$21.10; Hoff,J-\$12.22; Janke,A-\$108.88; Johnson,T-\$28.50; Knutson,J-\$21.10; Lambert,R-\$22.58; Lee,B-\$32.20; Little,L-\$33.68; Massine,C-\$122.20; Mccarty,S-\$129.60; Mclellan,B-\$137.00; Namminga,L-\$10.74l; Oedekovan,H-\$15.18; Olson,L-\$21.10; Pittman,E-\$24.80; Pletan,P-\$13.70; Reif,E-\$105.92; Rempfer,G-\$21.10; Robertson,J-\$117.76; Robertson,N-\$12.22; Rost,K-\$21.10; Sabo,D-\$13.70; Sanito,R-\$122.20; Skorka,K-\$10.74; Smith,D-\$21.10; Smith,K-\$19.62; Tordoff,D-\$24.80; Volk,S-\$20.36; Watson,D-\$10.74; Werner,S-\$19.62; Wheaton,T-\$120.72; Williamson,R-\$27.02; Briscoe,S-\$20.00; Carter,T-\$20.00; Downey,M-\$20.00; Downey,R-\$53.30; Lundgren,B-\$36.28; Merkel,C-\$20.00; Stevens,C-\$34.80; Tchetter,K-\$20.00; Wright,S-\$20.00; Doud,A-\$253.10; Quam,K-\$20.00; Foss,J-\$34.80

ADJOURN: 10:31 a.m. There being no further business it was Moved-Seconded (Douglas-Weisenberg) to adjourn. Motion Carried.

Date Approved

Terry W. Weisenberg, Chair

ATTEST:

Connie Atkinson, Auditor

LAWRENCE COUNTY BOARD OF ADJUSTMENT MEETING – December 27, 2007

Chairperson James J. Seward called the Lawrence County Board of Adjustment meeting to order at 10:00 a.m. on December 27, 2007 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Terry W. Weisenberg, Bob Ewing, Connie H. Douglas and Tommy Thompson present.

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

CONDITIONAL USE PERMIT #351/ DAVID ELSOM: A public hearing was held on Conditional Use Permit #351 for David Elsom - Vet Clinic/Crematory, Legal Description: NE1/4SE1/4, SEC 19, T6N, R2E, Location: Tinton Road, Purpose: Veterinary Clinic/Crematory, Zoning: A-1 (COZ in process for A-2).

Leo Hayworth and Jim Beringer were present and expressed concerns about the location of the building and requested the building be moved to the back of the property. The public hearing was closed.

The Board discussed the location of the crematorium, impacts of traffic, and pollutants. The Board also stated the fact this will be a Conditional Use Permit and can be revoked at any time. Seward and Ewing asked if there was a reason this was not proposed for the back portion of the property. The property owner stated it was more cost effective in the proposed location.

Moved-Seconded (Douglas-Weisenberg) to approve Conditional Use Permit #351 with attached conditions. Aye-Douglas, Weisenberg. Nay-Ewing, Thompson, Seward. Motion Failed.

Moved-Seconded (Ewing-Thompson) to approve Conditional Use Permit #351 with the attached conditions, as presented and on file in the Planning and Zoning Office, with an additional condition that the Building and crematorium be located in the back northwest corner of the property.

Elsom said he would be able to work with the additional condition as stipulated.

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

Date Approved

Terry W. Weisenberg, Chair

ATTEST:

Connie Atkinson, Auditor