

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 6, 2015**

Vice-Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 6, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, and Randall Rosenau present. Richard Sleep was absent.

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

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

### **2015 ANNUAL APPOINTMENTS & DESIGNATIONS**

**CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Johnson-Flanagan) to appoint Commissioner Weisenberg as the Chairperson of the Lawrence County Commissioners for 2015. Motion Carried.

**VICE-CHAIRPERSON OF COUNTY COMMISSIONERS:** Moved-Seconded (Flanagan-Rosenau) to appoint Commissioner Daryl Johnson as the Vice-Chairperson of the Lawrence County Commissioners for 2015. Motion Carried.

**BOARD OF ADJUSTMENTS:** Moved-Seconded (Flanagan-Johnson) to appoint Daryl Johnson, Randall Rosenau, Brandon Flanagan, Richard Sleep, and Terry W. Weisenberg as the Board of Adjustment for 2015. Motion Carried.

**BUILDING CODE:** Moved-Seconded (Johnson-Rosenau) to appoint Daryl Johnson, Randall Rosenau, Brandon Flanagan, Richard Sleep, and Terry W. Weisenberg as the Building Code Board of Resolution for 2015. Motion Carried.

**LEGAL NEWSPAPERS:** Moved-Seconded (Johnson-Flanagan) to designate the B.H. Pioneer as the legal newspapers for 2015. Motion Carried.

**SHERIFF'S OFFICE POSITIONS:** Moved-Seconded (Rosenau-Weisenberg) To restate the full time positions in the Lawrence County Sheriff's office for 2015 as follows: (1) Chief Deputy (1) Captain, (2) Squad Sergeant, (7) Deputies, (2) Detectives, (1) Process Servers, (4) Office Personnel (11) Jailers, (1) E911 Coordinator, and (7) Dispatchers. Motion Carried.

**INDIGENT FUNERAL EXPENSE:** Moved-Seconded (Flanagan-Rosenau) to approve Resolution #2015-05 and set the 2015 standard burial fee at \$2,210 and continue the remaining indigent funeral expenses paid by the County as stated in the Lawrence County Welfare Program Rule. Motion Carried.

**MINUTES:** Moved-Seconded (Flanagan-Johnson) to approve the minutes of December 30<sup>th</sup> County Commission meeting and Board of Adjustment meeting. Motion Carried.

**COUNTY BOARDS AND COMMITTEES:**

**AIRPORT BOARD:** Moved-Seconded (Johnson-Weisenberg) to appoint Commissioner Rosenau as representative to the Airport Board for 2015. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Sleep as alternate to the Airport Board for 2015. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to appoint Michael Rath for a five-year term to end 1-2020. Motion Carried.

**ENVIRONMENTAL REVIEW / AG COMMITTEE:** Moved-Seconded (Johnson-Rosenau) to appoint Chris Miller to the AG Committee for a three year term to expire 1-2018. Motion Carried.

Moved-Seconded (Rosenau-Johnson) to appoint Richard Sleep to the AG Committee to fill the term of Robert Ewing for a term to expire 12/2016. Motion Carried.

**ENVIRONMENTAL REVIEW / TIMBER COMMITTEE:** Moved-Seconded (Flanagan-Rosenau) To appoint Rob Mattox to the Timber Committee for a three year term to expire 1-2018. Motion Carried

**ENVIRONMENTAL REVIEW / WILDLIFE, RECREATION & TOURISM COMMITTEE:** Moved-Seconded (Rosenau-Johnson) To appoint Brad Ellis to the Wildlife, Recreation & Tourism Committee for a three year term to expire 1-2018. Motion Carried.

**EMERGENCY MANAGEMENT LOCAL EMERGENCY PLANNING COMMITTEE AND EMERGENCY OPERATIONS PLAN:** Moved-Seconded (Johnson-Weisenberg) to appoint Commissioner Rosenau for 2015. Motion Carried.

**FAIR BOARD:** Moved-Seconded (Flanagan-Weisenberg) To appoint Commissioner Sleep to the Fair Board for 2015, and to appoint Matthew Sleep for a (3) year term to expire 1-2018. Motion Carried.

**HOUSING & REDEVELOPMENT COMMISSION:** Moved-Seconded (Rosenau-Flanagan) to appoint Matt Pike to the Housing and Redevelopment Commission for a (5) year term to expire 12-31-2019. Motion Carried.

**INSURANCE COMMITTEE:** Moved-Seconded (Rosenau-Johnson) to appoint Commissioner Weisenberg for 2015. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Flanagan-Rosenau) To appoint Commissioner Sleep for 2015 and to appoint Kyle Vavruska to the Invasive Species

Management Board District #1, and to appoint Mike Whalen to the Invasive Species Management Board District Spearfish for a 3 year term to expire 12-2017. Motion Carried.

**MENTAL ILLNESS:** Moved-Seconded (Johnson-Flanagan) to appoint Bonnie Dittes to the Lawrence County Mental Illness Board for a three year term to expire 01-2018. Motion Carried.

**MOUNTAIN PINE BEETLE PLAN ADVISORY COMMITTEE:** Moved-Seconded (Johnson-Flanagan) To appoint Dave Heck, Bruce Outka, Bill Coburn, Rob Mattox, Steve Butsko, Commissioner Randall Rosenau and Bob Ewing to the Mountain Pine Beetle Plan Advisory Committee for 1 year to expire 12-31-2015. Motion Carried.

**PLANNING & ZONING BOARD:** Moved-Seconded (Rosenau-Flanagan) to appoint Commissioner Johnson and to appoint Commissioner Sleep as the alternate for 2015. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Rosenau-Johnson) To appoint Commissioner Flanagan, and Commissioner Weisenberg for 2015; and to appoint Jaci Pearson to the Public Defender Board for 2015. Motion Carried.

**B.H. COUNCIL OF LOCAL GOVERNMENTS:** Moved-Seconded (Rosenau-Flanagan) to appoint Commissioner Flanagan as Representative and Commissioner Sleep as Alternate for 2015. Motion Carried.

**CUSTOM, CULTURE COMMITTEE:** Moved-Seconded (Rosenau-Weisenberg) To appoint Richard Sleep for 2015. Motion Carried

**LAWRENCE COUNTY REVOLVING LOAN FUND:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Flanagan, Commissioner Weisenberg, and Blaise Emerson to the Lawrence County Revolving Loan Fund Board for 2015. Motion Carried.

**LIBRARY BOARD:** Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Rosenau for 2015. Motion Carried.

**SPEARFISH ECONOMIC DEVELOPMENT BOARD:** Moved-Seconded (Flanagan-Rosenau) to appoint Commissioner Johnson to the Spearfish Economic Development Board for 2015 and Commissioner Sleep as the alternate for 2015. Motion Carried.

**STATE DIVISION OF FORESTRY CONTACT PERSON / RANGE LAND FIRES:** Moved-Seconded (Flanagan-Rosenau) to appoint Chairperson Weisenberg, and Emergency Management Director, Paul Thomson for 2015. Motion Carried.

**MULTIPLE USE COMMITTEE:** Moved-Seconded (Johnson-Rosenau) to appoint Commissioner Weisenberg to the Multiple Use Committee for 2015. Motion Carried.

**WESTERN SD COMMUNITY ACTION:** Moved-Seconded (Johnson-Rosenau) to appoint Ida Marie Snorteland for 2015. Motion Carried.

**WESTERN SD JUVENILE SERVICES CENTER COMPACT:** Moved-Seconded (Flanagan-Rosenau) to appoint Commissioner Sleep to the Western SD Juvenile Services Center Compact and Sheriff Brian Dean as the alternate for 2015. Motion Carried.

**LEAD OPERA HOUSE:** Moved-Seconded (Johnson-Flanagan) to appoint Commissioner Weisenberg to the Historic Lead Opera House Board for 2015. Motion Carried.

**SDPAA:** Moved-Seconded (Flanagan-Rosenau) to appoint Chairman Weisenberg to the SDPAA. Motion Carried.

**HAZARDOUS MATERIALS COORDINATOR:** Moved-Seconded (Johnson-Rosenau) to appoint Paul Thomson as the Hazardous Materials Coordinator. Motion Carried.

**SPECIAL RULE OF ORDER & ROBERTS RULES OF ORDER:** Moved-Seconded (Flanagan-Rosenau) to adopt the special rule of order requiring three members approval to pass a motion for 2015, and the Newly Revised Roberts Rules of Order for the County Commissioners and all County Boards and Committees. Motion Carried.

**2015 WAGES & SCALES:** Moved-Seconded (Flanagan-Weisenberg) to accept the following 2015 longevity pay policy, Per Diem, Cell Phone Per Diem, Wage Scales, and Wages for the salaried personnel, per pay period (biweekly) for the salaried personnel and per hour for hourly personnel, unless stated otherwise, effective December 28, 2014. Motion Carried.

**LONGEVITY PAY:** Longevity pay will be awarded to permanent employees who have been employed for a minimum of five (5) years. Eligibility takes place on anniversary date of 5<sup>th</sup> year of employment, with increases on the 10<sup>th</sup> year of employment, 15<sup>th</sup> year of employment, and 20<sup>th</sup> year of employment. Longevity pay schedule is as follows: 5 Years -2 cent per hour for each year of employment; 10 Years- 4 cents per hour for each year of employment; 15 Years-6 cents per hour for each year of employment; 20 Years-8 cents per hour for each year of employment. Elected Officials are eligible for longevity pay. Elected County Commissioners are not eligible for longevity pay. Seasonal employees working consecutive years are eligible for longevity pay.

**PERDIEM:** Sheriff Deputies-\$6.00 per day, for a maximum of 5 days a week. Correctional Officers-\$1.00 per each day physically worked.

**2015 CELL PHONE PER DIEM:**

Bruce Outka-75.00; Greg Dias-75.00; Randy McGruder-75.00; Rick Wisser-75.00; Allan Bonnema-75.00; Steve Ryan-50.00; Bob McCormick-50.00; Norm Burleson-50.00; Rick Frerichs-50.00; Tim Agena-50.00; Connie Atkinson-75.00; Brenda McGruder-\$50.00 Deb Tridle-75.00; Sheree Green-75.00; Michelle Baumann-\$45.00; Amber Vogt-60.00; Jeff Schroeder-50.00; Paul Thomson-136.00; Rene' Larson-68.00; Jason Fischer-\$50.00; Mike Meehan-50.00; Brett Runge-50.00; Carmen Symonds-50.00; Tim Hodson-50.00; Louise Hohn-\$50.00; Brian Dean-104.00; Paul Hansen-104.00; Marty Goetsch-104.00; Matt Hardin-104.00; Tavis Little-104.00; Nathaniel Davis-\$104.00; Joe Leveque-104.00; Rob Ruffato-104.00; Larry Gabriel-104.00; Seth Brennen-104.00; Tom Derby-104.00; Pat Johnson-104.00; Megan Merwin-\$104.00; Matthew McCroden-\$104.00; David Riley-\$104.00; Dustin Schumacher-\$104.00; Dave Heck-50.00; Ryan Palmer-\$50.00; and Gary Gould-50.00.

**2015 WAGES** (per SDCL 6-1-10): Commissioners: Brandon Flanagan-479.56; Rosenau, Randall-479.56; Richard Sleep-479.56; Johnson,Daryl-479.56; Weisenberg,Terry-479.56; Outka,Bruce-3,552.86. Auditor: Atkinson,Connie-2,659.50; McGruder,Brenda-22.25; Lucero, Robin-17.12; Nelson,Melody-18.46; Sargent,Debbie-17.56. Treasurer: Tridle,Debora-2,489.94; Adams, Julia-17.12; Atkinson,Sally-19.73; Brownlow,Carleen-17.14; Derby, Gail-14.24; Marshall, Laurie-17.12; Quenzer, Linda-17.00. Information System & Technology: Dias,Gregory-3,041.47; Leatherman, Debra-18.92; McGruder,Randall-25.40; Wisser, Ricky-22.63. States Attorney: Fitzgerald, John-3,217.75; Baumann, Brianna-14.70; Baumann,Michelle-23.97; Silvernail,Janice-18.51; Stoflet,Margie-20.69; Harvey,Brenda-2,391.31; Nordstrom, Kari-25.00; Thielen, Trevor-2,078.11. Public Defender: Pike,Matthew-\$3,017.79; Lopez,Amber-2,607.63; Albertson, Kirk-2,289.51; Smith,Molly-22.33; Peterson, Virginia-17.99. Maintenance: Frerichs,Richard-27.38; Carr,Zoe-15.57; Agena, Timothy-22.92; Lee,Laura-13.51; Latuseck, Kelby-13.47; Mattson,Robert-12.77. Director of Equalization: Hodson, Timothy-2,040.54; Bridenstine,Nancy-19.40; Fisher, Jason-18.19; Geuke, Nicole-15.77; Hohn, Louise-18.19; Meehan, Michael-17.84; Phinney, Desiree-14.82; Runge,Brett-22.85; Symonds,Carmen-19.85. Register of Deeds: Green Sheree-2,338.65; Carr, Marie-15.87; Feterl,Florence-17.80; Hansen,David-18.97; Podoll, Keri-17.16. Veterans Service Officer: Locken,William-1,302.33. Sheriff: Dean,Brian-2,877.89; E-911-Black,Sue-22.60; Dispatch: Abernathy, Emily-18.18; Greeley,Laurie-18.58; Hamilton,Marian-19.94; Iverson, Andrew-18.18; Johnson, Ross-17.83; Steffen,Peggy-18.34; Torgerson, Daleen-18.18; White,Richard-18.74; Sheriff: Davis, Nathaniel-23.24; Derby, Tommie II-23.92; Dragoo, Shelley-19.33; Gabriel,Larry-21.55; Goetsch, Martin-27.41; Gould, Gary-18.01; Hansen, Paul-2,420.64; Hardin, Matt-20.73; Johnson, Patrick-23.92; Kellogg, Susan;-17.48; Leveque,Victor-24.31; Little,Tavis-25.17; Mccroden, Matthew-23.24; Merwin, Megan-23.24; Nelson,Kesha-19.25; Rakow, Julie-17.42; Riley, David-22.55; Ruffatto,Robert-23.40; Schumacher, Dustin-22.89; Symonds, Matthew-17.89; Wainman, John Jr-17.89; Walker,John-17.89; Jail: Abell, Mary-18.18; Berndt,Wendy-18.58; Brennan, Seth-23.80; Cortez, Frank-18.98; Culver,Kim-18.74; Johnson, Michael-18.88; Kampa, Kerry-18.18; Kellogg,Susan-18.66; Kotak,Joe-17.49; Lechner, Nathan-15.19; Moraga, Virgina-17.49; Nash, Christina-18.18; Palmer, Lance-15.88; Rosenau, Samantha-15.54; Schleep, Neil-17.89; Sherer, Stacey-18.18; Wainman, John Sr.-13.55; Wetz, Jolene-15.88; Coroner: Gould, Gary- \$240.37 ppd &100.00 call; Isburg,Damon-200.00 call; Pedneau, Darin-200.00 call. Emergency Management: Thomson,Paul-2,347.52; Larson,Rene-\$17.84. Highway: Bonnema, Allan-2,780.43; Bey,John-27.62; Burleson, Norman-22.30; Burnitt, James-21.16; Cooper, John-21.16; Eide,Curtis-23.56; Ford, Jacob-21.16; Harley, Toby-21.16; Harper,Jeffrey-21.56; Herman,

Joshua-21.16; Heying,Bradley-22.84; Holen, Gerald-21.16; Larimore,Mark-21.32; McCormick,Robert-28.34; Nelson, Paul-21.16; Patino,Mark-22.06; Rear, Krista-17.00; Ryan,Steve-28.02; Sheeler, Daniel-21.16; Silvernail,Dennis-23.48; Skavang, Robert-21.28; Vandenberg,Maria-20.12. Airport: Harmon, James-18.37; Aaker, Donald-40.00 meeting; Randy Diebert-40.00 meeting, Jim Seward-40.00 meeting; Hanna, Brooks-40.00 meeting; Lantis,Travis-40.00 meeting; Rath, Michael-40.00 meeting. Mental Health Board: Johns,Timothy-\$90.00; Strawn,Eric-90.00; Oswald, Rod-90.00. Invasive Species Management: Heck,David-2,027.29; Palmer, Ryan-15.24; Hauge, John-40.00 meeting; Ridley, Clint-40.00 meeting; Schneider, Shad-40.00 meeting; Kyle Vavruska-40.00 meeting; Whalen, Michael-40.00 meeting; Seasonal Invasive Species Employees-Tyson, Chase-13.73; Planning&Zoning: Vogt,Amber-2,026.71; Schulz,Sherryl-17.50; Schroeder, Jeffery-20.16; Brady,Thomas-40.00 meeting; Coburn,William-40.00 meeting; Mickelson,Criag-40.00 meeting; Stone,Julie-40.00 meeting; Schenk, Travis-40.00 meeting; Tysdal,Richard-40.00 meeting; Seasonal Tree Markers/Recon/Adminstrators: Aigner, Amanda-12.00; Alvarez-Zalazar, Antonio-15.00 per tree; Anderson, Lucas A.-13.05; Anderson, Lucas D.-15.00 per tree; Bueno, Chance-13.05; Enderson, Alan-15.00 per tree; Engel, Justin-15.00 per tree; Evans, Jesse-13.05; Janis, Gerry-15.00 per tree; Johnson, Jason-15.00 per tree; Jones, Andrew-15.00 per tree; Lester, Rodney-15.00 per tree; Link, John-15.00 per tree; Mack, David-15.00 per tree; Miller, Mike- 12.00; Mosher, Andrew-13.73; Myers, Wyatt-13.05; O’Driscoll, Thomas-15.00 per tree; Parson, Austin-12.00; Pontinus, David-15.00 per tree; Pontius, James-15.00 per tree; Pourier, Clayton-15.00 per tree; Prentice, Richard-12.00; Redinger, Seth-15.00 per tree; Sandidge, Tracey-15.00 per tree; Sanford, Tyrel-12.00; Schmuck, Curtis-12.00; Smith, Danny-13.73; Soto-Birruete, Miguel-15.00 per tree; Stampe, Brain-15.00 per tree; Stein, Benjamin-15.00 per tree; Swanson, Corey-15.00 per tree; Tyson, Chase-13.73; Weiss, Cody-15.00 per tree; Wheeler, Kyle-15.00 per tree.

<i>NEWLY ELECTED BASE</i>	<i>2015 BASE</i>	<i>SDCL #</i>
<b>AUDITOR</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>TREASURER</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>REGISTER DEEDS</b>	\$ 35,952.00	SDCL 7-7-9.1
<b>STATES ATTORNEY</b>	\$ 71,534.00	SDCL 7-7-12
<b>SHERIFF</b>	\$ 50,721.00	SDCL 7-12-15

**RESOLUTION #15-01 / ELECTION OFFICIALS COMPENSATION:** Moved-Seconded (Johnson-Rosenau) to approve the following Resolution #2015-01 Election Officials Compensation. Motion Carried. **RESOLUTION #2015-01 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 \$175.00; Judges \$150.00 IN ADDITION, each of the election officials and workers who participate in an election school prior to any election shall be compensated an additional \$20.00. All election officials and employees shall be paid mileage for all travel incurred in regard to said employment at the state rate per mile. Extra help hired to work on election night in the Auditor’s Office will

be paid at the rate of \$15.00 per hour. DATED this 6<sup>th</sup> day of January 2015. For the Board, Terry Weisenberg, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #15-02 POLLING PLACES & PRECINCTS:** Moved-Seconded (Flanagan-Weisenberg) to approve the following resolution setting the polling places and precincts in 2015. Motion Carried. . **RESOLUTION #2015-02 POLLING PLACES & PRECINCTS**  
**WHEREAS**, SDCL 12-14-1 requires that the Lawrence County Commission shall by resolution provide for election precincts throughout its county and shall designate polling places within such precincts, **NOW, THEREFORE**, for all county elections, except where elections by ward or a boundary other than a precinct is required, the following polling places shall be established for the precincts in Lawrence County: **Lead** - Golden Hills Resort & Convention Center; **Deadwood**-Lawrence County Administrative Annex; **Spearfish 1st Ward**-Senior Citizen's Center; **Spearfish 2nd Ward**-Senior Citizen's Center; **Spearfish 3rd Ward**-Senior Citizen's Center; **Nemo**-Nemo Church; **Rural #1**-Lawrence County; Administrative Annex; **St. Onge**-St. Onge Community Hall; **Whitewood**-Whitewood City Hall; **Rural #2**-Spearfish Park Pavilion. **DATED** this 6<sup>th</sup> day of January 2015. For the Board, Terry Weisenberg, Chairperson. ATTEST: Connie Atkinson, Auditor.

**RESOLUTION #15-03 TO ESTABLISH OFFICIAL DEPOSITORIES:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of Deb Tridle, Treasurer and approve the following Resolution #15-03 to Establish Official Depositories in Lawrence County. Motion Carried. **RESOLUTION 15-03 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 2015: Wells Fargo-South Dakota 721 Main St. Deadwood, SD; First Interstate Bank 696 Main St. Deadwood, SD; First National Bank 197 Glendale Dr., Lead, SD; Pioneer Bank 140 E Jackson Blvd Spearfish, SD; and Great Western Bank 526 Main St. Spearfish, SD; 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 2015. Dated this 6<sup>th</sup> day of January 2015. For the Board of County Commissioners: Terry Weisenberg, Chairperson Attest: Connie Atkinson, Auditor

**PERSONNEL:**

**MOUNTAIN PINE BEETLE:** Moved-Seconded (Rosenau-Flanagan) to approve the hiring of Michael Stracco as a temporary seasonal tree cutter at the rate of \$15.00 per tree effective January 6 and Austen Erickson as a temporary seasonal tree cutter at the rate of \$15.00 per tree effective January 8, 2015

**TRAVEL REQUEST:**

**HIGHWAY:** Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Allan Bonnema to attend the Annual NACE Conference in Dayton Beach, Florida on April 19-23, 2015. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of December 31, 2014 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$42,952.52; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,255.29; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$3,327,514.83, Money Market \$3,976,693.27; Savings-\$8,149,531.44; Total \$18,604,157.35

**DEBARMENT AND SUSPENSION CERTIFICATION POLICY #2015-06:** Moved-Seconded (Johnson-Rosenau) to approve and adopt the following RESOLUTION ESTABLISHING DEBARMENT AND SUSPENSION CERTIFICATION POLICY. Motion Carried. LAWRENCE COUNTY RESOLUTION NO. 2015-06 A RESOLUTION ESTABLISHING DEBARMENT AND SUSPENSION CERTIFICATION POLICY: WHEREAS, debarment and suspension are actions taken by the federal government against organizations or individuals who have committed fraud or a criminal offense in violation of federal law; WHEREAS, per Executive Order 12549, Lawrence County shall not use funds from federal grants, cooperative agreements, etc., to purchase goods and services, from vendors who have been debarred or suspended from doing business with the federal government; WHEREAS, Debarment is defined as an action taken by a government official to exclude a person or entity from participating in federal transactions; WHEREAS, Suspension is defined as a disqualification from participating in federal transactions for a period of time, because the company or individual is suspected of engaging in seriously improper conduct, which may lead to debarment; WHEREAS, all individuals and entities suspended or debarred are listed on the U.S. General Services Administration (GSA) Excluded Parties Listing System (EPLS). The search can be performed at [www.sam.gov](http://www.sam.gov). WHEREAS, to insure that Lawrence County is not doing business with vendors who have been suspended or debarred from doing business with the federal government, the county department in charge of administering a particular grant is obligated to verify eligibility by performing a search at [www.sam.gov](http://www.sam.gov); WHEREAS, if ever a vendor appears on the EPLS website as being debarred or suspended with date that precedes payment to that vendor, the purchase shall be moved off the federal grant. The Auditor's Office shall be notified that this vendor has been debarred or suspended from doing business with the federal government. NOW THEREFORE, BE IT RESOLVED, that the Board of Lawrence County Commissioners has hereby established its policy for ensuring compliance with Executive Order 12549. Dated this 6th day of January, 2015. FOR THE BOARD: Terry Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, Auditor.

**2015 FAIR AGREEMENT:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the 2015 Fair Agreement with Butte County. Motion Carried.

**SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the South Dakota Public Assurance Alliance Intergovernmental Contract. Motion Carried.

**SHERIFF BUSINESS:** Brian Dean, Sheriff updated the Board on Sheriff business and thanked the Board for his appointment as Sheriff nine months ago.

**HIGHWAY BUSINESS:**

**HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Johnson-Rosenau) to set a bid opening for March 24, 2015 at 8:30 a.m. for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates, de-icing sand, in-place Hot Mix Asphalt Paver Patching, Precast Concrete Culverts, Box Culverts, Bridge Beams and Deck Units. Motion Carried

**PAVING PROJECT:** Moved-Seconded (Flanagan-Rosenau) to authorize Bonnema to have Plans designed for two miles on the Crook City Road as a paving project for 2015. Motion Carried.

**AIRPORT:**

**RESOLUTION 2015-4 - NOTICE OF INTENT TO ENTER INTO LEASE OF COUNTY OWNED PROPERTY:** A public hearing was held on the County's Intent to Enter Into Lease Of County Owned Property. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Resolution 2015-4 - Notice Of Intent To Enter Into Leases For County Owned Airport Hangers, Bare Land Sites For Private Hangar Construction And Haying. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2015-4: A RESOLUTION DECLARING NOTICE OF INTENT TO ENTER INTO LEASES FOR COUNTY OWNED AIRPORT HANGARS, BARE LAND SITES FOR PRIVATE HANGAR CONSTRUCTION AND HAYING: WHEREAS, Lawrence County (the "County") owns the premises known as Black Hills Airport/Clyde Ice Field (the "Airport"); WHEREAS, fifty three (53) County owned "THangars" are situated at the Airport together with several bare land sites set aside for lease and construction of privately owned hangars; WHEREAS, from time to time, "THangar" sites become available for lease, and interest is expressed by private individuals desiring to lease bare land sites for purposes of constructing privately owned hangars; WHEREAS, the income derived from the lease of "THangars" and bare land sites contributes to reducing the costs and expenses associated with operating and maintaining the Airport; WHEREAS, the County has adopted a policy for prioritization and allocation of County owned "THangars" and bare land sites at the Airport; WHEREAS, the County has also developed a standard lease agreement for lease of "THangars" and bare land sites; WHEREAS, areas of the Airport premises are also suitable for haying; WHEREAS, each

year the County typically enters into a lease permitting haying at the Airport; WHEREAS, the income derived from the haying lease also contributes to offsetting the costs and expenses associated with operating and maintaining the Airport; WHEREAS, pursuant to SDCL 71832, if the County Commission agrees to lease any county owned property to any private individual for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value, it shall adopt a resolution of intent to enter into such lease(s) and fix a time for public hearing concerning the adoption of the resolution; WHEREAS, the “THangars” leases, bare land leases and haying lease to be offered by the County may be for a term exceeding one hundred twenty days and for an amount exceeding five hundred dollars annual value; and NOW THEREFORE, BE IT RESOLVED, that the Board of Lawrence County Commissioners has given its notice of intent to lease certain County owned property at the Airport, and that a PUBLIC HEARING on adoption of this Resolution was held on January 7, 2013, and that NOTICE of said hearing was published in the official newspaper once, at least 10 days prior to the hearing; and BE IT FURTHER RESOLVED, that the Board of County Commissioners authorizes the Lawrence County Airport Board and/or the Airport Manager to enter into leases of County owned “THangars”, bare land sites and a haying lease at the Airport according to the terms and conditions of the standard lease agreement, the Airport Rules and Regulations and Minimum Standards. Dated this 6th day of January, 2015. FOR THE BOARD: Terry Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, Auditor.

**NORTHERN HILLS ALLIANCE FOR CHILDREN / FIRST STEP CHILDCARE**

**CENTER:** Representatives were present from the Northern Hills Alliance and presented the Board with the payoff check for the loan they received from the Lawrence County Revolving Loan Fund. They thanked the Board for trusting in them.

**AIRPORT DAMAGE:** Outka gave an update on the RFP for the damage at the airport. Moved-Seconded (Flanagan-Johnson) to appoint Johnson, Jilek, Hanna, Outka, and Rosenau to review the revised proposals for the purpose of making a recommendation to the county commission at the next meeting. Motion Carried.

**COUNTY BOILER UPDATE:** John Hey was present to update the Board on the Boiler Replacement Study. Hey reviewed three options. Option 1 at an approximate cost of \$754,699.76 would be installing three new boilers and new primary heating pumps. Option 2 at an approximate cost of \$387,742.08 would be installing three new boilers and Option 3 would be to only repair boiler pieces as needed. The Board did an on-site of the boiler rooms and equipment needed to be repaired. Moved-Seconded (Flanagan-Weisenberg) to proceed with Option 2 installing three new boilers with including a switch to be able to run two boilers on the generator. Motion Carried. Aye-Johnson, Weisenberg, and Flanagan. Nay-Rosenau.

**COUNTY MASTER PLAN:** Johnson stated the County needs to discuss a Master Plan for the county buildings and services they provide as the County may need to look for new locations to accommodate a possible new jail. Chairman Weisenberg asked Johnson to spearhead a

committee to work with Williams & Associates and move forward with the process for a Master Plan.

**SPEARFISH FIRE DISTRICT:** Moved-Seconded (Flanagan-Rosenau) to move the Public Hearing for the proposed Spearfish Fire District to February 24, 2015 at 8:45 a.m. Motion Carried.

**TOUR JAIL FACILITY:** The Board toured the Jail facility.

**2015 COMMISSION MEETINGS:** Moved-Seconded (Rosenau-Johnson) to set the 2015 County Commissioners Meeting Dates for 2015 as follows: January 6 & 20th, February 10 & 24, March 10 & 24, April 14 & 28, May 12 & 26, June 16, & 30, July 14 & 28, August 11, September 1 & 22, October 13 & 27, November 10 & 24, December 8 & 29. Motion Carried.

**PLANNING & ZONING:**

**CHANGE OF ZONING #309 / MEZA:** 2<sup>nd</sup> reading was held on a request for COZ #309 Jessica Meza: A request to change the zoning from A-1 to SRD. Parcel 2 Revised a replat of parcel 1 and parcel 2, being portions of parcel 1 & 2 a subdivision of the N1/2SE1/4 of Section 32, T7N, R2E. Located off of Old Belle Road and Westview Road. Approx. 11.13 acres. Moved-Seconded (Johnson-Flanagan) to approve the COZ #309 Jessica Meza from A-1 to SRD. Parcel 2 Revised a replat of parcel 1 and parcel 2, being portions of parcel 1 & 2 a subdivision of the N1/2SE1/4 of Section 32, T7N, R2E. Motion Carried.

**BILLS:**

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

**Payroll:** Comm-\$5,969.28; Aud-\$8,515.61; Treas-\$10,382.40; Comp-\$8,343.73; Sates Atty-\$13,115.58; Pub Def-\$11,095.73; Gen Govt Bldg-\$8,308.99; Equal-\$13,775.82; Rod-\$7,837.76; Vso-\$1,276.41; Disp-\$14,806.13; Sher-\$37,474.73; Jail-\$25,100.81; Coroner-\$258.65; 24/7-\$69.28; Emerg Mgnt-\$3,839.28; E911-\$1,764.80; Highway-\$38,989.57; Air-\$1,249.62; Mh Serv-\$399.00; Pz-\$5,061.49; Cty Mpb-\$40,291.18

**Bills:** A To Z Shredding-\$27.90; A&B Business,Inc Solutions-\$821.65; Abc Business Supply-\$1,154.59; At&T Mobility-\$946.93; BH Federal Credit Union-\$6,869.13; BH Power-\$209.20; BH Resource Conservation-\$2,500.00; Baczwaski Law Office,PC-\$310.40; Butte Electric Coop-\$402.60; Centurylink-\$107.72; Credit Collections Bureau-\$427.57; Deadwood,City Of-\$725.17; Dept Of The Treasury-\$69,009.28; Diversified Collections-\$100.00; Heisler Hardware-\$13.98; Kosel,Joseph-\$2,884.29; LC Conservation Dist-\$5,000.00; Lead,City Of-\$52.75; Lead-Deadwood Sanitary-\$348.88; Liewer Enterprises-\$613.59; Montana Dakota Utilities-\$910.98; Nasppg Insurance Services-\$2,780.75; Office Of Child Support-\$582.93; Ohio Child Support-

\$136.48; Pennington Co Auditor-\$131.00; Pennington County Sts Attny-\$215.00; Rabe Elevator-\$925.97; Rocky Mountain Instrumental-\$100.00; SD Municipal League-\$97,643.00; SD State Treasurer-\$1,739.84; Sdaco-\$2,211.79; Spearfish Auto Supply-\$699.41; Sturdevant's Auto Parts-\$14.30; Twin City Hardware&Lumber-\$83.46; Washington State Support Reg-\$75.00; Waste Connections-\$406.01; Wex Bank-\$320.34; White's Queen City Motors-\$418.30; Yankton Co Sheriff-\$25.00

**ADJOURN:** 10:47 a.m. Moved-Seconded (Johnson-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – January 20, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on January 20, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Randall Rosenau and Richard Sleep present. Brandon Flanagan was absent.

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

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

**MINUTES:** Moved-Seconded (Johnson-Rosenau) to approve the minutes of January 6<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**MOUNTAIN PINE BEETLE:** Moved-Seconded (Johnson-Rosenau) to approve the hiring of Charles Fowlkes, Robert J. Widdoss, and Benjamin A. Larson as a temporary seasonal tree cutter at the rate of \$15.00 per tree effective January 12, 2015. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve the hiring of Lucas A. Anderson and Richard Prentice as a temporary seasonal tree cutter at the rate of \$15.00 per tree effective January 20, 2015. Motion Carried

Moved-Seconded (Johnson-Rosenau) to approve the hiring of Fadi Chhaide as a temporary seasonal tree cutter at the rate of \$15.00 per tree effective January 16, 2015. Motion Carried.

### **TRAVEL REQUEST:**

**PLANNING & ZONING:** Moved-Seconded (Sleep-Weisenberg) to approve the travel request for Jeff Schroeder to attend the International Code Council Educational Institute Continuing Education Course in Denver, CO on March 1-6, 2015. Motion Carried.

**VOLUNTEER FIRE FIGHTER / SEARCH & RESCUE MEMBERS:** Moved-Seconded (Johnson-Rosenau) to approve the following list of 2015 Volunteer Fire Fighters and Search & Rescue Members for insurance purposes and thank members for their service. Motion Carried.  
**Search & Rescue:** Albertson, Kirk; Baumberger, Ashana; Boyd, Bethany; Bradley, Hunter; Bradley, Jesse; Carlson, Richard; Cook, Tommy; Davis, Lynn; Ewing, Bob; Hover, Paul; Hover, William; Huhnerkoch, Chris M; Leonard, Rob; Lillehaug, Arlando L; Lillehaug, Gary D; Mattox, Rob L; Millard, Raymond L; Radliff, Megan; Radliff, Rick; Raubach, Fred L; Rear, Kay L; Regan, Daniel J; Sargent, Jeremy; Schroeder, Jeff; Siedschlaw, Robert W; Smith, Molly; Stahl, Mike J; Tollefson, Jamey L; Tollefson, Melanie L; Weber, Bill; Wilczynski, Joy; Wisser, Rick; Thomson, Paul, Quaschnick, Lynnette; Sargent, Danielle. **Nemo:** Janna Bechard, Jeff

Bechard, Kelsey Chaloupka, Virginia Clark, Megan Eggers, Mellissa Eggers, Jeane Henrichsen, Justin Henrichsen, Jerry Hood, Patrica Hood, Troy Krull, Larry Marquette, Greg Nepstad, Vince Pfeifle, Larry Rhodes, Chad Solaas, Cindy Solaas, and Kathy Stygles. **Brownsville:** Dennis Anderson, Mike Anderson, Brian Bergman, Derek Berman, Loren Dobyms, Dennis Hoover, Chad Krantz, Robert Mattox, Paul Thomson, Bryce Quaschnick, Jared Quaschnick, Lynette Quaschnick, Don Quaschnick, Tim Quaschnick, Scott Reif, Frank Stamp, Loren Vrem, Jason Wichterman, Brett Winsell, and Dennis Winsell.

**DELINQUENT TAXES REPORT:** Per SDCL 7-21-35 the total 2013 taxes levied for in 2014 was \$36,829,735.98 and the total unpaid as of 12-31-14 was \$102,694.87 which represents a .28% delinquency. Moved-Seconded (Rosenau-Sleep) to accept the Delinquent Taxes Report of 2014 levied and unpaid taxes as reported by the Auditor. Motion carried.

**ABATEMENT:**

**JIM & DENNY INVESTMENTS:** Moved-Seconded (Sleep-Johnson) to approve the abatement for Jim & Denny Investments on parcel #24400-00702-310-24 because of a record correction. Motion Carried.

**WORMSTAD:** Moved-Seconded (Sleep-Rosenau) to approve the abatement for Cheryl Wormstadt on parcel #32690-00200-290-00 because the parcel qualified for an exemption. Motion Carried.

**MSQUARED LLC:** Moved-Seconded (Johnson-Rosenau) to approve the abatement/refund for MSQUARED LLC on a 1995 Liberty Mobile Home SER06L26615XU because it has moved to Broadus Mt. in 2014. Motion Carried.

**PUBLIC SAFETY BUILDING ROOF:** Moved-Seconded (Sleep-Weisenberg) to set the bid opening for March 10 at 8:45 a.m. for the new roof on the public safety building. Motion Carried.

**JOHN HEY CONTRACT:** Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the Proposal for A&E Services with John W. Hey & Company. Motion Carried.

**SHERIFF BUSINESS:**

**BID OPENING:** Moved-Seconded (Rosenau-Johnson) to accept the only bid from Whites Canyon Motors for a combination of (2) Utility SUV 4 door Explorer \$28,470.96 and (1) all wheel drive and 4 door sedan Taurus \$27,321.96; to declare the 2011 Chevy Silverado Pickup VIN#3GCPKSE30BG254877, 2011 Chevy Tahoe VIN#1GNSK2E00BR265742, and 2011 Chevy Tahoe VIN#1GNUKAE01AR169331 surplus and allow them to be traded in; and allow the Chairman to sign the contract documents. Motion Carried

## **HIGHWAY BUSINESS:**

**HIGHWAY BIDS / WALK'N ROLL PACKER:** Moved-Seconded (Johnson-Rosenau) to accept the only bid from LyCox Enterprises Inc. for two WR90 Series 3 Walk'n'Roll Packer/roller \$42,975.00 and allow the Chairman to sign the contract documents. Motion Carried.

**HIGHWAY BIDS / VEHICLES:** Moved-Seconded (Johnson-Weisenberg) to accept the only bid from Whites Canyon Motors for two ¾ ton pickups and one ½ ton pickup for a total of \$96,613.12 (F150 Crew Cab-\$33,605.28; F250 Crew Cab-\$32,218.92 and F250 Extended Cab-\$30,788.92) and allow the Chairman to sign the contract documents. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of January 15, 2015: Deadwood Blended Diesel 4500 gallons: (prices per gallon) CBH Cooperative - \$2.123, Southside - \$2.08\*; MG Oil - \$2.2531, Deadwood Unleaded 2300 gallons: (prices per gallon) CBH Cooperative - \$1.793, Southside - \$1.76; MG Oil - \$1.7515\*; Spearfish Diesel#2 2700 gallons: (prices per gallon) CBH Cooperative - \$1.902; Southside - \$1.91; MG Oil - \$1.899\*; Spearfish Unleaded 900 gallons: (prices per gallon) CBH Cooperative - \$1.823; Southside - \$1.76; MG Oil - \$1.7515\*; Whitewood Blended Diesel 400 gallons: (prices per gallon) CBH Cooperative - \$2.123; Southside - \$2.08\*; MG Oil - \$2.2531; \*Represents lowest quote awarded.

**AIRPORT DAMAGE:** The following proposals were received for the Airport Damage repairs: Ainsworth Benning -\$149,369 and Donovan Construction - \$178,965. Moved-Seconded (Johnson-Weisenberg) to accept the proposal from Ainsworth Benning for \$149,369 and to approve and authorize the Chairman to sign the notice to proceed and relevant documents and forward all documents to Insurance Company for County reimbursement. A liquidated damage document will not be required. Motion Carried.

**SAFETY SYNOPSIS:** Rene Larson, Emergency Management was present to update the Board on the Elected Officials Briefing for Emergency Management and the 2014 Safety Synopsis.

**PROPOSED BROWNSVILLE FIRE PROTECTION DISTRICT:** A public hearing was held on the proposed Brownsville Fire Protection District. Landowners and Residents Doug Miller, John Johnson, Jim Mattson, James Alley, Donny Quaschnick, Rob Mattox, Mike Smedstad, Dennis Hoover, Brett Winsell, Becky Ruff and Steve Larson voiced concerns for and against the formation of the district. The Public Hearing was closed. Johnson stated it is not up to the County to determine if they want to tax themselves and how much. Johnson stated the County will hold an election and it is up to the district to vote for or against the taxing district.

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

**ORDER OF INITIATION OF ORGANIZATION OF BROWNSVILLE RURAL FIRE PROTECTION DISTRICT:** WHEREAS, SDCL 34-31A allows for the organization and incorporation of rural fire protection district; and WHEREAS, a Public Hearing has been held at which the determination was made by the Lawrence County Board of County Commissioners; wherein the area lies, that the proposed district does indeed meet the general fire protection policy of Lawrence County; and WHEREAS, at said Hearing, the boundaries of the proposed Brownsville Rural Fire Protection District were defined and agreed upon by those Commissioners present; WHEREAS, the boundaries of the proposed Brownsville Rural Fire Protection District are defined as: Sections 1 through 3 inclusive, the NW ¼, NE ¼, SE ¼, of Section 4, Sections 10 through 15 inclusive, Sections 23 through 26 inclusive, and Sections 35, 36, in Township 3 North, Range 3 East of the B.H.M.; The South ½ of the SW ¼ and the South ½ of the SE ¼ of Section 1, the East ½ of the SE ¼ of Section 11, Section 12 and Section 13, the East ½ of the NE ¼ and the South ½ of Section 14, the South ½ of Section 15, the South ½ of the SE ¼, of Section 16, Section 21 through 28 inclusive, and Sections 33 through 36 inclusive in Township 4 North, Range 3 East of the B.H.M.; The portions of Section 1, and the portions of Section 12 that are west of US Highway 385, and Section 2, and Section 11 in Township 2 North, Range 4 East of the B.H.M.; The portion of Section 7 that is West of US Highway 385 in Township 2 North, Range 5 East of the B.H.M.; Sections 2 through 11 inclusive, Sections 14 through 23 inclusive, and Sections 26 through 35 inclusive in Township 3 North, Range 4 East of the B.H.M.; Sections 1 through 35 inclusive in Township 4 North, Range 4 East of the B.H.M., all in Lawrence County, South Dakota. NOW, THEREFORE, BE IT ORDERED, that an election will be held at which the question of the organization of the Brownsville Rural Fire Protection District shall be determined by majority vote of those qualified electors of the proposed district who present themselves for that purpose. BE IT FURTHER ORDERED that should the majority of the electors present determine for the organization of the district, an election of the Board of Directors shall be held immediately. Dated this 20<sup>th</sup> day of January, 2015. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry Weisenberg, CHAIRMAN. **ATTEST:** Connie Atkinson, LAWRENCE COUNTY AUDITOR.

**APPLE SPRINGS VACATION OF PLATS:** The Board reviewed petitions received in regards to a petition to vacate the following plats: **Lot 2 of Block 1** of Apple Springs Subdivision formerly Lot 2A and 2B of Block 1 of Apple Spring Subdivision Located in Apple Springs tract NE ¼ NW ¼ of Section 14 T4N, R4E B.H.M. Lawrence County, South Dakota As recorded in plat Document #2008-4104; **Lots 13, 14, 15, 16, 18 of Block 1 and lot 8 of Block 6** of Apple Spring Subdivision, Located in Apple Springs tract NE ¼ NW ¼ of Sec 14, T5N, R4E, B.H.M. Lawrence County, South Dakota as recorded in plat Book 2008-4104; **Lot 3 of Block 1** of Apple Springs Subdivision formerly Lots 3A and 3B of Block 1 of Apple Springs Subdivision Located in Apple Springs tract, NE ¼ NW ¼ of Section 14, T5N, R4E, B.H.M. Lawrence County, South Dakota. As recorded on Plat Doc #2008-4104. A public hearing was held and no public input was voiced and the hearing was closed.

Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the following RESOLUTION #15-05 RESOLUTION & ORDER VACATING A PORTION OF A PLAT. Motion Carried.

**RESOLUTION #15-05 RESOLUTION & ORDER VACATING A PORTION OF A PLAT** WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Thomas Law, requesting for the **Vacation of a Portion of Plat #2008-**

**4104** pursuant to SDCL 11-3-21.1 et seq., and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, the legal description is as follows: Lot 2 of Block 1 of Apple Springs Subdivision formerly Lot 2A and 2B of Block 1 of Apple Spring Subdivision Located in Apple Springs tract NE ¼ NW ¼ of Section 14 T5N, R4E B.H.M. Lawrence County, South Dakota As recorded in plat Document #2008-4104. RECORD OWNER OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED: Thomas Law, and **WHEREAS**, This is a vacant lot with no residential or commercial structure on it, and **WHEREAS**, the character and use of the plat is as follows: Suburban Residential, and **WHEREAS**, The granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, and all property taxes on such plat shall be paid before it may be vacated, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners to hereby vacate a Portion of Plat #2008-4104. Dated this 20th day of January, 2015. Terry Weisenberg, Chairperson, Lawrence County Commissioner. ATTEST: Connie Atkinson, Auditor

Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the following RESOLUTION #15-06 RESOLUTION & ORDER VACATING A PORTION OF A PLAT. Motion Carried.

**RESOLUTION #15-06 RESOLUTION & ORDER VACATING A PORTION OF A PLAT**

**WHEREAS**, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Mike Short, requesting for the **Vacation of a Portion of Plat #2008-4104** pursuant to SDCL 11-2-21.1 et seq., and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, the legal description is as follows: Lots 13, 14, 15, 16, 18 of Block 1 Formerly Lots 13A, 13B, 14A, 14B, 15A, 15B, 16A, 16B, 18A, 18B of Block 1; and lot 8 of Block 6 of Apple Spring Subdivision Formerly Lots 8A, and 8B of Block 6, Located in Apple Springs tract NE ¼ NW ¼ of Sec 14, T5N, R4E, B.H.M. Lawrence County, South Dakota as recorded in plat Doc# 2008-4104, RECORD OWNER OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED: 4 Bears In the Hills L.L.C., Mike Short, and **WHEREAS**, This is a vacant lot with no residential or commercial structure on it, and **WHEREAS**, the character and use of the plat is as follows: Suburban Residential, and **WHEREAS**, The granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, and all property taxes on such plat shall be paid before it may be vacated, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners to hereby vacate a Portion of Plat #2008-4104. Dated this 20th day of January, 2015. Terry Weisenberg, Chairperson, Lawrence County Commissioner. ATTEST: Connie Atkinson, Auditor.

Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the following RESOLUTION #15-07 RESOLUTION & ORDER VACATING A PORTION OF A PLAT. Motion Carried.

**RESOLUTION #15-07 RESOLUTION & ORDER VACATING A PORTION OF A PLAT**

**WHEREAS**, a petition was presented to the Board of County Commissioners of Lawrence County, South Dakota, by Roger Beck, requesting for the **Vacation of a Portion of Plat #2008-**

**4104** pursuant to SDCL 11-2-21.1 et seq., and **WHEREAS**, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer once each week for two consecutive weeks prior to the date of hearing and **WHEREAS**, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and **WHEREAS**, the legal description is as follows: Lot 3 of Block 1 of Apple Springs Subdivision formerly Lots 3A and 3B of Block 1 of Apple Springs Subdivision Located in Apple Springs tract, NE ¼ NW ¼ of Section 14, T5N, R4E, B.H.M. Lawrence County, South Dakota. As recorded on Plat Doc #2008-4104. **RECORD OWNER OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED:** Roger Beck, and **WHEREAS**, This is a vacant lot with no residential or commercial structure on it, and **WHEREAS**, the character and use of the plat is as follows: Suburban Residential, and **WHEREAS**, The granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, and all property taxes on such plat shall be paid before it may be vacated, now therefore, **BE IT RESOLVED** by the Lawrence County Board of Commissioners to hereby vacate a Portion of Plat #2008-4104. Dated this 20th day of January, 2015. Terry Weisenberg, Chairperson, Lawrence County Commissioner. **ATTEST:** Connie Atkinson, Auditor.

**APPLE SPRINGS LETTER OF CREDIT:** The Board reviewed the request from 4 Bears in the Hills (Apple Springs) to release the Letter of Credit. Moved-Seconded (Johnson-Sleep) to table the release of the Letter of Credit until such time that lien releases are obtained on the project that the contractors are paid. Motion Carried.

**POWDER HOUSE PASS:** Jerry Aberle, Representative of Powder House Pass Community Improvement District was present to update the Board on the infrastructure of the Community Improvement District and expected completion dates. Aberle expressed concerns for buyers that would like to get building permits in the March time frame. The Board was in support of Planning and Zoning issuing building permits in the Powder House Pass Community Improvement District as the construction of the project is progressing and a Bond is in place to cover the completion of the project.

**WHITEWOOD BRIDGE LOAD LIMIT:** Jeff Parrett, VP Wheeler Lumber, LLC was present to discuss the load limits on the Whitewood Service Road Bridges. Parrett expressed concerns on the increased trucking costs because of the posted bridges and the effects on the business. Bonnema stated the bridge will be possibly posted in the Spring. Weisenberg stated the County realizes how important Wheeler Lumber is to the County. Parrett asked if the County could do a temporary bypass or fix until the Bridge can be replaced. The estimated cost to replace the bridge is \$1,125,000. Alan Drews, Interstate Engineering was present to review the construction, inspection and load rating of the Bridge. Discussion followed on a temporary bypass and bridge replacement alternates, timeframes and the affects because of a superfund site. Johnson stated the County needs to get the bridge listed on the Federal Aid Bridge Replacement or Rehabilitation Program, get the project moved up on the County list, meet with the Governor, State Delegation, State Economic Development and Department of Transportation as this is a crisis situation, and do a temporary fix until the replacement is funded. Parrett stated if the County could do an

alternate using timber Wheeler would design and install at no charge to the County. Johnson will contact Senator Ewing to arrange a meeting with the State Officials.

Moved-Seconded (Johnson-Rosenau) to approve and authorize the contracting with Interstate Engineering to draw up plans and estimates for the bypass. Motion Carried. Aye-Johnson, Sleep and Rosenau. Nay-Weisenberg. Weisenberg stated he feels the County should do the bridge replacement now, correctly and use County Road & Bridge Funds.

**RESOLUTION:** Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to sign the Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County & Urban Projects for Structure #41-214-100. Motion Carried.

**RESOLUTION # 2015-08 FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION FOR COUNTY AND URBAN**

**PROJECTS:** WHEREAS, Lawrence County desires the Replacement of the bridge hereinafter described: STRUCTURE NUMBER AND LOCATION: 41-214-100 .50 mile east of Whitewood, SD, List of current landowners adjacent to the project (names & addresses): Champion International Corp. C/O International Paper Company P.O. Box 2118 Memphis TN 38101, Thomas Thompson 20265 Superior Pl Whitewood SD 57793, Wheeler Lumber LLC 3620 Southwest 61<sup>st</sup> St Suite 330 Des Moines IA 50321. AND WHEREAS, Lawrence County is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements. AND WHEREAS, Lawrence County is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds. AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons: 1. The sufficiency rating is 37.8 2. The bridge is not located on a County or Township designated Minimum Maintenance Road. 3. The bridge is located on a Federal Aid Route, a school bus route, a mail route, a field to farm to market route, and old SD Hwy 14. 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 "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration. Estimated Cost of Project Including Engineering: \$1,125,000, Federal Share (80%): \$900,000 Local Share (20%): \$225,000 Proposed Year of Construction: 2016. Vote of Commissioners/Council: Yes 4, No-0. Dated at Deadwood, SD, this 20<sup>th</sup> day of January, 2015. Terry W. Weisenberg, Chair. Attest: Connie Atkinson, Auditor.

**PROPOSED SPEARFISH FIRE PROTECTION DISTRICT:** Bruce updated the Board on the proposed Spearfish Fire Protection District and stated it will be discussed at the City of Spearfish Council meeting today.

**CITY OF SPEARFISH:** Jayna Watson, Spearfish Planner was present to discuss the annexation of Lot DP at the Reserve.

**PLANNING & ZONING:**

**BOARD DISCUSSION / P & Z UPDATE:**

**SIGNAGE:** Amber Vogt, Planning & Zoning Director updated the Board on Public Notice Signage and Addition of a Fee. Discussion followed with the Board. The Board was in agreement of the new signage and procedure.

**ETJ ORDINANCE REVIEW:** Vogt and the Board discussed the ETJ Ordinance Review Committee. Moved-Seconded (Johnson-Weisenberg) to appoint Richard Sleep to the ETJ Ordinance Review Committee. Motion Carried.

**PLATS:**

**PRELIMINARY & FINAL PLAT IVERSON:** Moved-Seconded (Sleep-Rosenau) to follow Planning and Zoning recommendation and approve the Preliminary and Final Plat for Dave Iverson on the Iverson Tract located within the Golden Hills Subdivision off of Two Bit Road. Motion Carried.

**PRELIMINARY & FINAL PLAT RANTAPAA:** Moved-Seconded (Johnson-Sleep) to follow Planning and Zoning recommendation and approve the Preliminary Plat and declare the plat exempt for Kurt Rantapaa on Lot 4A located off of Hwy 385. Combining three lots in order to fix issues with existing residences and making it so we will not have to issue a variance on a newly built structure. Motion Carried.

**FINAL PLAT RANTAPAA:** Moved-Seconded (Johnson-Rosenau) to follow Planning and Zoning recommendation and approve the Final Plat and declare the plat exempt for Kurt Rantapaa on Lot 4A located off of Hwy 385. Combining three lots in order to fix issues with existing residences and making it so we will not have to issue a variance on a newly built structure. Motion Carried.

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,748.41; Treas-\$10,712.56; Comp-\$8,501.33; States Atty-\$14,551.36; Pub Def-\$11,140.53; Gen Govt Bldg-\$8,700.84; Equal-\$13,929.28; Rod-\$7,953.27; Vso-\$1,302.33; Disp-\$13,185.61; Sher-\$47,395.30; Jail-\$23,298.14; Coroner-\$663.45; 24/7-\$156.38; Emerg Mgnt-\$3,866.04; E911-\$1,808.00; Highway-\$40,512.43; Air-\$1,118.36; Pz-\$5,289.69; County Mpb-\$54,788.82; **Bills:** Heck,David-\$235.32; Palmer,Ryan-\$42.73; Mosher,Andrew-\$5.78; A&B Business,Inc Solutions-\$745.94; A&J Supply-\$32.09; Abc Business Supply-\$224.59; Ace Steel&Recycling-\$43.22; Active Data Systems-\$250.00;

Adams,Thomas-\$1,600.80; Armstrong Extinguish-\$2,775.00; At&T-\$10.37; Audra Malcomb Consulting-\$889.79; BH Federal Credit Union-\$6,869.13; BH Pest Control-\$190.00; BH Pioneer-\$816.05; BH Power-\$11,177.07; Bates,Ron-\$600.00; Bi Geo Group Co-\$289.80; Bickle's Truck&Diesel-\$414.62; Black Hills Pure-\$64.50; Bruemmer,Lynnel-\$17.00; Butler Machinery Co-\$937.64; Butte Electric Coop-\$358.10; Caron,Bill-\$4,499.16; Century Business Products-\$79.56; Centurylink-\$2,212.74; City/County Alcohol&Drug-\$840.00; Credit Collections Bureau-\$427.57; D Ware-\$1,800.00; Dakota Equipment Rental-\$216.79; Dakota Fluid Power-\$45.62; Dept Of The Treasury-\$74,039.70; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$330.54; Ellingson,Joseph-\$955.80; Esri-\$400.00; Et Sports-\$14,963.00; Farmer's Supply-\$857.45; Fastenal-\$53.85; Federal Express Corp-\$19.44; Fidler-Isburg Funeral Chapel-\$1,170.00; Frederickson,John R-\$417.60; Gene's Lock Shop-\$138.96; Goodie's Uniforms-\$410.60; Heartland Paper Co-\$904.69; Ironhorse-\$400.00; Janke,Wendy-\$1,286.00; K Mart Pharmacy-\$12.11; Kimbell's Auto Repair-\$426.06; Kinney,Matthew-\$611.05; Kosel,Joseph-\$5,071.07; LC Treasurer-\$15.00; Lee,James-\$15.00; Lewno,Lucy-\$73.50; Lexisnexis Risk Data Mngt-\$75.00; Liewer Enterprises-\$117.75; Lynn's Dakotamart-\$4.35; Mack,Katy-\$23.80; Manlove Psychiatric Group-\$1,800.00; Matthew Bender& Company-\$101.08; McClure,Susan-\$350.00; Mcleod's Office Supply-\$902.27; Midcontinent Communications-\$34.93; Montana Dakota Utilities-\$721.97; National Assoc Legal Assistant-\$140.00; Nelson,Christy-\$50.00; Nelson,Tonya-\$200.00; Neve's Uniforms-\$190.02; Northern Hills Casa-\$7,500.00; Northern Truck Equip-\$79.00; Office Of Child Support-\$582.94; Ohio Child Support-\$136.48; Owens Interstate Spearfish-\$138.35; Pennington County Sheriff-\$842.55; Pitney Bowes-\$390.53; Plumbmaster-\$32.89; Powerplan-\$60.26; Program Works-\$864.96; Quill Corporation-\$372.95; RC Finance Office-\$1,015.00; Radiology Associates-\$279.08; Regional Health-\$812.00; Rsinet/Thomas W Nichols-\$180.00; SD Association Of County-\$225.00; SD Dept Of Transportation-\$36.00; SD Emergency Mngt Association-\$210.00; Sd Department Of Public Safety-\$5,400.00; Sd Ltap/Sdsu-\$100.00; Sdrs Supplemental Retirement-\$1,419.01; Semerad, Sandra-\$50.60; Servall Towel&Linen-\$748.27; Sheehan Mack Sales&Equip-\$124.18; Silverado-\$603.00; Spearfish Auto Supply-\$582.24; Spearfish Police Dept-\$11,548.92; State Bar Of South Dakota-\$415.00; Sterna,Laura-\$400.00; Sturdevant's Auto Parts-\$21.43; Sunshine Inc-\$55.00; Sysco Montana-\$3,164.30; Thomson Reuters-West-\$159.50; Tigerdirect-\$474.90; Triple K Tire&Repair-\$15.00; Turnkey Corrections-\$1.67; Twin City Hardware&Lumber-\$259.56; Verizon Wireless-\$105.10; Victims Of Violence-\$540.00; Washington State Support Reg-\$75.00; Waste Connections-\$272.14; Watertree-\$18.00; Weed&Pest Conference-\$250.00; Wells Fargo Business Card-\$3,624.19; West River International-\$253.63; Western Communication-\$470.30; Western SD Juvenile Serv-\$1,892.40; White's Queen City Motors-\$420.76; Wilcox,Chris-\$396.00; Wilde & Hunt,Prof-\$4,291.17; Wimactel-\$60.00; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Anderson,J-\$24.80; Antuna,Z-\$21.10; Berry,L-\$24.06; Baker,S-\$24.80; Barthel,K-\$20.36; Bartol,R-\$19.62; Bertch,L-\$17.40; Broadhurst,T-\$26.28; Carlbom,C-\$27.02; Carlisle,W-\$29.98; Cook,C-\$21.10; Crago,A-\$21.10; Dunwoody,D-\$62.58; Eggers,M-\$12.22; Englund,J-\$24.80; Flak,K-\$24.06; Follett,P-\$60.36; Frasier,P-\$28.50; Gill,B-\$17.40; Hofer,T-\$21.10; Hoffelt,S-\$23.32; Honomichl,A-\$24.80; Jensen,S-\$17.40; Johnson,H-\$22.58; Kapust,V-\$21.10; Kennedy,R-\$12.22; Koepf,D-\$18.88; Lance,A-\$50.74; Lasley,A-\$21.10; Lester,R-\$15.18; Lewis,J-\$55.92; Ludens,T-\$24.80; Mackay,T-\$12.22; Mellott,C-\$21.10; Meredith,M-\$22.58; Morrison,C-\$52.22; Mullen,C-\$21.10; Murphy,S-\$18.14; Myhre,J-\$18.88; Nankivel,K-\$25.54; Netterberg,J-\$21.10; Quaschnick,E-\$20.36; Rogers,J-\$17.40; Schuurmans,N-\$64.80; Shumaker,A-\$61.10; Sleep,J-

\$24.80; Sorensen,R-\$72.20; Stark,A-\$63.32; Thrall,R-\$12.22; Wilson,D-\$18.88; Winchip,R-\$22.58; Zambon,J-\$23.32; Ziegler,A-\$21.10; Zorichak,M-\$61.10; Ginther,J-\$31.10; Hochstetler,T-\$21.48; Jensen,G-\$23.70; Stranger Horse,C-\$31.10; Balander,G-\$22.22; Heller,S-\$21.85; Mcdermott,P-\$31.10

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 10, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 10, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Rosenau-Johnson) to approve the minutes of January 20<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Sleep-Rosenau) to approve the step raise for Nicolle Geuke as a permanent full time Administrative Secretary at the base rate of \$17.32 an hour, effective February 5, 2015. Motion Carried.

**BOARD APPOINTMENTS:** Moved-Seconded (Flanagan-Weisenberg) to make the following replacement appointments to the Lawrence County Revolving Loan Fund: Blaise Emerson, Black Hills Council of Local Governments/BH Community Economic Development and Ron Rosenbloom, West River Foundation. Motion Carried.

### **TRAVEL REQUEST:**

**PLANNING & ZONING:** Moved-Seconded (Rosenau-Flanagan) to approve the travel advance for Jeff Schroeder to travel to Denver, Colorado on March 1-6, 2015. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Flanagan-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of January 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$137,177.27; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,926.66; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$3,002,818.79, Money Market \$3,978,301.63; Savings-\$8,150,268.83; Total \$18,375,703.18

**TRANSFER OF FUNDS:** Moved-Seconded (Johnson-Rosenau) to approve the annual budgeted transfer of \$2,174,320 from General Fund to Road & Bridge Fund, to transfer \$123,819 from General Fund to Emergency & Disaster Fund, and to transfer \$23,899 from General Fund to E911Fund. Motion Carried.

**AUTOMATIC SUPPLEMENTS:** Moved-Seconded (Johnson-Sleep) to approve the automatic supplement of \$1,851.63 for Sheriff Salaries for funds received from the State of South Dakota. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held for a supplemental budget for **GENERAL FUND / INVASIVE SPECIES MANAGEMENT / MOUNTAIN PINE BEETLE** \$160,000. James Nelson, Spearfish Canyon Homeowner spoke in favor of the Supplemental Budget. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #2015-10. Motion Carried. **RESOLUTION #15-10 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND / INVASIVE SPECIES MANAGEMENT / MOUNTAIN PINE BEETLE** \$160,000: 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 10<sup>th</sup> day of February, 2015 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. **IN WITNESS WHEREOF**, we have hereunto set our hands and official seal of Lawrence County, this 10<sup>th</sup> day of February, 2015. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry Weisenberg, Chairman. **ATTEST:** Connie Atkinson Lawrence County Auditor

**SHERIFF BUSINESS:** Brian Dean, Sheriff updated the Board on Sheriff business.

**EQUITABLE SHARING AGREEMENT:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Equitable Sharing Agreement and Certification for the Sheriff's Office and Department of Justice in regards to drug asset forfeitures. Motion Carried.

**HIGHWAY BUSINESS:**

**NATIONAL JOINT POWERS ALLIANCE:** Allan Bonnema discussed the NJPA. Bonnema stated the South Dakota Department of Legislative Audit has accepted this as an option for South

Dakota. Scott Gullickson was present to discuss the buying cooperative. Flanagan stated he would like to see the County bid the equipment and use this as a backup option.

**WHITEWOOD SERVICE ROAD BRIDGE REPLACEMENT PROJECT:** Interstate Engineering was present to update the Board on the Whitewood Service Road Bridge Project. Bonnema reviewed funding and bridge replacement funds. The Board discussed options available to the County. Discussion continued on the superfund site, EPA and other obstacles that could affect the project. Moved-Seconded (Sleep-Rosenau) to have Commissioner Johnson, Bruce Outka and Allan Bonnema approach the City of Whitewood using North Street as an alternate option and if they are in agreement to have the engineer draw up plans. Motion Carried.

**HIGHWAY – CULVERT BIDS:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the purchase of metal culverts and other bridge material off the Beadle County Bid from TrueNorth Steel for 2015. Motion Carried. (Bid on file in the Lawrence County Auditor's Office)

**DEPARTMENT OF TRANSPORTATION STRIPING AGREEMENT:** Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Agreement to Provide for the Striping and Continuing Maintenance of County Roads within Lawrence County with the State of South Dakota Transportation for 2015. Motion Carried.

**UTILITY PERMIT:** Moved-Seconded (Sleep-Rosenau) to follow the recommendation of the Highway Superintendent and approve the Utility Permits for Bear Butte Valley Water Inc. to construct waterline services and bore under Cracker Jack Rd and Whitewood Creek Rd. Motion Carried.

**RIGHT OF WAY PERMIT:** Moved-Seconded (Rosenau-Flanagan) to follow the recommendation of the Highway Superintendent and approve the permit to occupy County Highway Right-of-Way for Spearfish Forest Products to install 2 signs on McGuigan and Oliver Road. Motion Carried.

**SPRING LOAD LIMIT RESOLUTION #15-11:** Moved-Seconded (Johnson-Sleep) to approve the following LAWRENCE COUNTY SPRING LOAD LIMIT RESOLUTION #2015-11. Motion Carried. Lawrence County Spring Load Limit Resolution #2015-11: Whereas, seasonal climatic changes can be detrimental to our Highways and create dangerous driving conditions 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 to the enforcement of weight limitations on Lawrence County Highways as set forth and posted by the Lawrence County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the limits on the

following Lawrence County Highways shall be set at six (6) tons per axle on the Nemo Road, North Rochford Road, Vanocker Canyon Road, Old Belle Road, Hillsvie Road, Mineral Place Road, West Oliver Road and Crook City Road during the spring thaw period and when load limits signs are in place and that the South Dakota Motor Carrier is hereby requested to enforce said weight limitations on Lawrence County Highways. BE IT FURTHER RESOLVED, that the penalty for the violation of load restrictions shall be set forth in SDCL 32-22-55. Vote of Lawrence County Commission: AYE-5, NAY-0. Dated this 10<sup>th</sup> day of February, 2015 at Deadwood, South Dakota. Lawrence County Board of Commissioners: Terry Weisenberg, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor.

**SOUTH DAKOTA MOTOR CARRIER SERVICES:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign and send a letter to South Dakota Motor Carrier Services requesting assistance to enforce the reduced weight limits. Motion Carried.

**U.S. FOREST SERVICE / ROADS:** Dave Plummer, U.S. Forest Service Engineer was present to discuss F.R.T.A. Roads, RS2477 Roads, Agreements, and Easements.

**APPLE SPRINGS LETTER OF CREDIT:** Mike Short was present to request the release of the letter of credit for 4 Bears in the Hills (Apple Springs) for the waste water treatment plant. Short stated they have paid all the approved invoices and approved change orders. Moved-Seconded (Johnson-Rosenau) to release the letter of credit #255 for 4 Bears in the Hills LLC. Motion Carried.

**SPEARFISH FIRE PROTECTION DISTRICT:** Bruce Outka updated the Board on the Spearfish Fire Protection District and the fact that the City of Spearfish did not pass a resolution pursuant to SDCL 34-31A-3 including the City of Spearfish in the proposed taxing fire protection district. Moved-Seconded (Flanagan-Weisenberg) to cancel the public hearing for the proposed Spearfish Fire Protection District because the request, as represented to the County, is not pertinent at this time.

**ELK MANAGEMENT PLAN:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign and send a letter to South Dakota Game Fish & Parks in regards to the proposed Elk Management Plan. Motion Carried.

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,748.40; Treas-\$10,712.56; Comp-\$8,501.33; States Atty-\$12,489.03; Pub Def-\$11,140.53; Gen Govt Bldg-\$8,318.04; Equal-\$14,972.16; Rod-\$7,957.60;

Vso-\$1,302.33; Disp-\$12,592.68; Sher-\$40,360.44; Jail-\$22,679.09; Coroner-\$263.45; 24/7-\$156.78; Emerg Mgnt-\$3,824.52; E911-\$1,808.00; Highway-\$42,648.23; Air-\$1,200.32; Pz-\$5,090.29; Cty Mpb-\$63,228.12; **Bills:** Thielen,Trevor-\$45.00; American Family Life-\$3,277.66; BH Federal Credit Union-\$6,869.13; Centurylink-\$57.63; Credit Collections Bureau-\$423.37; Deadwood Recreation Center-\$615.00; Delta Dental Of South Dakota-\$7,055.30; Dept Of The Treasury-\$72,508.58; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,763.48; LC Treasurer-\$14.00; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$582.93; Ohio Child Support-\$136.48; SD Retirement System-\$84,823.95; Sdrs Supplemental Retirement-\$1,419.00; Washington State Support Reg-\$75.00; Wellmark Blue Cross-\$75,038.98; Wow!-\$1,653.04; Dragoo,Shelley-\$52.00; Lantis,Travis-\$88.80; Cortez,Frank-\$40.00; Johnson,Michael-\$40.00; Burnitt,James-\$86.50; A To Z Shredding-\$114.75; A&B Business,Inc Solutions-\$1,420.68; A&B Welding Supply-\$21.08; Abc Business Supply-\$2,041.38; Air Connection-\$269.68; Alpine Impressions-\$290.00; Armstrong Extinguish-\$90.00; At&T Mobility-\$1,006.93; BH Land Analysis-\$1,300.00; BH Physcial Therapy-\$250.00; BH Pioneer-\$1,235.79; BH Power-\$2,063.65; Bickle's Truck&Diesel-\$1,180.48; Black Hills Laser Designs-\$283.12; Black Hills Pure-\$29.50; Butler Machinery Co-\$345.56; Butte Electric Coop-\$894.22; Butte-Lawrence Co Fair-\$10,000.00; Century Business Products-\$456.45; Centurylink-\$107.92; City/County Alcohol&Drug-\$140.00; Clinical Lab Of BH-\$1,646.00; Commercial Kitchen Products-\$165.66; Dakota Equipment Rental-\$621.26; Deadwood Carnegie Library-\$91,801.00; Deadwood,City Of-\$653.72; Ed Roehr Safety Products-\$2,843.40; Eddie's Truck Sales/Serv-\$88.03; Eke-\$124,915.15; Fastenal-\$249.28; Fish,Veronica-\$212.80; Frederickson,John-\$2,204.40; Glenney,Tracy-\$100.00; Goodie's Uniforms-\$336.75; Grace Balloch Mem Library-\$230,421.00; Grey Law Office Prof-\$6,272.81; Havemeier, Leslie-\$2,231.20; Heartland Paper-\$473.56; Hewlett-Packard Company-\$3,368.48; Ibm Corporation-\$1,823.00; Jacobs Precision Welding-\$431.01; John W Hey&Company-\$18,380.00; Kadrmas,Lee And Jackson-\$33,227.79; Kimball-Midwest Co-\$734.73; Kinney,Matthew-\$1,966.33; Kittelson,Joan-\$15.00; Knecht Home Center Of Spf-\$60.15; Kosel,Joseph-\$633.99; Lawson Products-\$302.76; Lead,City Of-\$108,785.75; Lead-Deadwood Reg Hospital-\$5,225.00; Lead-Deadwood Regional Hospital-\$227.37; Lead-Deadwood Sanitary-\$108.50; Lewis&Clark Bhs-\$160.00; Lewno,Lucy-\$148.99; Lincoln County-\$90.00; Lindstad Alignment-\$40.00; Lueders-\$28.36; Lyle Signs-\$427.37; Marc Mid-America Research Chem-\$202.61; Marshall & Swift/Boeckh-\$958.40; Maser,Eric-\$4,050.00; McClure,Susan-\$200.00; Megas Propane-\$728.18; Mg Oil Company-\$10,762.48; Microfilm Imaging Systems-\$1,480.00; Mid States Organized-\$150.00; Midcontinent Communications-\$35.02; Montana Dakota Utilities-\$7,630.47; Moore Medical-\$242.02; National Sheriff's Assoc-\$109.00; Nebraska Salt&Grain Co-\$10,188.01; Nelson,Christy-\$100.00; Nelson,Tonya-\$200.00; Neve's Uniforms-\$1,506.68; Northern Truck Equip-\$87.00; Pennington Co Auditor-\$26.00; Pennington County Sts Attny-\$430.00; Pheasantland Industries-\$1,108.62; Phoenix Investigations-\$732.78; Plumbmaster-\$363.99; Prairie Hills Transit-\$7,500.00; Queen City Tire-\$1,845.60; Quik Signs-\$464.18; Quill-\$352.18; RC Regional Hospital-\$294.10; Rabe Elevator-\$2,911.56; Radiology Associates-\$32.26; Rapid Delivery-\$13.80; Rapid Transcript-\$948.00; Regional Health Physicians-\$165.50; Reserve Account-\$6,000.00; Rice Honda Suzuki-\$33,396.35; Rocket Lube-\$257.95; SD Association Of County-\$80.00; SD Dept Of Transportation-\$30.00; SD Public Assur Alliance-\$131,137.76; SD State Treasurer-\$14,456.74; Sand Creek Printing-\$76.00; Sdaco-\$100.00; Securus Technologies T-Netix-\$1,202.90; Semerad,Sandra-\$162.80; Servall Towel&Linen-\$542.02; Sheehan Mack Sales&Equip-\$11.51; Southside Oil-\$10,248.16;

Spearfish Ambulance Service-\$5,225.00; Spearfish Auto Supply-\$1,657.64; Spearfish City Of-\$166.85; Sturdevant's Auto Parts-\$888.92; Subway-\$75.30; Sunshine-\$65.00; Superior Sanitation-\$450.00; Swanda,Karen-\$15.00; Sysco Montana-\$3,632.16; Teen Court-\$7,500.00; Thomson Reuters-West-\$1,841.00; Tigerdirect-\$266.64; Top Quality Glove-\$130.00; Turbiville Industrial Electric-\$437.89; Twin City Hardware-\$747.15; Twin City Senior Citizens-\$2,000.00; Uline-\$106.72; Victims Of Violence-\$370.00; Washington Co Sher Office-\$43.40; Waste Connections-\$712.06; Watertree-\$64.55; West River International-\$64.70; West Tire And Alignment-\$206.00; Western Sd Juvenile Serv-\$4,630.96; Western State Fire Protection-\$560.00; Wex Bank-\$465.74; White Drug-\$1,026.74; White's Canyon Motors-\$136.45; Whitewood Library-\$61,320.00; Zep Manufacturing Co-\$293.14; **Witness & Jurors:** Adams,T-\$12.96; Anderson,J-\$64.80; Carlbom,C-\$67.02; Cook,C-\$61.10; Crago,A-\$61.10; Dunwoody,D-\$62.58; Follett,P-\$60.36; Kapust,V-\$61.10; Lance,A-\$50.74; Lasley,A-\$61.10; Meredith,M-\$62.58; Morrison,C-\$52.22; Nankivel,K-\$65.54; Netterberg,J-\$61.10; Quaschnick,E-\$60.36; Schuurmans,N-\$64.80; Shumaker,A-\$61.10; Sorensen,R-\$72.20; Stark,A-\$63.32; Zorichak,M-\$61.10; Baker,J-\$29.98; Baus,R-\$21.10; Bjella,S-\$24.80; Bolsta,T-\$61.10; Burris,D-\$21.10; Chapman,J-\$21.10; Clark,D-\$22.58; Clem,A-\$63.32; Clyne,B-\$61.10; Deichert,M-\$19.62; Derocher,M-\$21.10; Deserly,S-\$55.18; Diers,A-\$52.22; Duckett,C-\$12.96; Fillmore-Frey,T-\$61.10; Finley,S-\$21.10; Ford,D-\$24.80; Gakin,D-\$20.36; Guest,J-\$15.92; Hauck,C-\$12.22; Heairet,T-\$24.80; Hegdahl,J-\$58.14; Hitesman,A-\$12.22; Jochim,M-\$28.50; Kleinheksel,T-\$21.10; Krog,C-\$24.80; Mailloux,J-\$24.06; Martz,D-\$21.10; Mcdaniel,A-\$68.50; Mcintosh,R-\$24.80; Meehan,A-\$12.22; Michels,B-\$24.80; Miller,L-\$13.70; Mossett,C-\$21.10; Naescher,S-\$64.06; Palmer,D-\$21.10; Perez,T-\$12.22; Pickett,C-\$24.80; Quenzer,J-\$12.96; Reman,G-\$61.10; Robison,J-\$21.84; Rogers,K-\$21.10; Shinabarger,B-\$20.36; Sulentic,D-\$10.74; Thoresen,S-\$10.74; Verba,D-\$10.74; Verhey,E-\$19.62; Walter,C-\$21.10; Wiedenmeyer,A-\$59.62; Wilkinson,M-\$57.40; William,A-\$12.22; Zorn,J-\$21.10; Hermann,B-\$33.32; Sletten,D-\$29.62

**ADJOURN:** 11:02 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – February 24, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on February 24, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randall Rosenau present. Brandon Flanagan attended by electronic methods.

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

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

**MINUTES:** Moved-Seconded (Johnson-Rosenau) to approve the minutes of February 10<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Johnson) to approve Julie Rakow to fill-in as a Correctional Officer G2 S1 at the base rate of \$17.49 an hour. Motion Carried.

**HIGHWAY:** Moved-Seconded (Rosenau-Sleep) to advertise for a Heavy Equipment Operator in the Highway Department. Motion Carried.

### **TRAVEL REQUEST:**

**AIRPORT:** Moved-Seconded (Rosenau-Johnson) to approve the travel request for Brooks Hanna, Ray Jilek and Travis Lantis to fly to Sioux Falls on March 18-19, 2015 for the SD Airport Conference. Motion Carried. Aye-Johnson, Flanagan, Rosenau and Weisenberg. Nay-Sleep

### **AIRPORT:**

**AIRPORT TRANSFER DOCUMENTS:** Moved-Seconded (Rosenau-Johnson) to approve and authorize the Chairman to sign the Airport Transfer Documents: Addendum to Airport Acquisition Agreement, Warranty Deed and Bill of Sale for the Airport to the City of Spearfish. Motion Carried. Aye-Johnson, Flanagan, Rosenau and Weisenberg. Nay-Sleep

### **ABATEMENTS:**

**STATE OF SOUTH DAKOTA:** Moved-Seconded (Johnson-Sleep) to approve the abatement on parcel #26340-00975-000-25 because the State of South Dakota has taken possession of the Property from Brohm Mining Company as part of the EPA Superfund. Motion Carried.

**STATE OF SOUTH DAKOTA:** Moved-Seconded (Sleep-Rosenau) to approve the abatement on parcel #26280-00700-000-00 because the State of South Dakota has taken possession of the Property from Brohm Mining Company as part of the EPA Superfund. Motion Carried.

**STATE OF SOUTH DAKOTA:** Moved-Seconded (Rosenau-Johnson) to approve the abatement on parcel #26340-00975-000-20 because the State of South Dakota has taken possession of the Property from Brohm Mining Company as part of the EPA Superfund. Motion Carried.

**CLARK:** Moved-Seconded (Johnson-Rosenau) to approve the abatement on parcel #32030-02700-110-10 for Dawn M. & Richard Clark because the property should have been assessed as Owner Occupied. Motion Carried.

**SHERIFF BUSINESS:** Brian Dean, Sheriff updated the Board on Sheriff Business.

**CONSULTANT SERVICES:** Moved-Seconded (Johnson-Sleep) to approve the consultant services of the National Institute of Corrections to evaluate the current Lawrence County Jail. Motion Carried.

**PAYMENT PROCESSING AGREEMENT:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the Courtmoney.com Payment Processing Agreement. Motion Carried.

**COOPERATIVE LAW ENFORCEMENT AGREEMENT:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the Cooperative Law Enforcement Annual Operating Plan & Financial Plan with the USDA Forest Service for campground patrol. Motion Carried.

**EXECUTIVE SESSION:** 8:29 a.m. Moved-Seconded (Sleep-Rosenau) to go into executive session for personnel pursuant SDCL 1-25-2(1). Motion Carried. 8:46 a.m. The Board opened for regular business with no action taken.

**SUPPLEMENTAL BUDGET:** A public hearing was held for a supplemental budget for **GENERAL FUND / INVASIVE SPECIES MANAGEMENT / MOUNTAIN PINE BEETLE** \$15,000. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Resolution #2015-12. Motion Carried. **RESOLUTION #15-12 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND / INVASIVE SPECIES MANAGEMENT / MOUNTAIN PINE BEETLE \$15,000 and COURTHOUSE & JAIL / COURTHOUSE & JAIL - \$400,000**: 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 24<sup>th</sup> day of February, 2015 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. **IN WITNESS WHEREOF**, we have hereunto set our hands and official seal of Lawrence County, this 24<sup>th</sup> day of February, 2015. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry Weisenberg, Chairman. **ATTEST**: Connie Atkinson Lawrence County Auditor

**HIGHWAY BUSINESS:**

**LUEDERS APPROACH PERMITS:** Moved-Seconded (Johnson-Sleep) to follow the recommendation of the Highway Superintendent and approve the application for approach permits with Doug Lueders on the East side of Hillview Rd. Motion Carried.

**WHITEWOOD SERVICE ROAD BRIDGE REPLACEMENT PROJECT:** Allan Bonnema reviewed the Whitewood Service Road Bridge Replacement Project and the meeting with the City of Whitewood. Bonnema reviewed cost estimates on using North Street as an alternate option. Mitch Harmon, Mayor of the City of Whitewood, was present to discuss additional options including building an additional road with the excess dirt. The Board discussed paying for some additional testing. Bonnema recommended option #2 that would take the slope down. The City of Whitewood will research the additional road and obtaining easements necessary. Bonnema will research the additional testing.

**CROOK CITY ROAD PROJECT / HIGHWAY SUPPLIES BID OPENING:** Moved-Seconded (Rosenau-Johnson) to advertise and set the bid opening for the Crook City Road Project for March 24<sup>th</sup> at 8:30 a.m. and to set a bid opening for Magnesium Chloride, asphalt hot mix, asphalt cold mix, gravel aggregates, de-icing sand, in-place Hot Mix Asphalt Paver Patching, Precast Concrete Culverts, Box Culverts, Bridge Beams and Deck Units for March 24<sup>th</sup> at 8:30 a.m. for. Motion Carried.

**HIGHWAY EQUIPMENT BID OPENING:** The Board discussed the National Joint Powers Alliance and stated they would like to go forward with the normal bid process for a new backhoe for the Highway Department.

**PUBLIC SAFETY BUILDING / COURTHOUSE BOILER REPLACEMENT:** Moved-Seconded (Rosenau-Weisenberg) to advertise and set the bid opening for the Public Safety

Building/Courthouse Boiler Replacement Project for March 24, 2015 at 8:45 a.m. Motion Carried.

**YOUTHWISE:** Dominique Charlson, Executive Director of Youthwise was present to request funding of \$15,000 for the purchase of a Livescan Identification Machine. Weisenberg stated the Commission usually considers these requests during the County budget process. Sleep stated the County is currently in the middle of some large projects and committing funds not budgeted for is not good practice. The Board expressed concerns on the Livescan Identification Machine. The County Commission stated they are in support of the Youthwise Program and any fund requests will be considered at budget time.

**MOUNTAIN PINE BEETLE:** Dave Heck, LCISM was present to update the Board on the 2014-2015 Mountain Pine Beetle Project. Heck stated the Spearfish Canyon donation funds were used on cutting 600 trees in the Elmore area.

**PLANNING & ZONING:**

9:00 a.m. Johnson excused himself from the meeting as County Commissioner.

**COZ #310 / JOHNSON:** A Public Hearing and 1<sup>st</sup> Reading was held for COZ # 310, Daryl Johnson, Applicant. A request to change the zoning from SRD to HSC on property located at Exit 8 near the Industrial Park. Josh Taylor expressed concerns because his property borders the property in question and stated he was concerned on how it would affect the value of his property and increased traffic at all hours. The Board discussed access to the property. The public hearing was closed. Second Reading was scheduled for March 10, 2015 at 9:15 a.m.

9:08 a.m. Johnson returned as County Commissioner.

**CUP #377 / BH EQUESTRIAN CENTER:** The Board reviewed a request to Transfer C.U.P. #377, BH Equestrian Center (Sarina Jensen) to Sundog Stables, LLC (Patrick Waters). Moved-Seconded (Sleep-Rosenau) to approve the request to Transfer C.U.P. #377, BH Equestrian Center (Sarina Jensen) to Sundog Stables, LLC (Patrick Waters) with an annual review. Motion Carried.

**HOMESTAKE MINING COMPANY:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Planning and Zoning Director to send a letter to the South Dakota Department of Environmental Services in support of the Homestake Mining Co. Technical Revision to Modify Surface Water Quality Monitoring Requirements. Motion Carried.

**BILLS:**

Moved-Seconded (Johnson-Sleep) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies,

repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$5,985.28; Aud-\$8,748.41; Treas-\$10,712.56; Comp-\$8,501.33; States Atty-\$12,497.84; Pub Def-\$11,140.53; Gen Govt Bldg-\$8,455.56; Equal-\$12,432.63; Rod-\$7,958.87; Vso-\$1,302.33; Disp-\$11,470.15; Sher-\$38,136.03; Jail-\$21,016.66; Coroner-\$763.45; 24/7-\$139.36; Emerg Mgnt-\$3,863.20; E911-\$1,808.00; Highway-\$42,785.09; Air-\$1,137.88; Mh Serv-\$333.00; Weed-\$5,552.38; Pz-\$5,330.29; Cty Mpb-\$735.00; **Bills:** Weisenberg, Terry-\$19.50; Schroeder, Jeffery-\$172.00; Rakow, Julie-\$30.71; Rath, Michael-\$88.80; Palmer, Ryan-\$39.96; A&B Business, Inc Solutions-\$352.36; A&B Welding Supply-\$59.00; Abc Business Supply-\$125.89; Air Connection-\$1,100.00; At&T-\$6.93; Audra Malcomb Consulting-\$1,454.59; BH Collections-\$69.45; BH Federal Credit Union-\$6,898.76; BH Pest Control-\$190.00; BH Power-\$12,101.40; Behavior Mngt Systems-\$24,097.00; Best Western Ramkota Hotel-\$547.06; Bi Geo Group Co-\$202.14; Black Hills Urgent Care-\$60.00; Bob Barker Company-\$126.72; Buffalo County Sheriff-\$21.03; Century Business Products-\$373.97; Centurylink-\$2,269.48; City/County Alcohol&Drug-\$140.00; Clinical Lab Of BH-\$1,955.00; Credit Collections Bureau-\$261.24; Crop Production Services-\$29,589.80; Dakota Equipment Rental-\$221.29; Dash Medical Gloves-\$134.24; Dept Of Hlth Lab Services-\$35.00; Dept Of The Treasury-\$54,383.35; Diversified Collections-\$100.00; Ecolab-\$139.73; Election Sys&Software-\$6,060.00; Fastenal-\$39.82; First Western Ins Deadwood-\$1,355.00; Frontier Glass-\$229.28; Goodie's Uniforms-\$93.45; Great Western Bank-\$57.00; Heartland Paper Co-\$197.88; Janke, Wendy-\$1,280.00; Kadrmas, Lee And Jackson-\$27,621.49; Kinney, Matthew-\$623.50; Kosel, Joseph-\$383.30; LC Treasurer-\$28.00; Language Line Services-\$25.42; Lead-Deadwood Regional Hospital-\$31.21; Lee, James-\$15.00; Lexisnexis Risk Data Mngt-\$75.00; Lincoln County-\$18.00; Mack's Auto Body-\$4,802.83; Microfilm Imaging Systems-\$1,765.00; Midwest Alarm Co-\$91.20; Montana Dakota Utilities-\$392.75; Moss, William Psy-\$1,175.00; Nebraska Salt&Grain Co-\$15,609.96; Nelson, Tonya-\$150.00; Neve's Uniforms-\$402.80; Newman Traffic Signs-\$5,028.92; Office Of Child Support-\$582.93; Pennington Co Jail-\$2,127.50; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$740.13; RC Police Dept-\$21.90; RC Regional Hospital-\$8,766.39; Radio Shack/Kazco-\$129.99; Radiology Associates-\$205.71; Regional Health-\$830.84; Regional Health Physicians-\$95.39; Reserve Account-\$6,000.00; Rocket Lube-\$159.97; SD Building Officials Assoc-\$75.00; SD Dept Of Transportation-\$170.00; SD Sheriff's Association-\$107.13; Sdrs Supplemental Retirement-\$1,419.00; Sdsu Extension-\$5,768.00; Servall Towel&Linen-\$393.93; Spearfish Auto Supply-\$14.42; Spearfish Police Dept-\$10,137.17; Spearfish Senior Citizens-\$2,000.00; Subway-\$12.00; Sysco Montana-\$1,461.02; Tigerdirect-\$1,178.21; Top Quality Glove-\$130.00; Triple K Tire & Repair-\$255.71; Twilight First Aid&Safety-\$89.95; Twin City Hardware&Lumber-\$303.92; Verizon Wireless-\$105.10; Washington State Support Reg-\$75.00; Wells Fargo Business Card-\$4,557.73; Western Sd Juvenile Serv-\$1,400.00; Whisler Bearing Co-\$101.28; White Drug-\$1,697.99; White's Canyon Motors-\$448.52; Whitewood Senior Citizens-\$1,000.00; Wilde&Hunt, Prof-\$1,606.32; Wow!-\$1,404.16; Yankton County-\$113.75; **Witness & Jurors:** Anderson, J-\$64.80; Carlbom, C-\$67.02; Cook, C-\$61.10; Crago, A-\$61.10; Kapust, V-\$61.10; Lasley, A-\$61.10; Meredith, M-\$62.58; Nankivel, K-\$65.54; Netterberg, J-\$61.10; Quaschnick, E-\$60.36; Sletten, D-\$33.32; Cook, B-\$39.98; Dower, J-\$31.10; Hauer, J-\$33.32; Odell, J-\$21.48

**ADJOURN:** 10:30 a.m. Moved-Seconded (Johnson-Flanagan) there being no further business the meeting was adjourned. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Terry Weisenberg, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 10, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 10, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Richard Sleep, and Randall Rosenau present. Daryl Johnson was absent.

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

**AGENDA:** Moved-Seconded (Flanagan-Rosenau) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Sleep-Flanagan) to approve the minutes of February 24<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Flanagan-Weisenberg) to accept the letter of resignation of Rick Wisser, thank him for his years of service and to approve the advertising for an Information System Technology Specialist. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of February 28, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$105,917.39; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$5,685.78; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$3,089,335.95, Money Market \$3,979,758.86; Savings-\$8,150,961.07; Total \$18,434,869.05

**RAFFLE REQUEST / ARMED FORCES DAY POKER RUN:** Moved-Seconded (Flanagan-Weisenberg) to not object to the request for the Armed Forces Day Poker Run Raffle. Motion Carried.

**MOUNTAIN PINE BEETLE:** The Board recognized the Neiman Forest Products Donation of \$50,000 to Mountain Pine Beetle. Moved-Seconded (Rosenau-Sleep) to authorize the Chairman to send a letter to Neiman recognizing the \$50,000 as a donation for reimbursement for 2014 expenses. Motion Carried.

**EXTENSION AGREEMENT:** Moved-Seconded (Sleep-Rosenau) to authorize the Chairman to sign the MOU with the SDSU Extension and Counties of South Dakota 2015. Motion Carried.

**AUTOMATIC SUPPLEMENTS:**

**GENERAL GOVERNMENT BUILDINGS:** Moved-Seconded (Flanagan-Rosenau) to approve the automatic supplement for General Government Buildings Repairs for \$1,233.89 for grant funds received from the State of South Dakota. Motion Carried.

**LONG EARED BAT:** Moved-Seconded (Sleep-Weisenberg) to approve and authorize the Chairman to send a letter in regards to the Endangered and Threatened Wildlife and Plants Listing the Northern Long-Eared Bat with a rule under section 4(d) of the Act, docket #FWS-R5-ES-2011-0024. Motion Carried.

**SHERIFF BUSINESS:**

**LAW ENFORCEMENT STANDARDS COMMISSION:** Sheriff Dean reviewed and updated the Board on the Law Enforcement Standards Commission. The Board asked Commissioner Rosenau to submit his name for consideration to serve on the Commission.

**HIGHWAY BUSINESS:**

**WHITEWOOD SERVICE ROAD BRIDGE REPLACEMENT PROJECT:** Allan Bonnema reviewed the Whitewood Service Road Bridge Replacement Project and the meeting with the City of Whitewood. Bonnema reviewed cost estimates on alternate options and additional testing. Discussion followed on all options available. Sleep questioned if the County paid \$285,000 and the City of Whitewood could pay the difference on the \$407,284.40. Discussion continued on the second access Whitewood is concerned with and the option to just wait for Bridge Replacement funds to become available in future years.

Moved-Seconded (Rosenau-Weisenberg) to proceed with the Option #1 of \$407,284.40 using North Street for the Whitewood Service Road Bridge Replacement Project contingent upon Whitewood approval and cooperation with the project. Aye-Flanagan, Rosenau and Weisenberg. Nay-Sleep. Motion Carried.

**MAITLAND ROAD / WORK ORDER:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Work Order Consultant Services agreement for Interstate Engineering for engineering services on the Maitland Road Project. Motion Carried.

**BACKHOE BIDS:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the advertisement of bids for a backhoe for April 28<sup>th</sup> at 8:30 a.m. Motion Carried.

**HIGHWAY 473:** The Board reviewed a request from Wharf Resources to Lawrence County and the State of South Dakota Department of Transportation to come to a resolution as to where the County Highway ends and SD Hwy 473 begins at the intersection of Nevada Gulch Road and Stewart Slope Road. The Board asked Bonnema to arrange a meeting.

**FUEL QUOTES:** The following fuel quotes were submitted as of March 5, 2015: Deadwood #2 Diesel 6200 gallons: (prices per gallon) CBH Cooperative - \$2.229\*, Southside - \$2.27; MG Oil - \$2.2744, Deadwood Unleaded 4100 gallons: (prices per gallon) CBH Cooperative - \$2.209, Southside - \$2.18; MG Oil - \$2.1244\*; Spearfish Diesel#2 3200 gallons: (prices per gallon) CBH Cooperative - \$2.239\*; Southside - \$NO BID; MG Oil - \$2.2744; Spearfish Unleaded 750 gallons: (prices per gallon) CBH Cooperative - \$2.219; Southside - \$NO BID; MG Oil - \$2.1444\*; Whitewood Blended Diesel 450 gallons: (prices per gallon) CBH Cooperative - \$2.45\*; Southside - \$NO BID; MG Oil - \$2.1444\*; \*Represents lowest quote awarded. No bid received from Harms Oil Co.

**PUBLIC SAFETY BUILDING ROOF PROJECT:**

The following bids were received from Lowe Roofing Inc.,-\$118,955, Unit#1-\$4.75 SQFT, & Alt#1 \$14,140 and Black Hills Roofing Co.-\$321,701, Unit#1-\$8.50 SQFT, & Alt#1 \$64,025. Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Steve Williams, Williams and Associates and award the Public Safety Building Roof Project to the lowest responsible bidder Lowe Roofing Inc. and to waive any irregularities. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:**

**SURPLUS PROPERTY / EQUIPMENT BIDS:** Moved-Seconded (Rosenau-Sleep) to declare the 1996 Jeep Cherokee SN#1J4FJ68S9TL271894 surplus and valued at \$1 and allow it to be sold to the Deadwood Fire Department. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to declare the 2002 Dodge Durango SN#1B4HS38N42F173449, 2001 Dodge Durango SN#1B4HS28NX1F520534, 2002 Honda Foreman SN#478TE220224311876, 2006 Honda Foreman SN#1HFTE310364115150, 2009 Polaris Sportsman SN#4XAMN50AX9A540429, 2009 Polaris Sportsman SN#4XAZN55A39A544241, 2005 Yamaha Bruin SN#5Y4AH09Y75A021054, Yamaha Kodiak and 1986 Yamaha Phazer SN#81H-004590 Surplus and sell at county auction. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to declare the 2008 Polaris Sportsman SN#4XAMN50A28A252614, 2009 Polaris Sportsman SN#4XAMN50A09B613625, 2006 Honda Foremen SN#1HFTE310664112226, 2000 Honda Foremen SN#478TE2202Y4104428, 2001 Polaris UTV SN#1XARF50A93D167535, 2011 Polaris Ranger SN#4XATY76A9A4197869, 1996 Ski-Doo summit SN#109503156, 1999 Ski-Doo summit SN#141600315, 1999 Arctic Cat SN9930653, 2000 Ski-Doo Summit Bombardier SN#2BP515632YV000241 surplus and allow them to be traded in on up to four ATV with rollover protection and to allow the advertisement of bids. Motion Carried.

Moved-Seconded (Rosenau-Weisenberg) to declare the 1993 Jeep Cherokee #8709, 1998 Dodge Pickup #4840, 1999 Dodge Pickup #8884, 2005 Ford Explorer #7891 and 2007 Ford Pickup #6714 surplus and allow them to be traded in for a ¾ ton vehicle and to allow the advertisement of bids. Motion Carried.

**WILDFIRE AWARENESS MONTH RESOLUTION #2015-13:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Resolution #2015-13 Supporting Wildfire Awareness Month. Motion Carried. LAWRENCE COUNTY RESOLUTION #2015-13 A RESOLUTION SUPPORTING WILDFIRE AWARENESS MONTH **Whereas**, the Commissioners of Lawrence County are charged with protecting the health and safety of the citizens of Lawrence County, including all property situated therein; and **Whereas**, wildfires threaten the environmental, economic, and social well-being of Lawrence County residents while challenging firefighter's efforts to protect life and property; and **Whereas**, the Commissioners of Lawrence County have determined that in the interest of public health and safety; and **Whereas**, wildfire suppression costs represent only a small portion of overall economic impacts and do not reflect the total cost of catastrophic fires; and **Whereas**, residents have the responsibility to recognize the high risk of wildfire and institute safe and early evacuation plans, increase their home's resistance to wildfire, and create fire adapted communities to increase the safety and survivability of the public and emergency personnel; and **Whereas**, Wildfire Awareness Month is an important opportunity for Lawrence County residents and all South Dakota's communities and fire service agencies to reduce the risk of wildfire, increase firefighter safety, and enhance public safety and awareness through education on fire safety, preparation, and prevention; now **Therefore be it Resolved**, that the Lawrence County Commission supports the month of May 2015 as South Dakota Wildfire Awareness Month; and **Therefore be it Further Resolved**, that the theme for this year, "Do Your Part Before Wildfires Start" is a call for the residents of Lawrence County to educate themselves and to take action to reduce the wildfire threat to their homes and help their community move toward becoming a fire adapted community. Duly passed and adopted at a regular meeting of the Lawrence County Commission on the 10<sup>th</sup> day of March 2015. LAWRENCE COUNTY COMMISSION: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, AUDITOR

**SD PROPERTY TAXPAYERS COALITION:** Brenda Whiting, SD Property Taxpayer Coalition was present and talked to the Board about AG classifications and requirements. Whiting invited the Board to attend the Information Session on April 11<sup>th</sup> at 1:00p.m. in Rapid City

**PLANNING & ZONING:**

**COZ #310 / JOHNSON:** 2<sup>nd</sup> Reading was held for Change of Zoning # 310, Daryl Johnson, Applicant. A request to change the zoning from SRD to HSC on property located at Exit 8 near the Industrial Park. The Board reviewed a letter received from Terry Chronister. Sleep expressed concerns on the request for the Change of Zoning and protection to the residents in the area. Discussion followed on the home based businesses in the area. Moved-Seconded (Flanagan-Weisenberg) to follow Planning and Zoning recommendation and approve COZ # 310, Daryl

Johnson, Applicant. A request to change the zoning from SRD to HSC on property located at Exit 8 near the Industrial Park because it is appropriate for the area. Motion Carried.

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,748.40; Treas-\$10,712.56; Comp-\$8,501.33; States Atty-\$12,459.64; Pub Def-\$11,140.54; Gen Govt Bldg-\$8,490.54; Equal-\$12,533.43; Rod-\$7,958.87; Vso-\$1,302.33; Disp-\$14,361.22; Sher-\$39,815.51; Jail-\$23,858.81; Coroner-\$463.45; 24/7-\$156.78; Emerg Mgnt-\$3,833.52; E911-\$1,808.00; Highway-\$42,704.09; Air-\$1,333.56; Weed-\$5,496.08; Pz-\$5,090.29; **Bills:** Baumann,Michelle-\$7.50; Harvey,Brenda-\$7.50; American Family Life-\$3,126.05; BH Collections-\$69.45; BH Federal Credit Union-\$6,898.76; Credit Collections Bureau-\$261.24; Deadwood Recreation Center-\$610.00; Delta Dental Of South Dakota-\$6,985.96; Dept Of The Treasury-\$56,408.01; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,752.01; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$582.93; SD Retirement System-\$54,860.04; Sdrs Supplemental Retirement-\$2,244.00; Washington State Support Reg-\$75.00; Wellmark Blue Cross-\$73,862.90; Wow!-\$323.49; Steffen,Peggy-\$70.00; Albertson,Kirk-\$25.00; 3d Specialties-\$438.30; A To Z Shredding-\$60.90; A&B Business,Inc Solutions-\$6,445.25; A&B Welding Supply-\$21.08; A&I Distributors-\$3,136.64; A&J Supply-\$13.51; Abc Business Supply-\$350.28; At&T Mobility-\$989.14; BH Chemical Company-\$331.70; BH Council Of Local Govt-\$6,265.00; BH Pest Control-\$190.00; BH Pioneer-\$235.32; BH Power-\$1,339.25; BH Resource Conservation-\$100.00; BH Travel Agency-\$1,484.60; Baczwaski Law Office-\$865.47; Bennett,Gerry-\$600.00; Black Hills Pure-\$17.50; Bob Barker Company-\$194.44; Bruemmer,Lynnel-\$114.00; Butler Machinery Co-\$25.46; Butte Electric Coop-\$685.45; Campbell Co Sheriffs Off-\$50.00; Century Business Products-\$191.05; Centurylink-\$107.92; Chris Supply Co-\$100.80; City/County Alcohol&Drug-\$140.00; Commercial Kitchen Products-\$298.00; Community Health Services-\$120.00; Datec-\$3,784.10; Deadwood,City Of-\$660.47; Dean Schaefer Court Reporting-\$30.00; Fastenal-\$127.19; Fidler-Isburg Funeral Chapel-\$1,170.00; Galls-\$1,792.80; Gene's Lock Shop-\$2,424.60; Goodie's Uniforms-\$199.75; Grimm's Pump Service-\$773.22; Heartland Paper Co-\$821.01; Heisler Hardware-\$11.54; International Academy Of Emd-\$450.00; Jacobs Precision Welding-\$203.71; John W Hey & Company-\$28,680.01; Kimball-Midwest Co-\$381.24; LC Sheriff-\$135.47; LC Treasurer-\$5.00; Lead,City Of-\$80.75; Lead-Deadwood Regional Hospital-\$357.34; Lead-Deadwood Sanitary-\$323.88; Lexisnexis Risk Data Mgnt-\$75.00; Lincoln County-\$9.00; Midcontinent Communications-\$35.17; Montana Dakota Utilities-\$5,589.36; Moore Medical-\$190.89; Nebraska Salt&Grain-\$20,534.36; Nelson,Christy-\$150.00; Neve's Uniforms-\$210.27; Northern Truck Equip Corp-\$179.35; Pennington Co Auditor-\$108.00; Pennington County Sts Attny-\$215.00; Pitney Bowes-\$280.99; Populas-\$2,884.25; Postmaster,Deadwood-\$84.00; Quill Corporation-\$42.98; RC Finance Office-\$770.00; Rabe Elevator-\$972.27; Radiology Associates-\$249.00; Rapid Delivery-\$11.40; Rapid Transcript-\$753.00; Regional Health Physicians-\$50.00; Reliable-\$37.04; Reserve Account-\$6,000.00; Rocket Lube-\$105.98; SD Assoc Of County Commission-\$1,636.00; SD Human Services Center-\$33.20; SD State Treasurer-\$60.00; Servall

Towel&Linen-\$542.02; Spearfish Auto Supply-\$614.55; Spearfish Area Chamber Commerce-\$3,000.00; Sterna,Laura-\$250.00; Sturdevant's Auto Parts-\$766.24; Swisher Hygiene/Css-\$353.60; Sysco Montana-\$1,995.83; Thomson Reuters-West-\$249.50; Tigerdirect-\$487.87; Triple K Tire&Repair-\$69.98; Truenorth Steel-\$264.74; Twin City Hardware&Lumber-\$386.44; United Parcel Service-\$15.91; Wainman,Billie-\$900.00; Warne Chemical-\$2,059.93; Waste Connections-\$712.06; Watertree-\$38.55; Wellmark Blue Cross-\$250.00; West River International-\$225.33; Western Communication-\$175.00; Wex Bank-\$320.39; White Drug-\$1,366.24; Wimactel-\$60.00; **Witness & Jurors:** Follett,P-\$60.36; Lance,A-\$50.74; Morrison,C-\$52.22; Schuurmans,N-\$64.80; Shumaker,A-\$61.10; Sorensen,R-\$72.20; Stark,A-\$63.32; Zorichak,M-\$61.10; Alan,C-\$21.10; Artz,S-\$129.60; Avera,C-\$24.80; Baker,C-\$107.40; Balentine,J-\$104.44; Bates,L-\$28.50; Benham,M-\$21.10; Bernard,C-\$144.40; Beyer,M-\$21.10; Bruchez,J-\$122.20; Crowley,S-\$24.06; Culver,R-\$21.10; Davis,L-\$22.58; Demott,J-\$20.36; Dittus,A-\$21.10; Eddie,S-\$21.10; Eisenbraun,J-\$21.84; Fidler,K-\$10.74; Garman,C-\$24.80; Grady,M-\$21.10; Green,D-\$15.92; Halstead,D-\$116.28; Haught,M-\$22.58; Helmin,M-\$12.22; Herrboldt,M-\$21.10; Herrin,C-\$101.48; Horner,M-\$114.80; Howell,C-\$101.48; Jeffery,J-\$24.80; Lafayette,M-\$19.62; Larsen,J-\$21.10; Leahy,R-\$122.20; Lee,M-\$11.48; Lillehaug,G-\$18.14; Lopez,S-\$21.10; Maier,K-\$28.50; Majerus,A-\$25.54; Mccolley,M-\$28.50; Meyer,B-\$28.50; Miller,J-\$21.10; Nelson,L-\$28.50; Ooka,V-\$18.88; Osloond,L-\$12.96; Quaschnick,T-\$19.62; Riley,K-\$21.84; Roberts,P-\$126.64; Ross,R-\$22.58; Ruppert,S-\$21.10; Sayler,E-\$22.58; Seamands,Y-\$21.10; Sears,J-\$24.80; Silvernail,N-\$21.10; Smith,B-\$17.40; Soller,J-\$12.96; Tautkus,J-\$10.74; Vandervliet,C-\$11.48; Villafuerte,K-\$104.44; Waldo,R-\$21.10; Watson,H-\$28.50; Wels,J-\$18.88; Wilkening,D-\$17.40; Yackley,A-\$21.10

**ADJOURN:** 10:12 a.m. Moved-Seconded (Rosenau-Sleep) there being no further business the meeting was adjourned. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Terry Weisenberg, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – March 24, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on March 24, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of March 10<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Sleep) to approve Jolene Wetz as a part-time (under 20) fill-in Corrections 2 G1 at the base rate of \$17.49 an hour, effective 4-4-2015. Motion Carried.

**HIGHWAY:** Moved-Seconded (Rosenau-Flanagan) to rescind Bob McCormick's letter of resignation per Mr. McCormick's request. Motion Carried.

**LAWRENCE COUNTY HISTORICAL SOCIETY:** Mary Livingston presented a book to the County on behalf of the Lawrence County Historical Society.

**D.O.T. AGREEMENT:** Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman to sign the State D.O.T./County Joint Powers Agreement for Weed Spraying for 2015. Motion Carried.

**HAY LEASE:** Moved-Seconded (Johnson-Flanagan) to set a bid opening for April 28<sup>th</sup> at 8:25 a.m, for the Airport Hay Lease. Motion Carried

### **HIGHWAY BUSINESS:**

**MONTANA DAKOTA UTILITIES:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of the Highway Superintendent and approve the Utility Permit for Montana Dakota Utilities along the McGuigan Rd and bore access across McGuigan Rd on the South. Motion Carried.

**WHITEWOOD SERVICE ROAD BRIDGE REPLACEMENT PROJECT:** Allan Bonnema reviewed the Whitewood Service Road Bridge Replacement Project and the meeting with the City of Whitewood. Bonnema reviewed cost estimates on alternate options. Mitch Harmon, Whitewood City Mayor reported to the Board that the Whitewood City Council voted unanimously to recommend Option #2 to the County Commission at the estimated cost of \$501,231.49. Lew Gellett, Whitewood City Council thanked the County Commission for working with them on this issue. The Board expressed the need to work together with the City of Whitewood but also expressed concerns on spending County money inside the City. Discussion followed on the benefits of going forward with this option vs. a bypass that would affect the superfund site and the time tables involved impacting citizens and businesses in the area.

Moved-Seconded (Rosenau-Weisenberg) to proceed with Option #2 at the estimated cost of \$501,231.49 for the Whitewood Service Road Bridge Replacement Project. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to authorize Interstate Engineering to move forward with the bid documents. Motion Carried.

#### **HIGHWAY SUPPLIES BIDS:**

**MAGNESIUM CHLORIDE:** Moved-Seconded (Rosenau-Sleep) to accept the only bid from Z&S Dust Control at \$142.00 per ton and \$15.00 per ton application, and allow the Chairman to sign the Contract with Z&S Dust Control. Motion Carried.

**HOT MIX ASPHALT:** Sacrison Paving-\$65.00 at Exit 8 Plant; Hills Materials - \$63.25 at Centennial Quarry Plant. Moved-Seconded (Johnson-Flanagan) to accept both bids received from Sacrison Paving and Hills Materials to allow for the most economical option and allow the Chairman to sign the contracts. Motion Carried.

**COLD MIX ASPHALT:** Hills Materials - \$103.50. Moved-Seconded (Johnson-Flanagan) to accept the only bid received from Hills Material at \$103.50 and allow the Chairman to sign the contract. Motion Carried.

**GRAVEL SURFACING AGGREGATE:** Hills Material: ¾" gravel base course \$no bid; 1" gravel base (Hansen Pit)-\$7.85 & (Centennial Pit)-\$8.85; ¾"; clean rock(Centennial)-\$13.75; ½" clean rock-no bid; 1" clean rock (Hanson Pit)-\$no bid; 1" Black Base Course (Hanson Pit) \$11.90 & (Centennial Pit) \$11.90; 1" Clean Rock (Hanson Pit) \$11.00 & (Centennial)-\$13.45; 3/8" Chips (Centennial Pit) \$17.25. Loading costs included. Fisher Industries (Stateline Quarry)- ¾" gravel surfacing-no bid; 1" gravel base-\$no bid; ¾"; clean rock-\$9.75; ½" clean rock-\$10.00; 1" clean rock-\$9.50, 3.8" chips -\$15.50; All prices include loading costs. Johner & Sons (Hurm Pit & Evans Pit): ¾" gravel surfacing-no-bid; 1" gravel base-\$7.25; ¾"; clean rock-no bid; ½" clean rock-no bid; 1" clean rock-\$9.50; and \$.50 loading costs.. Moved-Seconded (Johnson-Rosenau) to accept all bids received, with the exception of the Evans Pit because of issues with gravel from that pit in the past, depending on the advantageous price and desired location, and allow Chairman to sign the Contracts. Motion Carried.

**DE-ICING SAND:** Hills Material - \$17.05 per ton delivered or \$13.75 per ton if the County hauls. Moved-Seconded (Johnson-Weisenberg) to accept the low bid from Hills Material and allow the Chairman to sign the contract. Motion Carried. .

**HOT MIX-IN ASPHALT PAVER PATCHING:** Sacrison Paving - \$115.00 per ton. Hills Material - \$258.40 per ton. Moved-Seconded (Flanagan-Rosenau) to accept the low bid from Sacrison Paving at \$115.00 per ton and allow the Chairman to sign the Contract. Motion Carried.

**PRECAST CONCRETE CULVERTS/BOX CULVERTS/BRIDGE BEAMS/DECK UNITS:**

Moved-Seconded (Johnson-Rosenau) to accept the only bid from Cretex Concrete Products for Precast Concrete Culverts, Box Culverts, Bridge Beams, Deck Units, as on file in the Lawrence County Auditor's Office. Motion Carried.

**CROOK CITY ROAD PROJECT:** The following bids were received for the Crook City Road Project Phase II: Hills Materials-\$643,964.58 and Sacrison Paving-\$638,638.00. Moved-Seconded (Rosenau-Sleep) to follow the recommendation of the Highway Superintendent and accept the low bid from Sacrison Paving - \$638,638.00 and to waive any irregularities and authorize the Chairman to sign the contracts and agreements. Motion Carried.

**MAITLAND F.R.T.A. EASEMENT:**

Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the U.S. Department of Agriculture Forest Service Forest Road Special Use Permit Authority: Federal Land Policy and MGMT Act, As Amended October 21, 1976 for Maitland Road, NFSR 195.1 Sections 13, 23, 24, 25, 26, 36, Township 6 North, Range 2 East, and Section 30, Township 6 North, Range 3 East, and Sections 1, 12, 13, Township 5 North, Range 2 East, and Section 18, 19, 20, 21, 28, Township 5 North, Range 3 East, Black Hills Principal Meridian. Motion Carried.

**HIGHWAY 473:** The Board reviewed a request from Wharf Resources to Lawrence County and the State of South Dakota Department of Transportation to come to a resolution as to where the County Highway ends and SD Hwy 473 begins at the intersection of Nevada Gulch Road and Stewart Slope Road. Bonnema reported that the State said as far as they are concerned, they are done with the issue, because it is a Wharf issue. The County was in agreement and no action taken.

**WHEEL TAX:**

Allan Bonnema was present to discuss the new legislation for road and bridges and the impacts on the County Taxpayers. Bonnema stated if the County doesn't impose the wheel tax they will not be able to utilize the special road and bridge funds at the state level from increased motor

vehicle and gas tax fees. Discussion followed on the impact on the tax payers and options available to the County. No action was taken.

**EXECUTIVE SESSION:** 10:26 a.m. Moved-Seconded (Flanagan-Rosenau) to go into executive session for personnel pursuant SDCL 1-25-2(1). Motion Carried. Chairman Weisenberg declared Executive Session over at 10:30 a.m. with no action taken.

**RESOLUTION #2015-14 LAWRENCE COUNTY RALLY SWEEPING AGREEMENT:** Moved-Seconded (Rosenau-Johnson) to approve and authorize the Chairman to sign the following Resolution #2015-14 Lawrence County Rally Sweeping Agreement. Motion Carried.

Resolution #2015-14 Lawrence County Rally Sweeping Agreement / Be It Resolved By The Lawrence County Commission: Whereas, the County of Lawrence, acting by and through its County Commission, wishes to enter into an agreement with the State of South Dakota to facilitate the sweeping of paved County Roads within Lawrence County affected by the 2015 Sturgis Bike Rally; And Whereas, it has been determined that the Department of Transportation will coordinate and administer the sweeping of all affected roads at no cost to Lawrence County; Now Therefore, Be It Further Resolved, that the County of Lawrence, acting by and through the Lawrence County Commission, does hereby approve and authorizes the South Dakota Department of Transportation to sweep and facilitate the sweeping of paved County Roads within Lawrence County prior to and during the 2015 Sturgis Motorcycle Rally. Adopted this 24<sup>th</sup> day of March 2015. Terry Weisenberg, County Chairman. ATTEST: Connie Atkinson, County Auditor.

**PUBLIC SAFETY BUILDING / COURTHOUSE BOILER PROJECT:** The following bids were received for the Public Safety Building / Courthouse Boiler Replacement Project. Action Mechanical-\$275,925 A1-\$50,670 A2-\$76,940; Heil Plumbing & Heating-\$323,000 A1-\$62,500 A2-\$104,000; Midwestern Mechanical Inc.-\$253,850 A1-\$34,190 A2-\$100,736; Rasmussen Mechanical-\$275,785 A1-\$29,490 A2-\$55,000; Sharkey Plumbing & Heating-\$362,000 A1-\$56,000 A2-\$121,000; Wolfs Plumbing-\$345,000 A1-\$51,000 A2-\$91,000. No action taken and the Board asked the Engineer to review the Bids and the Commission will consider on April 14, 2015.

**SPEARFISH CANYON DYNAMIC BRAKING RESTRICTIONS:** Mike Kain expressed concerns and asked for a restriction on Spearfish Canyon for dynamic braking. Outka stated Spearfish Canyon is a State Highway and was informed that it was up to the State to make the restrictions and stated the Forest Service is concerned on possible restriction because they use Spearfish Canyon as a haul road for timber sales. Kain stated he was informed that the County would need to put in a restriction or the resolution would need to come from the County. Flanagan stated this is a speed issue and not a braking issue. Senator Ewing stated the brakes are a safety issue for the trucks and it is not just logging trucks that use that highway. Jim Nelson

expressed concerns on trailer lengths and bike safety zones. Discussion followed on hazardous chemicals and water contamination if accidents would occur. No action was taken.

### **ITEMS FROM COMMISSIONERS:**

**FAIR BOARD:** Richard Sleep stated the Fair Board has requested that four members from each County be appointed instead of three members to the Board. Sleep stated Butte County has approved the change. Moved-Seconded (Johnson-Rosenau) to authorize, upon the amended fair Board Agreement, to allow for four members from each County; and to follow the Fair Board recommendation and appoint Chris Bessler as Lawrence County's new Board appointment. Motion Carried.

**LAW ENFORCEMENT STANDARDS COMMISSION:** Commissioner Rosenau stated he has been appointed the honor to serve on the Law Enforcement Standards Commission.

### **BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,748.40; Treas-\$10,712.56; Comp-\$8,501.34; States Atty-\$12,563.86; Pub Def-\$11,140.53; Gen Govt Bldg-\$8,409.73; Equal\$12,533.42; Rod-\$7,958.89; Vso-\$1,302.23; Disp-\$12,143.40; Sher-\$37,309.52; Jail-\$18,899.32; Coroner-\$263.45; 24/7-\$156.78; Emerg Mgnt-\$3,898.88; E911-\$1,808.00; Highway-\$42,506.97; Air-\$1,102.20; Mh Serv-\$270.00; Weed-\$4,501.33; Pz-\$5,250.29; **Bills:** Bonnema,Allan-\$540.70; A&B Business,Inc Solutions-\$12,370.47; A&B Welding Supply-\$36.00; Abc Business Supply-\$1,739.28; Air Connection-\$1,973.45; Audra Malcomb Consulting-\$1,520.75; BH Chemical Company-\$89.75; BH Collections-\$69.45; BH Federal Credit Union-\$6,898.76; BH Legal Professionals Assoc-\$80.00; BH Power-\$11,536.11; Baczwaski Law Office,PC-\$796.50; Biegler,Greg-\$75.00; Black Hills Disposal-\$84.00; Black Hills Urgent Care-\$284.18; Bomgaars Supply-\$253.88; Cbh Cooperative-\$15,044.80; Century Business Products-\$331.60; Centurylink-\$2,269.76; City/County Alcohol &Drug-\$3,172.00; Clubhouse Hotel&Suites Pierr-\$272.00; Credit Collections Bureau-\$261.24; Dak Generator Services-\$663.81; Dakota Equipment Rental-\$1,154.74; Dale's Tire&Retread-\$18,600.00; Dept Of Hlth Lab Services-\$135.00; Dept Of The Treasury-\$53,222.12; Diversified Collections-\$100.00; Division Of Motor Veh-\$20.00; Fastenal-\$7.47; Foremost Promotions-\$65.92; Gary Snow&Associates-\$500.00; Gene's Lock Shop-\$6.00; Goodie's Uniforms-\$188.95; Havemeier,Leslie-\$37.40; Heartland Paper Co-\$167.45; Intoximeters-\$1,000.00; K-Log-\$1,600.04; Kadrmas,Lee And Jackson-\$13,717.26; Kinney,Matthew-\$316.00; Knecht Home Center Of Spf-\$13.77; Kosel,Joseph-\$592.73; L-3 Communications-\$289.00; Lead-Deadwood Regional Hospital-\$373.67; Lee,James-\$15.00; Lynn's Dakotamart-\$10.08; Mack's Auto Body Llc Corp-\$678.60; Matthew Bender&Company-\$44.44; Mcclure,Susan-\$50.00; Mg Oil Company-\$10,318.34; Microfilm Imaging Systems-\$1,825.00; Montana Dakota Utilities-\$772.51; Nelson,Christy-\$150.00; Nelson,Tonya-\$200.00; Neve's Uniforms-\$416.25; Northern Truck Equip Corp-\$253.30; Office Of Child Support-\$582.93; Pennington Co Jail-\$1,783.10; Phoenix Investigations-\$701.00;

Pitney Bowes-\$1,078.65; Quill Corporation-\$93.66; RC Finance Office-\$805.00; RC Regional Hospital-\$161.38; Radiology Associates-\$145.05; Redwood Toxicology Lab-\$93.36; Regional Health-\$70.94; Regional Health Physicians-\$194.68; Regional Pharmacy-\$35.28; Rocket Lube-\$154.97; SD Aao-\$500.00; SD Municipal League-\$30,637.00; Scott J Odenbach, Pc-\$390.00; Sdrs Supplemental Retirement-\$2,294.00; Securus Technologies T-Netix-\$1,202.90; Servall Towel&Linen-\$393.93; Sign Express-\$117.00; Spearfish Auto Supply-\$116.97; Spearfish Police Dept-\$10,030.58; Stan Houston Equip-\$825.00; Sturdevant's Auto Parts-\$102.82; Sysco Montana-\$1,762.82; Tigerdirect-\$58.89; Triple K Tire&Repair-\$795.96; Turnkey Corrections-\$6.86; Twin City Hardware& Lumber-\$137.78; Uline-\$142.14; Verizon Wireless-\$105.10; Victims Of Violence-\$496.00; Warne Chemical-\$299.20; Washington State Support Reg-\$75.00; Wells Fargo Business Card-\$3,887.92; Western Communication-\$1,037.00; Western SD Juvenile Serv-\$5,195.00; White's Canyon Motors-\$37,139.92; Williams&Associates-\$846.60; Wow!-\$1,341.73; **Witness & Jurors:** Anderson,J-\$64.80; Carlbom,C-\$67.02; Crago,A-\$61.10; Kapust,V-\$61.10; Lasley,A-\$61.10; Meredith,M-\$62.58; Nankivel,K-\$65.54; Netterberg,J-\$61.10; Quaschnick,E-\$60.36; Burrer,L-\$23.70; Eckhart,L-\$23.70; Redfield,L-\$31.10; Thomason,K-\$69.60; Matamon,J-\$33.32; Stanley,L-\$42.20;

**ADJOURN:** 10:39 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – April 14, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on April 14, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Flanagan) to approve the minutes of March 24<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Johnson-Flanagan) to approve the new hire of Michael Anderson as a part-time (under 20) fill-in Corrections 1 G1 at the base rate of \$15.19 an hour, upon the completion of 40-80 hours of training at \$10.38 an hour, effective April 5, 2015. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the new hire of Melody Helsing as a part-time (under 20) fill-in Corrections 1 G1 at the base rate of \$15.19 an hour, upon the completion of 40-80 hours of training at \$10.38 an hour, effective April 5, 2015. Motion Carried.

Moved-Seconded (Rosenau-Weisenberg) to approve the classification change for Nathan Lechner as a full-time permanent Corrections 1 G2 at the base rate of \$15.54 an hour, effective April 5, 2015. Motion Carried.

Moved-Seconded (Sleep-Rosenau) to approve the classification change for Matt Hardin as a full-time permanent Corrections II G3 at the base rate of \$18.18 an hour, effective April 19, 2015. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the advertising for a part-time (under 20) fill-in Dispatcher. Motion Carried.

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Sleep-Johnson) to approve Jeremy Tuten and Gage McSpadden as temporary seasonal Sprayer/GPS G1 at the base rate of \$12.21 an hour, effective April 14, 2015 and Chase Tyson as a temporary seasonal GPS G2 at a base rate of \$13.73 an hour, effective April 20, 2015. Motion Carried.

**TREASURER:** Moved-Seconded (Johnson-Rosenau) to approve the classification change for Gail Derby as permanent full-time Secretary G2 at the base rate of \$15.49, effective April 20, 2015. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Flanagan-Rosenau) to approve the step-raise for Louise Hohn as a permanent full time Appraiser III G3 at the base rate of \$18.55 an hour, effective April 20, 2015. Motion Carried.

Moved-Seconded (Rosenau-Johnson) to approve the step-raise for Jason Fisher as a permanent full time Appraiser III G3 at the base rate of \$18.55 an hour, effective April 20, 2015. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the step-raise for Desiree Phinney as a permanent full-time Administrative Secretary G2 at the base rate of \$15.77 an hour, effective April 20, 2015. Motion Carried.

**ABATEMENT:** Moved-Seconded (Johnson-Rosenau) to deny the request for an abatement for Jason L. & Shelly K. Binner parcel #20650-00602-229-02 pursuant to SDCL 10-13-39, et seq. Motion Carried.

**VOLUNTEER FIRE FIGHTER:** Moved-Seconded (Johnson-Flanagan) to approve Shane Croft as Volunteer Fire Fighter for Brownsville Volunteer Fire Department for insurance purposes. Motion Carried.

**FAIR BOARD APPOINTMENT:** Moved-Seconded (Sleep-Weisenberg) to authorize the Chairman to sign the amended fair board agreement allowing for 5 members (4 lay persons and 1 county commissioner) from each county and to withdraw Chris Bessler's appointment to the Board as he is not a Lawrence County Resident. Motion Carried.

**LEAD FIRE PROTECTION DISTRICT:** Moved-Seconded (Rosenau-Flanagan) to follow the recommendation of the Lead Fire Protection Board and appoint Thomas Baillargeon and Joseph Kosel to fill the open position for a two year term on the Lead Fire Protection Board for a term to expire in April 2017. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of March 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$177,465.22; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,559.86; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$2,963,272.68, Money Market \$3,981,122.20; Savings-\$8,151,586.37; Total \$18,381,216.33.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of March 31, 2015 is \$2,426,024.98 or 19.97%.

**SDDOT REQUEST TO ENTER PROPERTY:** Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the SD Department of Transportation permission request to enter property for survey and soil sampling purposes. Motion Carried.

**B.H FOREST RESOURCE ASSOCIATION REQUEST TO USFS FOR MAINTENANCE**

**OF FSR 134:** Moved-Seconded (Sleep-Rosenau) to direct Bruce Outka to contact Dave Plummer with the USFS in Spearfish to urge cooperation between the USFS and the B.H. Forest Resource Association regarding maintenance of FSR 134. Motion Carried.

**LAWRENCE COUNTY RESOLUTION NO. 2015-15 / RETURN TO WORK/LIGHT**

**DUTY PROCEDURES:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the following Lawrence County Resolution No. 2015-15 Amendment # 12 A Resolution Amending The Lawrence County Personnel Policy Handbook To Add Section 4.12 Regarding Return To Work/Light Duty Procedures. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2015-15 AMENDMENT # 12 A RESOLUTION AMENDING THE LAWRENCE COUNTY PERSONNEL POLICY HANDBOOK TO ADD SECTION 4.12 REGARDING RETURN TO WORK/LIGHT DUTY PROCEDURES:

WHEREAS, Lawrence County ("County") has adopted a Personnel Policy Handbook ("Handbook"); WHEREAS, from time to time it is necessary and appropriate that the Handbook be amended; NOW THEREFORE, BE IT RESOLVED, that the Handbook shall be amended adding Section 4.12 Return to Work/Light Duty Procedures to read as follows: 4.12 Return to Work/Light Duty Procedures: Purpose: The purpose of these procedures is to establish criteria for the temporary return to work assignments for employees of County, who, because of injury or illness, cannot return to regular duty status or are unable to perform the full range of duties of the employee's position, but are able to utilize some of their knowledge, skills and abilities. These procedures will also establish the criteria necessary for an employee to return to full active duty at the conclusion of extended periods of absence as a result of illness or injury.

1. There being no designated light duty assignments within the County, these procedures shall not be construed as a requirement for the county to create return to work assignments which would not normally exist. Temporarily disabled employees may only be assigned to an available position which their disability allows them to perform. If no appropriate return to work assignment can be found for the employee, the employee will remain on the appropriate leave or work compensation benefits. A temporary return to work assignment may be available as a result of (a) An on-the-job injury; (b) Post-operative convalescence; (c) A non-work related accident or illness. (d) Pregnancy
2. The following conditions shall be applicable: (a) Temporary return to work shall be approved by the employee's attending physician; (b) The County may require, at its expense, a second physician opinion; (c) Employees may be temporarily assigned to any position deemed necessary and appropriate by the respective department head; and (d) The temporary return to work may be full or part-time as determined by the medical limitations.
3. If an employee's injury or illness prevents the full performance of his or her regular duties, but the employee is able to perform a temporary return to work assignment, documentation shall be obtained from the employee's medical provider. Such documentation shall indicate the employee's ability to work and the limitations or restrictions as each relates to the performance of tasks in the temporary return to work assignment.
4. The County may, at any time, require an employee to be examined for fitness for return to full duty status. This examination shall be at County's expense.
5. When a temporary return to work assignment is appropriate, the employee's department head shall identify work that may be assigned to the employee.

6. The employee will be compensated at the same pay grade and classification of his or her regular position for the duration of the temporary return to work assignment.
7. A temporary return to work assignment shall be evaluated by the department head as is necessary, but at a minimum every 30 days and adjusted to accommodate changes in the employee's ability to perform assigned functions. Additional medical documentation may be required to support the continuation of a temporary return to work assignment.
8. Temporary return to work assignments shall not be greater than 90 days in duration. At the conclusion of the 90 day period, the employee shall be reevaluated by their physician, or a physician at the direction of the county, to determine the medical fitness of the employee. The employee shall provide the department head with a projected date of return to full duty status from the attending physician. Additional return to work assignments may be granted at this time at the discretion of the department head.
9. The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964 that provides guidelines to employers regarding pregnant employees. Pregnancy is a normal physiological process and as such will not be addressed as a separate sick leave issue. If an employee is made ill due to pregnancy or her physician believes it would be in the employee's best interest to work a modified schedule then the pre-established standards for sick leave or light duty assignments would be applicable.
10. Prior to return to full active duty, an employee shall be required to submit written authorization to do so signed by the employee's attending physician. Dated this 14<sup>th</sup> day of April, 2015. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN. ATTEST: Connie Atkinson, AUDITOR

**LAWRENCE COUNTY RESOLUTION NO. 2015-16 / REFERENCES:** Moved-Seconded (Johnson-Flanagan) to approve and authorize the Chairman to sign the following Lawrence County Resolution No. 2015-16 regarding references. Motion Carried.

LAWRENCE COUNTY RESOLUTION NO. 2015-16 AMENDMENT #13

A RESOLUTION AMENDING THE LAWRENCE COUNTY PERSONNEL POLICY HANDBOOK ARTICLE II "GENERAL POLICIES", SECTION 2.11 REGARDING

REFERENCES: WHEREAS, Lawrence County ("County") had adopted a policy regarding providing references on behalf of current or former employees seeking other employment as outlined in Article II "General Policies", Section 2.11 "References" of the Lawrence County Personnel Policy Handbook;

WHEREAS, the current policy allows only for basic information to be provided to a prospective employer regarding a current or former county employee's employment with County, to-wit: the fact of employment with the County, the dates of employment and the positions held;

WHEREAS, the current policy reflects liability concerns to County and County employees when job references are provided to prospective employers;

WHEREAS, SDCL 60-4-12 offers certain liability protections to County and County employees when job references are provided to prospective employers;

WHEREAS, County does not seek to hinder a current or former employee's professional development by withholding pertinent job-related information to a prospective employer;

WHEREAS, at the discretion of County personnel, authorized or otherwise designated to provide employee information, to whom a reference request is made by a prospective employer, additional job-related information may be provided as part of a reference request in compliance with SDCL 60-4-12;

NOW THEREFORE, BE IT RESOLVED, that Article II "General Policies", Section 2.11 "References" be amended as follows:

Section 2.11) References: Generally, it is the County's policy not to provide references on behalf of current Or former employees seeking other employment. Upon request, a prospective employer will be told that you were in fact employed by the County, the dates of employment, and the positions held. Only elected officials:, department heads or other persons authorized to do so may respond to requests for information regarding current and former employees. At the sole discretion of an authorized person to whom an information request is [made, an](#) exception to the general rule is allowed and information may be released to a party outside the County requesting a professional reference and/or conducting a background [check so](#) long as the following conditions are met:

A. The person giving the reference has a reasonable basis to believe that the person who is making the request has authority to obtain a reference on behalf of a prospective employer or entity that may properly seek such information. (This authority shall be in writing by the prospective employer or entity requesting such a reference as defined in statute below.) Prospective Employer Request - SDCL 60-4-12. Presumption of good faith disclosure of employment information to prospective employers. Any employer or agent of the employer who, in writing, disclosed information about the job performance of an employee or former employee to a prospective employer of that person at the written request of the prospective employer or the employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request. For purposes of this section, the presumption of good faith is rebutted upon a showing that the employer or agent of the employer: ( ) Recklessly, knowingly, or with a malicious purpose, disclosed false or deliberately misleading information: or ( ) Disclosed information subject to a nondisclosure agreement or information that is confidential under any federal or state law., B. The person giving the reference has a reasonable basis to believe that the reference shall be used for a legitimate end, related to employment, education or other customary purpose. The person giving the reference makes a written memorandum noting the identity of the party making the request, the basis under paragraphs A and B for giving the reference, and the date and means used to give the reference: which memorandum shall be retained in the current or former employee's personnel file. FOR THE BOARD: Terry W. Weisenberg, CHAIRMAN ATTEST: Connie Atkinson, AUDITOR

**ALCOHOLIC MALT BEVERAGE TRANSFER:** A public hearing was held on an application to transfer a Retail On-Off Sale Malt Beverage License from Nemo Guest Ranch Ent, (Branding Iron Restaurant) To Bob Yarger and Jan Heitland (Branding Iron Restaurant). No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Johnson) to approve the following transfer of CLASS-RETAIL (ON-OFF SALE) Malt Beverage License from: PREVIOUS LICENSE: Nemo Guest Ranch, (Branding Iron Restaurant) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368 TRANSFER TO: Bob Yarger and Jan Heitland (Branding Iron Restaurant) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.. Motion Carried.

**HIGHWAY BUSINESS:**

**WHITEWOOD SERVICE ROAD BRIDGE REPLACEMENT PROJECT:** Allan Bonnema, Highway Superintendent and Jim Parker, Interstate Engineering were present to discuss a newly devised Option #3 for North Street improvements. David Hale submitted a letter outlining safety concerns of the citizens of Whitewood regarding the previously selected Option #2. Mayor Mitch Harmon was present and stated that he believed that Option #3 sufficiently addressed the concerns of the City Council and its constituents. He further apologized to the Commissioners for any confusion caused by communication issues between the City and its citizens concerning North Street improvement options.

Moved-Seconded (Rosenau-Flanagan) to rescind a previous motion selecting Option #2 and directing the Highway Superintendent to proceed with the newly designed Option #3 calling for intermediate grading of North Street, as between the other two options previously discussed, thereby allowing for the railroad bridge in Whitewood to remain operational for emergency service vehicles. Also, that all surplus dirt shall be deposited in the most advantageous location consistent with any existing agreements between the City of Whitewood and adjacent property owners. A bid opening shall be set for May 12, 2015, at 8:30 am. Motion Carried.

**PRIVATE APPROACH PERMIT:** Moved-Seconded (Johnson-Sleep) to approve the Private Approach Permit for Ken Phillips to construct an approach to the west side of McGuigan Rd located approximately 15' north of the fire hydrant. Motion Carried.

**CROOK CITY ROAD PROJECT:** Moved-Seconded (Johnson-Flanagan) to authorize the Chairman to sign the construction contract between Lawrence County and Sacrison Paving, Inc. Motion Carried.

**COOPERATIVE FOREST ROAD AGREEMENT & ROAD PROJECT AGREEMENT:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Cooperative Forest Road Agreement and Road Project Agreement #12-RO-11020300-022 Modification #7 with the USFS. Motion Carried

**PUBLIC SAFETY BUILDING / COURTHOUSE BOILER PROJECT:** The Board reviewed the following bids received for the Public Safety Building/Courthouse Boiler Replacement Project. Action Mechanical-\$275,925 A1-\$50,670 A2-\$76,940; Heil Plumbing & Heating-\$323,000 A1-\$62,500 A2-\$104,000; Midwestern Mechanical Inc.-\$253,850 A1-\$34,190 A2-\$100,736; Rasmussen Mechanical-\$275,785 A1-\$29,490 A2-\$55,000; Sharkey Plumbing & Heating-\$362,000 A1-\$56,000 A2-\$121,000; Wolfs Plumbing-\$345,000 A1-\$51,000 A2-\$91,000.

Moved-Seconded (Flanagan-Weisenberg) to follow the recommendation of John Hey, Project Engineer and accept the base bid and the two bid alternates from Rasmussen Mechanical-\$275,785 A1-\$29,490 A2-\$55,000, as the lowest responsible bid, to waive any irregularities and authorize the Chairman to sign the construction agreement, and to direct Mr. Hey to issue the Notice to Proceed. Motion Carried.

**EQUALIZATION:** Tim Hodson, Director of Equalization was present to discuss the Annual Performance Review (County-Wide Assessment Summary).

**PLANNING & ZONING:**

**UPDATE:** Amber Vogt, Planning and Zoning Director updated the Board on the Spearfish ETJ Ordinance, Chad Adams' property on Nevada Gulch Road, her AICP exam and temporary campgrounds.

Vogt explained that she will send a letter to Adams advising him that he has until June 2015 to clean-up his property thereby complying with the conditions of his building permit.

**FINAL PLAT / ENNING:** Moved-Seconded (Johnson-Rosenau) to declare the final plat exempt from the Fire Plan for Fred Ening, Lot 1 and Tract A of Desperado Subdivision, Section 32, T6N, R4E. Located along Crook City Road on Desperado Lane. Motion Carried.

Moved-Seconded (Johnson-Weisenberg) to approve the Final Plat for Fred Ening, Lot 1 and Tract A of Desperado Subdivision, Section 32, T6N, R4E. Located along Crook City Road on Desperado Lane. Motion Carried.

**ANNUAL REVIEWS:**

**CONDITIONAL USE PERMIT #298-13 / MYSTIC HILLS HIDEAWAY:** An annual review was held regarding C.U.P. #298-13, Mystic Hills Hideaway, Applicant, MS 1748, Tract 1 of St. Johns Lode in Section 1, T3N, R3E (29.58 +/- Acres), Location: Custer Peak Road. (Fire plan update) The fire plan has been completed. Moved-Seconded (Sleep-Wesenberg) to schedule a review in 12 months. Motion Carried.

**CONDITIONAL USE PERMIT #417 / KISSACK:** An annual review was held on CUP #417, Don & Laura Kissack for a Temporary 2nd Residence. Another review will be held in 12 months.

**CONDITIONAL USE PERMIT #426 / ELSOM:** An annual review was held on CUP #426, to allow Dog Boarding and Daycare at the property. Another review will be held in 12 months.

**CONDITIONAL USE PERMIT #427 / ATCHISON:** An annual review was held on CUP #427, allowing trail rides to be conducted by Barbara Jean Atchison on property owned by Jean Lee Bell. Jeff Schroeder, Deputy Code Enforcement Officer, advised that Atchison has indicated her intent to cease trail rides at that location. Schroeder requested a letter from her to that effect that has yet to be received.

Moved-Seconded (Sleep-Flanagan) to cancel CUP #427 once a letter from Barbara Jean Atchison noticing her intent to cease operations at the location is received. Motion Carried.

**CONDITIONAL USE PERMIT #428 / WILLIAMSON & GRIESS:** An annual review was held on CUP #428, allowing for manufacture of small homes. Another review will be held in 12 months.

**ITEMS FROM COMMISSIONERS:** Johnson stated that owing to recent legislative changes concerning state funding of county highway and bridge projects that a county wheel tax must be considered in the near future.

**BILLS:**

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

**Payroll:** Comm-\$11,970.56; Aud-\$17,515.12; Treas-\$21,418.01; Comp-\$18,838.09; States Atty-\$25,136.03; Pub Def-\$22,281.06; Gen Govt Bldg-\$18,309.30; Equal-\$25,066.84; Rod-\$15,917.74; Vso-\$2,610.42; Disp-\$22,929.07; Sher-\$75,909.15; Jail-\$41,606.78; Coroner-\$1,026.90; 24/7-\$330.98; Emerg Mgnt-\$7,690.80; E911-\$3,616.00; Highway-\$83,038.00; Air-\$2,498.73; MH Serv-\$270.00; Weed-\$6,799.70; Pz-\$10,340.58; **Bills:** Tridle,Debra-\$33.00; Heying,Bradley-\$86.50; Cortez, Frank-\$64.00; Kampa, Kerry-\$64.00; Johnson, Michael-\$64.00; Burnitt, James-\$15.00; A To Z Shredding-\$25.20; A&B Business, Inc Solutions-\$1,153.28; A&B Welding Supply-\$19.04; A&I Distributors-\$5,407.09; Abc Business Supply-\$400.28; American Family Life-\$3,126.05; BH Collections-\$69.45; BH Federal Credit Union-\$6,923.76; BH Power-\$338.74; Credit Collections Bureau-\$204.80; Deadwood Recreation Center-\$626.00; Delta Dental Of South Dakota-\$6,916.62; Dept Of The Treasury-\$55,045.42; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,753.91; Megas Propane-\$575.15; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$582.93; SD Retirement System-\$53,720.94; Sdrs Supplemental Retirement-\$2,294.00; Wellmark Blue Cross-\$71,437.23; Wow!-\$320.00; Armstrong Extinguish-\$147.00; At&T Mobility-\$950.77; BH Collections-\$76.03; BH Federal Credit Union-\$6,923.76; BH Land Analysis-\$1,072.50; BH Pest Control-\$190.00; BH Pioneer-\$1,126.15; BH Power-\$1,315.89; BH Wilbert Vault Co-\$450.00; Baczwaski Law Office, PC-\$342.00; Barnaud Law Firm-\$4,495.34; Bi Geo Group-\$133.40; Black Hills Pure-\$17.50; Bomgaars Supply-\$15.99; Butler Machinery Co-\$141.43; Butte Electric Coop-\$754.18; CAI Construction-\$561.23; Campbell Supply-\$736.75; CBH Cooperative-\$7,164.80; Century Business Products-\$108.84; Centurylink-\$284.51; Certified Laboratories Div-\$119.00; Chris Supply Co-\$93.38; City/County Alcohol&Drug-\$2,703.50; Claggett&Dill, Prof Llc-\$502.38; Clark Printing-\$673.97; Clauser Machine Works-\$550.00; Clinical Lab Of BH-\$1,841.00; Community Health Services-\$110.00; Credit Collections Bureau-\$60.82; Dakota Equipment Rental-\$27.99; Dale's Tire & Retread-\$418.00; Deadwood, City Of-\$5,657.74; Dept Of Hlth Lab Services-\$350.00; Dept Of The Treasury-\$52,922.69; Diversified Collections-\$100.00; Eb Communications-\$64.00; Ed Roehr Safety Products-\$160.00; Election Sys&Software-\$358.40; Ellingson, Joseph-\$2,472.04; Exhaust Pros Of Spearfish-\$23.80; Fastenal-\$2.95; Fidler-Isburg Funeral Chapel-\$1,760.00; Forte-\$498.00; Frederickson, John R-\$549.00; Galls-\$104.91; Glaxosmithkline Pharmaceutical-\$992.60; Goodie's Uniforms-\$37.45; Great Western Bank-\$39.00; Hamilton Excavation-\$450.00; Harmelink, Fox&Ravnsborg-\$143.00; Heartland Paper Co-\$826.41; Heisler Hardware-\$11.97; Janke, Wendy-\$658.00; John W Hey&Company-\$900.00; Kadrmas, Lee And Jackson-\$13,717.26; Kinney, Matthew-\$2,476.51; Knecht Home Center Of Spf-\$73.98; Kosel, Joseph-\$1,397.54; LC Conservation Dist-\$5,000.00; LC Treasurer-\$20.00; Lead, City Of-\$68.15; Lead-Deadwood Regional Hospital-\$62.28; Lead-Deadwood Sanitary-\$313.74; Leads Online-\$1,758.00; Lee, James-\$15.00; Lexisnexis Risk Data Mgnt-

\$75.00; Lynn's Dakotamart-\$17.58; Manlove Psychiatric Group-\$250.00; McClure,Susan-\$250.00; Microfilm Imaging Systems-\$1,245.00; Mid-Continent Testing-\$13.00; Midcontinent Communications-\$35.07; Mobile Electronic Service-\$164.00; Montana Dakota Utilities-\$6,003.52; NH Training Center-\$2,500.00; Neve's Uniforms-\$311.83; Northern Truck Equip-\$6,300.00; Office Of Child Support-\$582.93; Pennington Co Auditor-\$45.00; Pheasantland Industries-\$78.92; Phoenix Investigations-\$747.99; Priority Dispatch-\$554.00; Quill Corporation-\$794.82; RC Regional Hospital-\$256.93; Rabe Elevator-\$4,107.06; Radio Shack/Kazco-\$599.98; Rapid Delivery-\$13.80; Rapid Transcript-\$777.00; Rasmussen Mechanical Serv-\$95.00; Regional Health-\$406.00; Regional Health Physicians-\$163.19; Rena M Hymans, PC-\$1,090.22; Rocket Lube-\$71.49; SD Assn Of Co Comm-\$3,873.58; SD Dept Of Labor-Unemployment-\$11,416.32; SD Dept Of Transportation-\$4,747.17; SD Public Assur Alliance-\$698.23; SD State Treasurer-\$60.00; Sdaco-\$875.00; Sdrs Supplemental Retirement-\$2,394.01; Semerad,Sandra-\$164.00; Servall Towel&Linen-\$945.01; Spearfish Ambulance Service-\$80.00; Spearfish Auto Supply-\$949.93; Spearfish Husky-\$72.00; Sterna,Laura-\$300.00; Street Image-\$1,928.06; Stretch's Glass&Mirror-\$107.50; Sturdevant's Auto Parts-\$811.56; Sunshine-\$110.00; Sysco Montana-\$2,414.48; Thomson Reuters-West-\$159.50; Tigerdirect-\$1,123.23; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$4.23; Twin City Hardware&Lumber-\$438.91; United Parcel Service-\$17.87; Victims Of Violence-\$599.00; Waste Connections-\$712.06; Watertree-\$52.25; Wells Fargo Business Card-\$3,872.74; West River International-\$534.53; Western Communication-\$5,246.79; Western Hills Humane Society-\$2,000.00; Western SD Juvenile Serv-\$5,095.00; Wex Bank-\$445.24; Wheeler Lumber-\$3,758.40; White's Canyon Motors-\$82,786.50; Wilde&Hunt, Prof-\$2,563.64; Wimactel-\$120.00; Wolff,John-\$600.00; **Witness & Jurors:** Dunwoody,D-\$62.58; Follett,P-\$60.36; Lance,A-\$50.74; Lewis,J-\$55.92; Morrison,C-\$52.22; Schuurmans,N-\$64.80; Shumaker,A-\$63.32; Stark,A-\$63.32; Zorichak,M-\$61.10

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 12, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 12, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of April 28<sup>th</sup> County Commission meeting and the 2015 Board of Equalization Meeting. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Flanagan) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of April 30, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,894,222.58; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$14,878.26; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$8,108,759.07, Money Market \$3,982,685.26; Savings-\$14,652,278.72; Total \$31,756,033.89.

**TRAVEL ADVANCE:** Moved-Seconded (Johnson-Rosenau) to approve the travel advance for the Director of Equalization's Office to attend the Annual Conference. Motion Carried.

### **ABATEMENTS:**

**NOTHDURFT:** Moved-Seconded (Flanagan-Rosenau) to approve the abatement for Steven and Cheryl Nothdurft on parcel #26720-01748-000-04 because of an error on the assessment record. The garage was assessed on the wrong parcel. Motion Carried.

**BOILER PROJECT:** Moved-Seconded (Johnson-Flanagan) to approve Change Order #1 in the amount of \$1,069 for the Boiler Project to add 2 domestic water expansion tanks. Motion Carried.

**SHERIFF BUSINESS:** Moved-Seconded (Flanagan-Weisenberg) to approve for the advertisement of a part-time correctional officer. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to allow for the advertisement of temporary full-time correctional officer for the summer months. Motion Carried.

**HIGHWAY BUSINESS:**

**CENTER STREET / ST. ONGE:** Allan Bonnema discussed the condition of Center Street in St. Onge. Bonnema recommended patching it in 2015 and possibly look at further repair in future years.

**WHEEL TAX:** The Board discussed the possibility of implementing a wheel tax and the impacts on County Citizens. Future discussions will be held on a wheel tax and the Department of Transportation will be invited to a meeting.

**NORTH STREET / WHITEWOOD ROAD PROJECT:** The following base bids were received for the North Street Whitewood Road Project: Johner & Son's (EKE) \$372,130.48; Rapid Construction \$297,622.79; Quinn Construction \$515,148.10; Rogers Construction \$431,958.30; Hills Material \$411,651.34. Moved-Seconded (Flanagan-Rosenau) to accept the lowest responsible bid from Rapid Construction LLC for \$297,622.79, to waive and irregularities and allow the Chairman to sign the documents. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of April 30, 2015: Deadwood #2 Diesel 3700 gallons: (prices per gallon) CBH Cooperative - \$1.965, MG Oil - \$1.959\*, Deadwood Unleaded 4800 gallons: (prices per gallon) CBH Cooperative - \$2.259, MG Oil - \$2.159\*; Spearfish Diesel#2 3400 gallons: (prices per gallon) CBH Cooperative - \$1.965\*; MG Oil- no bid; Spearfish Unleaded 800 gallons: (prices per gallon) CBH Cooperative - \$2.259\*; MG Oil – no bid; Whitewood Blended Diesel 500 gallons: (prices per gallon) CBH Cooperative - \$1.985\*; MG Oil – no bid; \*Represents lowest quote awarded. No bid received from South Side or Harms Oil Co.

**HEALTH NURSE REPORT:** Wade Huntington Regional Manager was present to review the Quarterly community health report.

**PLANNING & ZONING:**

**ORDINANCE #15-01 – LAWRENCE COUNTY ZONING ORDINANCE AMENDMENT / ADDITIONS:** Second Reading was held on the proposed ORDINANCE #15-01 - Lawrence County Zoning Ordinance Amendment (public notice signs and fee schedule). Moved-Seconded (Johnson-Rosenau) to approve ORDINANCE #15-01 - Lawrence County Zoning Ordinance Amendment (public notice signs and fee schedule). Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign Resolution #2015-17 to set the following fees charged by the Lawrence County Planning and Zoning Department. Motion Carried.

Resolution # 2015-17: A Resolution to set Fees Adopted by the County Commissioners Be it resolved by the County Commissioners of Lawrence County, South Dakota, that these following fees shall be charged by the Lawrence County Planning and Zoning Department

TYPE OF FEE	AMOUNT	FEE DESCRIPTION
Agricultural Tourism Permit	\$250.00	1 time fee if approved uses remain the same
Appeals/Variances Public Notice Signage Deposit	\$250.00 (non-refundable) \$100.00 (refundable upon return of sign)	Board of Adjustment
Change of Zoning (COZ) Public Notice Signage Deposit	\$350.00 (non-refundable) \$100.00 (refundable upon return of sign)	
Text Change Ordinance Amendments (ORD)	\$150.00	Non-Change of Zoning
Conditional Use Permit (CUP) Public Notice Signage Deposit	\$350.00 (non-refundable) \$100.00 (refundable upon return of sign)	Fee doubled if use is commenced prior to application
Major Amendment	\$350.00	For a PUD or CUP
Minor Amendment	\$150.00	For a PUD or CUP
Temporary Use Permits	\$250.00	
Development Permits	\$100.00	On Commercial Zones
Sewer Permits	\$10.00	
Building Permit-Initial \$30 for the first \$1,000 of the structure's value and \$3 for each additional \$1,000  The base valuation shall be determined by a dollar per square foot. (see fee schedule in next	\$142 finished residential space \$15 unfinished basements \$75 garages/pole buildings \$15 decks/gazebos/carports \$142 mobile homes (subtract 3% per year of age or \$30 whichever is greater)	

column) Structure's value shall be determined by the total valuation of each building permit.	\$180 commercial	
Building Permit-Violation-	Double the Original Fee	
Contractor Licensing-Initial	\$75	
Contractor Licensing-Violation	\$150	Double the original fee
Off Premise Signs (Billboards)	\$250	
On Premise Signs; Home Occupation; or Community Signs	\$100	

Adopted this 12<sup>th</sup> day of May, 2015, LAWRENCE COUNTY COMMISSIONERS: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

**RECESS:** 9:15 a.m. Moved-Seconded (Sleep-Flanagan) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:23 a.m. The Chairman called the meeting back to order.

9:30 a.m. Moved-Seconded (Flanagan-Rosenau) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:35 a.m. The Chairman called the meeting back to order.

**PRELIMINARY & FINAL PLAT / NONAST & HALE:**

Moved-Seconded (Flanagan-Rosenau) to declare the plat for Nonast S/D and Dave Hale Lots 1, 2, 3 of Nonast S/D located off Crook City Road exempt for the fire plan. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve the preliminary plat for Nonast S/D and Dave Hale Lots 1, 2, 3 of Nonast S/D located off Crook City Road, pending correction showing access to all lots. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the final plat for Nonast S/D and Dave Hale Lots 1, 2, 3 of Nonast S/D located off Crook City Road, pending correction showing access to all lots. Motion Carried.

**PRELIMINARY PLAT / TOMAHAWK:**

Moved-Seconded (Johnson-Sleep) to approve the preliminary plat for Tomahawk Country Club Tract A of Tomahawk Country Club located off Hwy 385 to create a boundary of the golf course, and to declare the plat exempt for the fire plan. Motion Carried.

**PRELIMINARY PLAT / ISLAND:** Discussion was held on the access to the proposed lots. Moved-Seconded (Johnson-Weisenberg) to approve the preliminary plat for Ron & Nancy Island Lot 1-5 off of Elk Creek Road with the addition of a 40' easement to be shown on the plat between lots 1 & 2 and 4 & 5 and to declare the plat exempt for the fire plan. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**SPEARFISH FIRE PROTECTION DISTRICT:** Connie Atkinson, Auditor informed the Board that the sufficient number petitions and signatures, for inside the municipality of Spearfish, have been received for the proposed Spearfish Fire Protection District. Petitions have not been received for the rural area and will need to be submitted or a new waiver will need to be granted from the County Commissioners before an election date will be set.

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,793.20; Treas-\$10,812.57; Comp-\$6,664.31; States Atty-\$12,851.19; Pub Def-\$11,142.13; Gen Govt Bldg-\$8,441.46; Equal-\$12,667.05; Rod-\$7,958.87; Vso-\$1,305.21; Disp-\$10,899.55; Sher-\$36,235.20; Jail-\$20,595.36; Coroner-\$363.45; 24/7-\$174.20; Emerg Mgnt-\$3,916.88; E911-\$1,808.00; Highway-\$42,959.29; Air-\$1,102.20; Weed-\$4,510.42; Pz-\$5,090.29; **Bills:** A To Z Shredding-\$16.05; A&B Business,Inc Solutions-\$764.47; A&B Welding Supply-\$21.08; A&J Supply-\$119.26; Abc Business Supply-\$10.84; Ainsworth Benning-\$23,710.02; At&T Mobility-\$1,019.56; BH Federal Credit Union-\$6,923.76; BH Land Analysis-\$1,625.00; BH Pest Control-\$190.00; BH Pioneer-\$1,187.57; BH Power-\$1,044.81; Baczwaski Law Office, P.C-\$324.00; Black Hills Pure-\$11.50; Bomgaars Supply-\$68.87; Brosz Engineering-\$390.00; Butte Electric Coop-\$691.30; Cbh Cooperative-\$9,494.30; Cdw Government-\$2,177.64; Century Business Products-\$98.48; Centurylink-\$108.06; Chc Of The Black Hills-\$65.50; City/County Alcohol&Drug-\$2,730.00; Clinical Lab Of BH-\$1,646.00; Deadwood Dental-\$112.00; Deadwood,City Of-\$774.50; Dept Of The Treasury-\$53,225.81; Diversified Collections-\$100.00; Drug Screening Services-\$25.00; Election Sys & Software-\$20.36; Emergency Services Marketing-\$37.21; Et Sports-\$15,920.00; Foothills Seed-\$375.00; Godfrey's Brake Serv-\$436.37; Goodie's Uniforms-\$241.50; Heartland Paper Co-\$555.19; High Plains Business Forms-\$486.60; Inland Truck Parts-\$136.99; Intoximeters-\$543.50; Jacobs Precision Welding-\$241.53; Jenner Equipment-\$107.38; Johner Gravel-\$9,121.11; Kimball-Midwest Co-\$194.39; Kosel,Joseph-\$890.58; LC Treasurer-\$50.00; Lawson Products-\$89.89; Lead,City Of-\$72.35; Lead-Deadwood Sanitary-\$381.68; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.00; Lueders-\$40.87; Manlove Psychiatric Group-\$500.00; McClure,Susan-\$50.00; Mcpherson Propane-\$69.00; Mg Oil Company-\$17,663.28; Midcontinent Communications-\$34.88; Montana Dakota Utilities-\$392.88; Nelson,Christy-\$100.00; Nelson,Tonya-\$400.00; Neve's Uniforms-\$128.85; Nichols,Helen Rd Ln Cde-\$30.00; Office Of Child Support-\$398.31; Park County Sheriff Office-\$50.00; Pennington Co Auditor-\$90.00; Phoenix Investigations-\$1,222.73; Postmaster,Deadwood-\$140.00; Priority Dispatch-\$147.00; Pump House Coffee & Deli-\$100.89; Quill Corporation-\$194.07; RC Regional Hospital-\$255.28; Radio Shack/Kazco-\$70.00; Radiology Associates-\$26.60; Rapid Transcript Co-

\$693.00; Rasmussen Mechanical Serv-\$438.41; Regional Health-\$406.00; Regional Health Physicians-\$17.22; Reliance Telephone-\$1,585.00; Rena M. Hymans, PC-\$1,716.53; Rocket Lube-\$48.99; S D State Treasurer-\$13,628.18; Sdrs Supplemental Retirement-\$2,394.00; Securus Technologies T-Netix-\$1,202.90; Servall Towel & Linen-\$402.99; Spearfish Auto Supply-\$1,272.70; Sterna,Laura-\$350.00; Stretch's Glass & Mirror-\$425.78; Sturdevant's Auto Parts-\$669.16; Sunshine Inc-\$110.00; Sysco Montana-\$2,406.14; Thomson Reuters-West-\$159.50; Top Quality Glove-\$195.00; Triple K Tire & Repair-\$626.40; Twilight First Aid & Safety-\$1,330.00; Twin City Hardware & Lumber-\$193.85; Vast Broadband-\$325.56; Waste Connections-\$712.06; Watertree-\$45.40; West River International-\$1,809.15; Western Communication-\$4,889.20; Wex Bank-\$882.33; White's Queen City Motors-\$82.30; Z&S Dust Control-\$67,347.76; **Witness & Jurors:** Lechner,N-\$21.10; Dunwoody,D-\$62.58; Follett,P-\$60.36; Lance,A-\$50.74; Lewis,J-\$55.92; Morrison,C-\$52.22; Schuurmans,N-\$64.80; Shumaker,A-\$63.32; Sorensen,R-\$72.20; Stark,A-\$63.32; Zorichak,M-\$61.10; Adams,C-\$13.70; Anderson,A-\$21.84; Bachand,D-\$16.66; Bedford,C-\$24.80; Bertrand,R-\$152.22; Binner,S-\$21.84; Brooke,M-\$24.06; Burrows,R-\$12.22; Cartwright,N-\$12.22; Felter,A-\$156.66; Cogley,M-\$167.76; Cordell,L-\$21.84; Doten,D-\$21.10; Drenkow,B-\$194.40; Foote,D-\$18.88; Garrett,L-\$22.58; Glover,J-\$19.62; Haberstroh,M-\$21.10; Harr,G-\$189.96; Heaton,T-\$19.62; Hegge,C-\$20.36; Hoven,T-\$20.36; Hubbard,P-\$183.30; Hughes,J-\$26.28; Jarvis,R-\$194.40; Johnson,A-\$22.58; Kiley,M-\$21.10; Klinck,M-\$21.84; Kussart,T-\$18.88; Lackey,C-\$12.22; Padden,M-\$161.10; Potter,S-\$22.58; Sprigler,S-\$18.88; Stroh,S-\$24.80; Sullivan,P-\$154.44; Swanson,N-\$18.88; Takahashi,S-\$183.30; Thomsen,C-\$12.22; Tillman,C-\$183.30; Timm,D-\$10.74; Tollefsrud,M-\$24.80; Uthe,A-\$23.32; Vandever,C-\$18.88; Vissia,G-\$21.10; Winkler,E-\$161.10; Cameron,A-\$28.88; Foth,M-\$33.32; Nelson,C-\$27.40; Rogers,J-\$20.00; Rystrom,J-\$22.96; Sandy,D-\$29.62; Tesch,D-\$33.32; Vanourkene,K-\$27.40

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

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Terry Weisenberg, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – May 12, 2015**

Chairperson Terry Weisenberg called the Lawrence County Board of Adjustment meeting to order at 9:15 a.m. on May 12, 2015 in the Administrative Annex Building of the Lawrence County courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Randall Rosenau, and Brandon Flanagan present.

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

**VARIANCE #144 / ROMANO:** A public hearing was held on Variance # 144 Chris Romano Asking for a 17' VAR to the 25' side setback (8' setback) to locate a 12x16 shed on the property. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Johnson) to follow Planning and Zoning recommendation and approve Variance # 144 for Chris Romano due to the terrain, small lot size and change of setbacks in the ordinance. Motion Carried.

9:23 a.m. Moved-Seconded (Flanagan-Johnson) to recess the Board of Adjustment meeting and convene as the Board of Commissioners. Motion Carried. 9:30 a.m. The Chairman called the meeting back to order

**VARIANCE #145 / BENNETT:** A public hearing was held on Variance # 145 Gerry Bennett Asking for a 16' VAR to the 25' side setback (9' setback) to be allowed to finish the detached garage that was permitted under the old setbacks of 5'. The foundation and a portion of the walls are already in existence. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Johnson) to approve Variance #145 for Gerry Bennett due to the terrain and existing location of the foundation and creek, change of setbacks in the ordinance, and he was in compliance when initially received the building permit. Motion Carried.

**ADJOURN:** 9:35 a.m. There being no further business it was Moved-Seconded (Rosenau-Sleep) to adjourn from the Board of Adjustment. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – May 26, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 26, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Richard Sleep, and Randall Rosenau present. Daryl Johnson was absent and Brandon Flanagan attended by video (Skype).

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of May 12th County Commission meeting and Board of Adjustment Meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Sleep) to approve Baylee J. Dittman as a temporary full-time Corrections 1 G1 at the base rate of \$15.19 an hour, effective May 26, 2015, upon the completion of 40 hours of training at \$10.38 an hour. Motion Carried.

Moved-Seconded (Rosenau-Weisenberg) to approve Jamie Pesicka as a permanent part-time Dispatcher II G2 at the base rate of \$17.83 an hour, upon the completion of 80 hours of training at \$17.83 an hour effective May 26, 2015. Motion Carried.

**AIRPORT GROUND LEASE:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Airport Ground Lease Agreement with Gary Dettman and to cancel the agreement with Brian Povandra. Motion Carried. The Board acknowledged the letter received from Povandra to cancel his lease agreement.

**MUTUAL AID AGREEMENT:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman and the Emergency Management Director to sign the Mutual Aid Agreement with the Lawrence County Fire Chief's Association. Motion Carried.

**BOILER PROJECT:** Moved-Seconded (Rosenau-Weisenberg) to approve Change Order #2 for the Boiler Project to replace the air eliminator. Motion Carried.

BROWNSVILLE FIRE DEPARTMENT RAFFLE: Moved-Seconded (Rosenau-Sleep) to not object to the request for the Brownsville Fire Department Raffle. Motion Carried.

AIRPORT PAVEMENT MAINTENANCE PROJECT: Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the Project No. 2014 Pavement Maintenance State and Financial Assistance Agreement 3-46-4600-20-2014. Motion Carried. Aye-Rosenau, Flanagan and Weisenberg. Nay-Sleep.

**SHERIFF BUSINESS:**

MEDICAL SERVICES AGREEMENT: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman and Sheriff to sign the contract for Medical Services for the Lawrence County Jail with the Lead/Deadwood Regional Hospital from July 1, 2015 through June 30, 2016. Motion Carried.

NURSE AGREEMENT: Moved-Seconded (Sleep-Rosenau) to approve and authorize the Chairman and Sheriff to sign the Memorandum of Understanding with Wendy Janke to provide services to the inmates and staff at the jail. Motion Carried.

TURNKEY AGREEMENT: Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman and Sheriff to sign the Jail Services Agreement with Turnkey effective June 1, 2015. Motion Carried.

ALCOHOLIC BEVERAGE LICENSES: A public hearing was held on the applications for 2015-2016 Malt Beverage licenses. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Weisenberg) to approve the following 2015-2016 Malt Beverage Licenses. Motion Carried.

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

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

**CLASS - PACKAGE (OFF-SALE) MALT BEVERAGE:**

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

**CLASS - RETAIL (ON-OFF SALE) MALT BEVERAGE:**

WICHTERMAN & SONS INC: HIDDEN VALLEY CAMPGROUND, Lot G-1-A, HES 297, Sections 18 & 19, T4N, R4E.

JANELL F. ANDIS, (CUSTER CROSSING) Tract B-1 of HES No. 246, Plat Doc. #77-3792 excluding Lot 1 of Tract B-1, Plat Doc. #78-3518 all located in W1/2 Sec 21, T3N, R4E, BHM,; & Lot C of HES No. 246 in the W1/2 of Sec. 21, T3N, R4E, BHM, Plat Doc. #95-2719.

SPEARFISH CANYON RESORTS LLC. (LATCHSTRING VILLAGE) Lot Ab-1, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of Section 31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M..

FRESH START CONVENIENCE STORE INC. (THE VALLEY CORNER) Lot 1 & W 20' of Lot 2 of Lot A of Lot 1 NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M.

TRAILSHEAD LODGE, INC., Lot 4 O'Neill Pass Ranchettes S/D of HES 617, Section 20, T3, R1, B.H.M.

CHEYENNE CROSSING STORE LLC. Lot C-3 of Meadow 1-2-3 Lodes of MS 1564, NW1/4 S22, T4N, R2E.

LONNY & SUSAN SMITH (ST.ONGE BAR & GRILL) Lots 1 & 2, Block 8, St.Onge.

SEVEN DOWN, LLC Tract 7, Section 27, T6N, R3E.

WICHTERMAN & SONS INC: STEEL WHEEL CAMPGROUND Tract "D" Revised, formerly Tract "D" of HES 297, S18 & 19, T4N, R4E.

JANICE G. KABERNA, (HOM CAMPGROUND) Lot A of CRM Ex Tract 1 (10.01) and Lot 2. Sec 27-T3-R5 of Black Hills.

BLACK HILLS CHAIRLIFT CO.INC. Section 1-2-11 & 12, Township 4 north, Range 2 east, B.H.M.

CROW PEAK BREWING COMPANY, LLC: Lot Y-1, located in NE1/4NE1/4, S4, T6N, R2E., TRIPLE H HILLS LLC, MYSTIC HILLS HIWAY M.S.1748 Fennia #1; M.S.1748 St John Claim; M.S. 1748 St John #1 (8.78 Ac) & St John #2 (7.90 Ac); M.S. 1748 St John #3 (8.85 Ac) & St John #4 (8.83 Ac). All Located in Section 1, T3N, R3E.

NEMO GUEST RANCH BUSINESS ENTERPRISE (NEMO GUEST RANCH CONVENIENCE STORE) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.

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

BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) Lot 1 of Barefoot, formerly lots 3 & 4 and vacated right of way of Block 2 Tract B Lost Camp Valley Acreage, Sec. 2-T4N-R2E of Black Hills.

WHITETAIL COURT RESORT LLC. 11295 U.S. HWY 14A, Lead, SD 57754 Tract 54 Secs 5-6-7&8 (Whitetail Court), Lawrence County.

LARRY KAISER, NEMO MERCANTILE, Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, located in the NE ¼ of Section 27, T3N, R5E, B.H.M 26580-01368-010-30

BOB YARGER AND JAN HEITLAND, DBA SAWMILL RESTAURANT & SALOON, (BRANDING IRON RESTAURANT) Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368.

B&S RESORT LLC./RECREATIONAL SPRINGS RESORT: M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM.

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

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

WILD BILL'S CAMPGROUND & RESORT PARTNERSHIP: 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 SD KAMPLAND INC, (SPEARFISH KOA) Parcel B of the replat of Lots G,H,I,J,K,L,M,N and the West 259.9 feet of Lots O,P,Q,R,S,T and U, all in the Subdivision of Lot 1 of the NW1/4NW1/4, Section 3, T6N, R2E, B.H.M..

BLACK HILLS JOURNEY'S INC (FISH 'N FRY CAMPGROUND) Lots 1 & 2, subdivision of a portion of H.E.S. 297, in Section 18 & 19, T4N, R4E, BHM, Lawrence County, SD according to Plat Book 1, page 317, except Lot A of Lot 2 of the Subdivision of HES 297, according to Plat Doc #78-1596.

TROUT HAVEN PROPERTIES LLC: Tract 1 & 2 S/D of SW1/4 SW1/4, T2, R5, Section 7.

JOHN D. BELL (BOARS NEST LLC) Tract 59 Section 7, T2N, R3E, BHM.

AKELA SPA OF DEADWOOD LLC; LOT 3 BLK 1 EX H1 (.68 AC) OAK MT. COUNTRY EST. 18-005-04 B.H.M. LAWRENCE COUNTY SD.

CUSTER CAMP 1874 LLC (THE PASTA CORRAL) Lot 1 OF HES 286 located in Section 4, T3N, R5E, BHM, Lawrence County, SD.

#### HIGHWAY BUSINESS:

APPROACH PERMIT: Moved-Seconded (Sleep-Rosenau) to approve the approach permit for Iseman Homes on the south/west side of Rochford Road located approximately 200 ft from the NE property pin Lot 2B. Motion Carried.

COURTHOUSE CUPOLA PROJECT: The Board discussed the current condition of the courthouse cupola. Moved-Seconded (Sleep-Weisenberg) To authorize Outka to visit with Williams and Associates to begin the process of getting projected costs to repair the courthouse cupola in 2016. Motion Carried.

BUREAU OF LAND MANAGEMENT: Lori Kimball, Field Manager BLM was present to meet and discuss issues with the Board.

WESTERN AG DEVELOPMENT: Bob Weyrich, Western AG Development was present to discuss an opportunity for a County Site Analysis offered by the Department of AG. Weyrick stated they look at Ordinances and GIS information and layer it map by map for planning and zoning utilization. Weyrich stated this can assist counties in identifying potential rural site development opportunities available to them and local communities and aid with decisions concerning AG issues.

SUPPLEMENTAL BUDGET: A public hearing was held for a supplemental budget for GENERAL FUND / GENERAL GOVERNMENT BUILDINGS – REPAIRS \$500,000 AND ROAD & BRIDGE FUND / HIGHWAY & BRIDGE RESERVE \$300,000. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Resolution #2015-18. Motion Carried. RESOLUTION #15-18 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND / GENERAL GOVERNMENT BUILDINGS – REPAIRS \$500,000 AND ROAD & BRIDGE FUND / HIGHWAY & BRIDGE RESERVE \$300,000: The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 26th day of May, 2015 at the hour of 9:45 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 26th day of May, 2015. FOR THE BOARD OF COUNTY COMMISSIONERS Terry Weisenberg, Chairman. ATTEST: Connie Atkinson Lawrence County Auditor

PICTOMETRY: Tim Hodson, Director of Equalization was present to discuss the Pictometry Flight and updated imagery. The Board was in support of budgeting for the Pictometry flight cost to be paid for over three years.

#### PLANNING & ZONING:

CONDITIONAL USE PERMIT #430 – BOULLIN & HILGER: A public hearing was held on CUP #430 Melissa Boullion & Tammy Hilger to allow trailrides on property located on Parcel V of Hay Springs Estates off Nemo Road on Hay Creek Lane., Section 33, T4N, R4E. No public input was voiced and the hearing was closed.

Moved-Seconded (Sleep-Rosenau) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #430 for Melissa Boullion & Tammy Hilger to allow trailrides on property located on Parcel V of Hay Springs Estates off Nemo Road on Hay Creek Lane., Section 33, T4N, R4E. Motion Carried.

CONDITIONAL USE PERMIT #431 – BOULLIN & HILGER: A public hearing was held on CUP #431 Melissa Boullion & Tammy Hilger To allow trailrides on property located on the Nemo Guest Ranch in Nemo SD. No public input was voiced and the hearing was closed.

Moved-Seconded (Sleep-Rosenau) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #431 Melissa Boullion & Tammy Hilger To allow trailrides on property located on the Nemo Guest Ranch in Nemo SD. Motion Carried.

#### ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #238-13 / NIEHAUS: An annual review was conducted on CUP # 238-13, Manufacturing (Niehaus). Moved-Seconded (Sleep-Rosenau) CUP #238-13 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

CONDITIONAL USE PERMIT #307 / RAMSEY: An annual review was conducted on CUP #307 Second Residence Ramsey. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #373 / DON HURM (EARTHMOVING): An annual review was conducted on CUP #373, Don Hurm Earthmoving. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #406 / CITY OF SPEARFISH: An annual review was conducted on CUP #406, Water Tank (City of Spearfish). Moved-Seconded (Sleep-Rosenau) CUP #406 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

CONDITIONAL USE PERMIT #424 / STOLEN KISS RANCH: An annual review was conducted on CUP #424, Stolen Kiss Ranch (Gary Coe, Applicant) Request to Allow Horse Boarding, Wedding Venue, Meeting Place. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #429 / BONICELLI: An annual review was conducted on CUP #429, Bonicelli – Pasta Outpost (Specialty Resort). No violations were found and will be reviewed in one year. Moved-Seconded (Flanagan-Sleep) To move the annual review to July or August. Motion Carried.

MODIFICATION OF CONDITIONAL USE PERMIT #422 / AUER: The Board considered a request from Mark Auer to modify conditions of CUP #422 to allow for signage. Moved-Seconded (Rosenau-Sleep) to recommend to Planning and Zoning to administratively approve the minor amendment allowing the on-site signage in compliance with county ordinance. Motion Carried.

#### ITEMS FROM COMMISSIONERS:

SPEARFISH FIRE DEPARTMENT ALLOCATION: The Commission discussed a request from the City of Spearfish to receive the annual allocation from Lawrence County for the fire tax collected. The Board stated they will hold the allocation until a time when the proposed Spearfish Fire Protection issues are resolved.

#### BILLS:

Moved-Seconded (Rosenau-Sleep) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies,

repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$5,985.28; Aud-\$8,910.03; Treas-\$10,812.57; Comp-\$6,998.72; States Atty-\$12,907.11; Pub Def-\$11,142.13; Gen Govt Bldg-\$8,382.15; Equal-\$12,621.33; Rod-\$7,973.51; Vso-\$1,305.21; Disp-\$11,190.98; Sher-\$37,220.59; Jail-\$19,396.00; Coroner-\$263.45; 24/7-\$174.20; Emerg Mgnt-\$3,791.84; E911-\$1,808.00; Highway-\$42,176.37; Air-\$1,329.24; Mh Ser-\$270.00; Weed-\$4,829.77; Pz-\$5,250.29; Bills: Mcgruder,Brenda-\$34.00; Weisenberg,Terry-\$81.48; Symonds,Carmen-\$104.00; Ruffatto,Robert-\$92.00; Cortez,Frank-\$92.00; Fisher,Jason-\$104.00; Meehan,Michael-\$104.00; Hohn,Louise-\$104.00; A&B Business,Inc Solutions-\$719.84; A&J Supply-\$22.88; American Family Life-\$3,126.05; At&T-\$22.60; Audra Malcomb Consulting-\$1,352.91; BH Federal Credit Union-\$6,923.76; BH Pioneer-\$207.54; BH Power-\$8,653.39; Baczwaski Law Office, PC-\$873.00; Best Western Ramkota Hotel-\$185.98; Bi Geo Group Co-\$170.20; Biegler,Greg-\$75.00; Black Hills Urgent Care-\$41.69; Bomgaars Supply-\$349.99; Butler Machinery Co-\$3,735.19; Cdw Government-\$1,428.06; Century Business Products-\$454.07; Centurylink-\$2,270.22; Charm-Tex-\$782.59; City/County Alcohol&Drug-\$1,350.00; Datec-\$240.00; Deadwood Recreation Center-\$614.00; Delta Dental Of South Dakota-\$6,876.02; Dept Of The Treasury-\$53,309.23; Diesel Machinery-\$420.00; Dill Law Office-\$941.63; Diversified Collections-\$100.00; Eagle Aviation-\$335.88; Ecolab-\$139.73; Election Sys&Software-\$152.98; Ellingson,Joseph-\$3,863.89; Fastenal-\$70.34; Fidler-Isburg Funeral Chapel-\$460.00; Gene's Lock Shop-\$28.00; Hartford-Priority Accounts-\$1,729.93; Heartland Paper Co-\$644.21; Hersruds Of Sturgis-\$1,301.97; Hewlett-Packard Company-\$937.56; Hills Material Comp-\$31,545.62; Jacobs Precision Welding-\$35.00; Janke,Wendy-\$764.00; Jenner Equipment-\$15.36; Johner Gravel-\$8,610.47; Kinney,Matthew-\$430.00; Knecht Home Center Of Spf-\$24.80; Lead-Deadwood Regional Hospital-\$731.01; Manlove Psychiatric Group-\$2,100.00; Mcgas Propane-\$248.50; Midwest Alarm Co-\$91.20; Montana Dakota Utilities-\$90.83; Ms Mail-\$225.00; Neve's Uniforms-\$234.64; Northern Hills Rec Center-\$164.00; Office Depot-\$299.90; Office Of Child Support-\$398.31; Pennington Co Jail-\$1,265.40; Plumbmaster-\$162.71; Quill Corporation-\$716.29; RC Finance Office-\$770.00; RC Regional Hospital-\$318.29; Rabe Elevator-\$1,468.99; Rasmussen Mechanical Serv-\$398.17; Rena M Hymans, PC-\$276.05; Rocket Lube-\$111.48; SD Retirement System-\$53,177.10; Sdrs Supplemental Retirement-\$2,394.01; Secretary Of State-\$30.00; Servall Towel&Linen-\$560.57; Spearfish Auto Supply-\$130.88; Spearfish Police Dept-\$10,064.64; Sysco Montana-\$759.90; Tigerdirect-\$38.93; Titan Machinery Construct-\$1,050.00; Top Quality Glove-\$130.00; Triple K Tire&Repair-\$17.50; Truenorth Steel-\$46,268.43; Twin City Hardware Lumber-\$836.65; Verizon Wireless-\$105.14; Victims Of Violence-\$550.00; Wellmark Blue Cross-\$71,848.97; Wells Fargo Business Card-\$4,052.46; West River International-\$801.49; Western Communication-\$1,214.00; Western Sd Juvenile Serv-\$3,705.00; White Drug-\$2,668.46; White's Canyon Motors-\$930.06; Wimactel-\$60.00; Witness & Jurors: Dunwoody,D-\$62.58; Lance,A-\$50.74; Lewis,J-\$55.92; Morrison,C-\$52.22; Shumaker,A-\$63.32; Sorensen,R-\$72.20; Stark,A-\$63.32; Zorichak,M-\$61.10; Emme,D-\$29.62; Ochsner,R-\$34.80; Tew,J-\$22.22

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 16, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on May 12, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

MINUTES: Moved-Seconded (Sleep-Rosenau) to approve the minutes of May 26 County Commission meeting. Motion Carried.

AUDITOR'S ACCOUNT WITH TREASURER REPORT: Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of May 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$50,565.87; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$9,087.97; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$4,918,319.82, Money Market \$3,984,096.97; Savings-\$10,653,020.03; Total \$22,718,300.66.

### **PERSONNEL:**

SHERIFF: Moved-Seconded (Johnson-Flanagan) to approve the step raise for Lance Palmer as Corrections 2 G3 at the base rate of \$18.18 an hour, effective June 14, 2015. Motion Carried.

Moved-Seconded (Johnson-Rosenau) to approve the new hire of Clayton Schleusner as a part-time (under 20) fill-in Corrections 1 G1 at the base rate of \$15.19 an hour, effective June 14, 2015 upon the completion of 40-80 hours of training at \$10.38 an hour. Motion Carried.

TRAVEL REQUEST: Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Amber Vogt, Planning and Zoning Director to attend the 2015 Western Planners Conference in Laramie, WY on August 17-21, 2015. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve the travel advance for Amber Vogt, Planning and Zoning Director to attend the 2015 Western Planners Conference in Laramie, WY. Motion Carried.

### **AUTOMATIC SUPPLEMENTS:**

EMERGENCY MANAGEMENT / SHERIFF: Moved-Seconded (Johnson-Rosenau) to approve the automatic supplement of \$33,396.35 for the Emergency Management Grants for grant funds received and to approve the automatic supplement of \$27,666 for the Sheriff Grants for grant funds received. Motion Carried

**SHERIFF BUSINESS:**

Brian Dean, Sheriff was present to ask for the Boards support in going forward with a volunteer program of a Chaplain Unit to work with the Sheriff's Office. The Sheriff's Office will provide the safety equipment needed at an approximate cost of \$500 per volunteer. The Board was in support of moving forward with the program.

APPLE VALLEY ROAD DISTRICT: Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for the Apple Valley Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE APPLE VALLEY ROAD DISTRICT: A Petition and Application For Incorporation having been filed with the Lawrence County Board of Commissioners asking that a road district be organized to function in the territory described in the Petition and it appearing to the satisfaction of the Lawrence County Board of County Commissioners that the requirements of SDCL Chapter 31-12A have been complied with; IT IS HEREBY DECLARED that the territory proposed to be organized as a county road district to-wit: LOTS 1 THROUGH 17 INCLUSIVE OF THE SUBDIVISION OF LOT 1B OF APPLE VALLEY SUBDIVISION IN THE SE ¼ SE ¼ SEC 4 T6N R2E BHM, LAWRENCE COUNTY, SOUTH DAKOTA ACCORDING TO LAWRENCE COUNTY RECORDED PLAT DOCUMENT #80-2560. LOT 4B A SUBDIVISION OF LOT 4 OF THE SE ¼ SE ¼ SEC. 4 T6N R2E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA ACCORDING TO LAWRENCE COUNTY RECORDED PLAT DOCUMENT #2006-2846. 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 Apple Valley Road District. DATED this 16th day of June 2015. Terry Weisenberg, Chairperson. ATTEST: CONNIE ATKINSON, AUDITOR

**HIGHWAY BUSINESS:**

**APPROACH PERMITS:**

ANDERSON: Moved-Seconded (Sleep-Weisenberg) to follow the recommendation of the Highway Superintendent and approve the approach permit for Craig Anderson on the Brownsville Road located approximately ¼ mile west of Pahkamaa Road with the County crew cutting the trees on the county right of way. Motion Carried.

FERRIS: Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of the Highway Superintendent and approve the approach permit for Guy Ferris on the North side of Old Highway 14 located approximately on the SW corner of Tract F NW 1/4SW1/4 Section 32, T7N, R2E. Motion Carried. Aye-Johnson, Flanagan, Rosenau and Weisenberg. Nay-Sleep.

**UTILITY PERMITS:**

**BLACK HILLS POWER:** Moved-Seconded (Johnson-Flanagan) to follow the recommendation of the Highway Superintendent and approve the utility permit for Black Hills Power & Light on McGuigan Road – 850’ south of the corner of McGuigan and Tumbleweed Trail. Motion Carried.

**CROOK CITY ROAD:** Bonnema updated the Board on the Crook City Road and the affects of the wet spring.

**WHITEWOOD PROJECT:** Bonnema updated the Board on the North Street Project. Issues and concerns were addressed and problems with the rain and detour.

**FUEL QUOTES:** The following fuel quotes were submitted as of June 3, 2015: Deadwood #2 Diesel 3800 gallons: (prices per gallon) CBH Cooperative - \$2.159\*, Southside-\$2.18, MG-Oil (did not meet requirements); Deadwood Unleaded 2700 gallons: (prices per gallon) CBH Cooperative - \$2.584, Southside-\$2.58\*, MG Oil - (did not meet requirements); Spearfish Diesel#2 3200 gallons: (prices per gallon) CBH Cooperative - \$2.159; Southside-\$2.22, MG Oil-\$2.069\*; Spearfish Unleaded 500 gallons: (prices per gallon) CBH Cooperative - \$2.604\*; Southside-\$2.62, MG Oil – \$2.619; Whitewood Blended Diesel 700 gallons: (prices per gallon) CBH Cooperative - \$2.159; Southside-\$2.222, MG Oil –\$2.069\*; \*Represents lowest quote awarded. No bid received from Harms Oil Co.

**CROW CREEK ROAD:** Landowners in the Crow Creek Road vicinity were present to express concerns on the condition of the road. Bonnema discussed the County’s Policy that the County does the work but the taxpayers pay for the cost of the gravel. Nick & Jackie Heinen asked for the copy of the policy. Outka stated the State Law SDCL 31-12-27.1 addresses the issue of the taxpayers paying for the gravel. Duane and Donavon Nicholas questioned who decides what is a primary and what is a secondary road and how the Board determines what road is more important than the other. Moved-Seconded (Rosenau-Sleep) that the Board move forward with repairing the road at the county expense. Motion Carried. Aye-Johnson, Rosenau and Sleep. Nay-Flanagan and Weisenberg.

**DELZER SECTION LINE OBSTRUCTION:** Eric Nies, Attorney for Roger & Sharon Delzer was present to discuss the Delzer Section Line obstruction. Nies reviewed pictures of corals, pivot points, gates and tire rippers on the section line. John Burke, Attorney for Ross Delzer stated the tire ripper is actually a broke off fence post and was not planted by his client. Burke also stated there is access to the property already but not by the section line. Burke discussed vehicular travel across the field, a possible onsite visit and a North Dakota Supreme Court Case. Ross Delzer leases the ranch from Bernard Delzer and stated the corrals have been there for 40+

years. Nies stated the path in question has been closed and posted not for use. Nies discussed a South Dakota Supreme Court in reference to the Douville Case and stated his clients would agree with the Commission to maintain the section line as a private road. Discussion followed on possible easements and workable solutions. The Attorney's will meet to try and work out an easement before an onsite is scheduled.

**KOOL DEADWOOD NITES:** Todd & Kevin McPherson, McPherson Auction and Realty were present to discuss the Kool Deadwood Nites Car Auction. Moved-Seconded (Flanagan-Rosenau) to approve the request to use the employee parking in the ramp during Kool Deadwood Nights Car Auction on Thursday and Friday with DMG making alternative parking and transport arrangements if needed for employees and coordinating with the Sheriff's Office. Motion Carried.

**ELECTED OFFICIAL BRIEFING:** Paul Thomson, Emergency Management Director gave the Elected Official's Briefing.

**SPEARFISH VOLUNTEER FIRE DEPARTMENT:** Spearfish Volunteer Fire Department members and Eric Nies, Attorney representing the Fire Department were present to request a waiver of signature requirements for the rural portion of the proposed fire district. Rosenau stated the field has changed and he can't support the waiver at this time. Rosenau stated at some time it will live and die on its own merit if an election is held, but encouraged the Fire Department and the City of Spearfish to work things out that can be in the best interest of the citizens it serves. Johnson stated the first time the waiver was granted he thought everyone was on same page but things have changed and asked the Fire Department and the City of Spearfish to continue working on a resolution.

Spearfish Volunteer Fire Department questioned if the petitions would go stale and expressed concerns with members not wanting to continue with the fight and membership dropping. Bruce Outka, County Attorney stated the petitions would not go stale. Dana Boke, Major of Spearfish spoke on concerns from the City of Spearfish's standpoint. Boke asked the Commission to table the issue to allow time to work on a resolution. Moved-Seconded (Sleep-Rosenau) to not take any action on the waiver request as presented at this time. Motion Carried.

#### **PLANNING & ZONING:**

**ORDINANCE #14-04 / SUBDIVISION ORDINANCE AND FIRE PLAN REVIEW:** A public hearing and 1st Reading was held for ORD #14-04 Re-Adoption of Subdivision Ordinance and Fire Plan Review. Vogt reviewed the fire plan changes and other misc. changes throughout the Subdivision Ordinance. Randy Diebert, Local Surveyor stated he was in support of the changes, however, asked for clarification on the ingress/egress to the subdivision, Fire Mitigation Plan and ETJ area. The public hearing was closed and 2nd reading will be June 30, 2015.

COZ #306 / MCQUIGAN: Mike McGuigan, Eric Nies and Randy Diebert were present to update the Board on COZ #306 (McGuigan, owner) and stated an agreement has been reached with the Westview Road District. Moved-Seconded (Flanagan-Johnson) to approve the Road Maintenance Agreement between McGuigan Inc. and the Westview Subdivision Road District. Motion Carried.

**PLATS:**

PRELIMINARY PLAT / BH DEVELOPMENT LLC: Moved-Seconded (Rosenau-Weisenberg) to approve the Preliminary Plat for BH Development LLC Lots 13, 14A, 15,16 & 17 of Wilderness Estates located off of Hwy 85. Motion Carried. This plat allows the parcels to be platted that were still in the old Wilderness Estates Subdivision.

FINAL PLAT / BH DEVELOPMENT LLC: Moved-Seconded (Rosenau-Johnson) to approve the Final Plat for BH Development LLC Lots 13, 14A, 15,16 & 17 of Wilderness Estates located off of Hwy 85. Motion Carried. This plat allows the parcels to be platted that were still in the old Wilderness Estates Subdivision.

PLAT PRELIMINARY PLAT / BOULDER CANYON COUNTRY CLUB: Moved-Seconded (Flanagan-Weisenberg) to approve the Preliminary Plat for Boulder Canyon Country Club Golf Course Tract 1 & 2 of the Boulder Canyon Country Club located off of Hwy 85. Motion Carried. Creates 2 tracts, one giving a boundary to the golf course and one for transfer purposes to Apple Springs in order to complete the additional 9 holes.

FINAL PLAT / BOULDER CANYON COUNTRY CLUB: Moved-Seconded (Johnson-Rosenau) to approve the Final Plat for Boulder Canyon Country Club Golf Course Tract 1 & 2 of the Boulder Canyon Country Club located off of Hwy 85. Motion Carried. Creates 2 tracts, one giving a boundary to the golf course and one for transfer purposes to Apple Springs in order to complete the additional 9 holes.

**ITEMS FROM COMMISSIONERS:**

ROAD & BRIDGE: Moved-Seconded (Sleep-Weisenberg) to direct Allan Bonnema, highway Superintendent to develop a ten year road plan consistent with what is needed to implement a wheel tax.

**BILLS:**

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

Payroll: Comm-\$5,985.28; Aud-\$8,793.20; Treas-\$10,812.57; Comp-\$8,336.31; States Atty-\$12,928.14; Pub Def-\$11,142.13; Gen Govt Bldg-\$8,349.78; Equal-\$12,667.05; Rod-\$7,958.87; Vso-\$1,305.21; Disp-\$12,656.45; Sher-\$39,569.83; Jail-\$24,333.03; Coroner-\$663.45; 24/7-\$69.68; Emerg Mgnt-\$3,912.54; E911-\$1,808.00; Highway-\$40,461.30; Air-\$1,173.56; Weed-

\$5,190.36; Pz-\$5,090.53; Bills: Tridle,Debora-\$43.00; Green,Sheree-\$17.00; Fitzgerald,John-\$81.40; Locken,William-\$383.32; Atkinson,Sally-\$22.00; Hohn,Louise-\$293.78; 3d Specialties-\$840.90; A To Z Shredding-\$31.35; A&B Business,Inc Solutions-\$1,068.04; A&B Welding Supply-\$20.40; A&J Supply-\$30.48; Aaa Collections-\$274.52; Abc Business Supply-\$179.62; Ainsworth Benning-\$47,819.09; Alpine Impressions-\$280.00; American Red Cross-\$1,000.00; At&T Mobility-\$960.71; BH Federal Credit Union-\$6,923.76; BH Land Analysis-\$1,105.00; BH Pest Control-\$190.00; BH Pioneer-\$1,203.53; BH Power-\$12,727.37; Baczwaski Law Office, PC-\$936.00; Bi Geo Group Co-\$276.00; Bickle's Truck&Diesel-\$67.49; Big Sky Communications-\$79.00; Black Hills Disposal-\$87.00; Black Hills Pure-\$11.50; Black Hills Urgent Care-\$270.00; Bob Barker Company-\$143.98; Bomgaars Supply-\$23.94; Butte Electric Coop-\$635.16; Cai Construction-\$6,336.75; Cbh Cooperative-\$9,506.20; Century Business Products-\$135.03; Centurylink-\$2,378.01; Chris Supply Co-\$603.56; City/County Alcohol&Drug-\$833.00; Clauser Machine Works-\$450.00; Clubhouse Hotel&Suites Pierr-\$438.00; Crop Production Services-\$12.00; Dakota Equipment Rental-\$993.45; Deadwood,City Of-\$758.67; Dept Of The Treasury-\$55,754.04; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$106.82; Election Sys&Software-\$1,180.10; Ellingson,Joseph-\$323.50; Fastenal-\$166.97; Federal Express Corp-\$41.26; Frederickson,John-\$567.00; Gene's Lock Shop-\$171.84; Goodie's Uniforms-\$262.60; Grimm's Pump Service-\$322.20; Havemeier,Leslie-\$509.20; Heartland Paper Co-\$720.15; Heisler Hardware-\$8.28; Hills Material Comp-\$49,639.32; Intoximeters-\$1,041.25; Jacobs Precision Welding-\$82.84; Jamar Technologies-\$2,644.80; Jenner Equipment-\$55.04; Kadrmas,Lee And Jackson-\$13,717.27; Kimball-Midwest Co-\$260.22; Kinkade Funeral Chapel-\$1,045.00; Kinney,Matthew-\$1,248.00; Kosel,Joseph-\$4,414.98; LC Plan & Zone-\$20.42; Lawson Products-\$166.09; Lead,City Of-\$63.95; Lead-Deadwood Regional Hospital-\$538.22; Lead-Deadwood Sanitary-\$367.40; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$77.00; Lowe Roofing-\$21,009.60; Lyle Signs-\$1,213.07; McClure,Susan-\$250.00; Mg Oil Company-\$1,448.30; Microfilm Imaging Systems-\$1,440.00; Midcontinent Communications-\$35.23; Montana Dakota Utilities-\$2,167.69; Nelson,Christy-\$250.00; Nelson,Tonya-\$350.00; Neve's Uniforms-\$1,224.40; Northern Hills Casa-\$7,500.00; Office Of Child Support-\$398.31; Pennington Co Jail-\$1,258.85; Pennington County Sts Attny-\$430.00; Phoenix Investigations-\$714.55; Postmaster,Deadwood-\$376.00; Quill Corporation-\$89.27; Rabe Elevator-\$306.30; Radio Shack/Kazco-\$9.99; Rapid Delivery-\$11.40; Rapid Transcript-\$540.00; Rasmussen Mechanical Serv-\$65,330.00; Rdo Equipment-\$122,350.00; Redwood Toxicology Lab-\$302.54; Regional Health-\$437.16; Regional Health Physicians-\$102.72; Reliance Telephone-\$1,000.00; Rocket Lube-\$257.95; Rsinet/Thomas W Nichols-\$180.00; Rushmore Communications-\$220.00; SD Public Assur Alliance-\$248.00; SD State Treasurer-\$620.54; Sdrs Supplemental Retirement-\$2,394.00; Servall Towel&Linen-\$402.99; Sheehan Mack Sales&Equip-\$32.95; Sign Express-\$42.13; Sirchie Finger Print Lab-\$206.95; Smalls Typewriter S&S-\$606.00; Spearfish Auto Supply-\$1,433.40; Spearfish Husky-\$14.00; Sterna,Laura-\$250.00; Sturdevant's Auto Parts-\$473.57; Subway-\$44.00; Sunshine-\$95.00; Sysco Montana-\$2,721.47; Thomson Reuters-West-\$159.50; Tigerdirect-\$230.83; Triple K Tire&Repair-\$1,040.95; Turnkey Corrections-\$12.31; Twilight First Aid&Safety-\$30.90; Twin City Hardware &Lumber-\$296.42; Vast Broadband-\$322.28; Victims Of Violence-\$1,235.00; Wainman,Billie-\$500.00; Warne Chemical-\$1,124.97; Waste Connections-\$712.06; Watertree-\$52.25; Wells Fargo Bank-\$103.85; Wells Fargo Business Card-\$9,890.95; West River International-\$516.65; Western Communication-\$4,955.20; Western Sd Juvenile Serv-\$4,760.00; Wex Bank-\$260.00; White Drug-\$1,339.30; White's Queen City Motors-\$437.17;

Williams County Sher Office-\$35.00; Williams Standard Serv-\$172.56; Witness & Jurors; Lance,A-\$50.74; Lewis,J-\$55.92; Schuurmans,N-\$64.80; Shumaker,A-\$63.32; Sorensen,R-\$72.20; Stark,A-\$63.32; Zorichak,M-\$61.10; Bertch,L-\$31.10; Eulo,G-\$22.22; Hoelsing,J-\$33.32; Kersey,C-\$20.74; Larson,M-\$20.00; Marr,J-\$53.30; Niehaus,B-\$32.21; Reiling,M-\$20.00; Vorgert,E-\$33.32; Wright,R-\$21.48

ADJOURN: 11:47 a.m. Moved-Seconded (Rosenau-Johnson) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – June 30, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on June 30, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

MINUTES: Moved-Seconded (Rosenau-Weisenberg) to approve the minutes of June 16th County Commission meeting. Motion Carried.

### **EQUALIZATION:**

APPLE SPRINGS: Moved-Seconded (Johnson-Flanagan) to agree to the Stipulation with the lots in Apple Springs as recommended by the Department of Equalization on parcel #'s 18010-00100-040-10, 18010-00100-090-20, 18010-00100-110-10, 18010-00100-110-20 and allow the Chairman to sign if needed. Motion Carried.

### **PERSONNEL:**

SHERIFF: Moved-Seconded (Rosenau-Weisenberg) to approve the classification change for Jamie Pesicka as a Full-time Dispatcher II G2 at the base rate of \$17.83 an hour, effective July 5, 2015. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the classification change for Andrew Iverson as a Part-time (under 20) Dispatcher II G3 at the base rate of \$18.18 an hour, effective June 27, 2015. Motion Carried.

### **TRAVEL REQUEST:**

SHERIFF: Moved-Seconded (Rosenau-Weisenberg) to approve the travel request for Julie Rakow to attend the Northwest Shuttle Conference in El Paso County, Colorado Springs CO on September 27 through October 1, 2015. Motion Carried.

SLA QUARTERLY REPORT: The Board reviewed the 3rd Quarter State and Local Agreement Activity Report for 2015. Motion Carried

ROOF PROJECT EXTENSION: Moved-Seconded (Johnson-Rosenau) to approve a seven “working days” extension for Lowe Roofing on the Roof Project, at no penalty, as requested from the contractor because of the weather. Motion Carried.

WINE LICENSE / SAWMILL RESTAURANT: A public hearing was held on an application for a Retail (on-off sale) Wine License for the Sawmill Restaurant Saloon: Lots 1, 2 and 3 of Nemo Guest Ranch Sub, a sub of tract 4-T of Nemo Placer MS1368. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to approve the Retail (on-off sale) Wine License for the Sawmill Restaurant Saloon. Motion Carried.

#### HIGHWAY BUSINESS:

APPROACH PERMITS / KRAMBECK: Moved-Seconded (Sleep-Johnson) to follow the recommendation of the Highway Superintendent and approve the approach permit for Clint Krambeck on the South side of Upper Redwater. Motion Carried.

LEGISLATIVE AUDIT: 2013/2014 AUDIT: Bruce Hintz, Department of Legislative Audit, was present to inform the Board that he is currently auditing Lawrence County for 2013 and 2014. Moved-Seconded (Rosenau-Flanagan) to authorize the Chairman to sign the engagement letter with the Department of Legislative Audit, with the agreement that the Lawrence County Housing and Redevelopment Commission financial information will not be included in the financial statements of the County and therefore will not be audited. Motion Carried.

BROHM FORECLOSURE: Vince Jones, Attorney Woods/Fuller Law Firm was present for an update on the Brohm Foreclosure. They are currently starting the appraisal of the property involved so the State can take ownership of the property. Discussion followed that if the State takes ownership of the property the real property taxes will be abated.

ISOLATED TRACT: Tom Brady, Attorney representing Joe Gariboldi was present to discuss the Gariboldi Petition for Isolated Tract. Brady stated a 60 feet wide easement is needed because of topography, geography and length of easement to accommodate construction and snow removal. Bruce Outka gave some history on the property. Weisenberg stated Brady needs to send a letter to Fred Enning and an on-site will be scheduled for July 21, 2015 at 10:00a.m.

YELLOW CREEK RIFLE RANGE: Mike Kain, Dan Belder and Chip Kimball were present to discuss the Yellow Creek Rifle Range. Kain asked the Board to take ownership of the Yellow Creek Rifle Range property. Kimball stated the BLM is no longer allowed to have rifle ranges under the Recreation Public Purposes Act and would be willing to convey the property to the County. Weisenberg stated the County would like to discuss the issue with their insurance carrier first and then will discuss further at budget time.

BOB EWING, SENATOR: Bob Ewing, Senator for Lawrence County was present to update the board on the Local Government Summer Study and asked the Board to contact him with concerns or any suggestions for legislation.

PERFECT STORM DEVELOPMENT & MANAGEMENT: Mark Kazmer, Perfect Storm Development & Management was present to discuss Exit 10 Development (Dakota Meadows Master Plan Project). Kazmer reviewed the plan and stated it was very important that they are able to acquire the property that the County Highway shop is located on in Spearfish. Weisenberg stated the County is very business friendly and if the County is made whole they would be willing to work with them. Flanagan stated he is in support of the project but would question the County spending any money to relocate and to build a new shop when the old one is still workable. Joe Jorgenson and Dick Termes were also present to speak in support of the project.

#### PLANNING & ZONING:

ORDINANCE #14-04 / SUBDIVISION ORDINANCE AND FIRE PLAN REVIEW: 2nd Reading was held for ORD #14-04 Re-Adoption of Subdivision Ordinance and Fire Plan Review. Vogt reviewed the fire plan changes and other misc. changes throughout the Subdivision Ordinance. Moved-Seconded (Rosenau-Flanagan) to approve the Ordinance #14-04 / Subdivision Ordinance and Fire Plan Review. Motion Carried.

#### ITEMS FROM COMMISSIONERS:

FAIR GROUNDS: Sleep reported on the fair grounds in Nisland and damage received from the storm.

#### BILLS:

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

Payroll: Comm-\$5,985.28; Aud-\$8,793.20; Treas-\$10,814.16; Comp-\$8,336.31; States Atty-\$12,151.03; Pub Def-\$11,142.14; Gen Govt Bldg-\$8,619.42; Equal-\$12,667.02; Rod-\$8,006.15; Vso-\$1,305.21; Disp-\$13,802.26; Sher-\$38,256.88; Jail-\$21,836.31; Coroner-\$263.45; 24/7-\$87.10; Emerg Mgnt-\$3,872.20; E911-\$1,808.00; Highway-\$40,861.13; Air-\$1,425.38; Mh Serv-\$180.00; Weed-\$5,280.40; Pz-\$5,124.39;

Bills: Fitzgerald,John-\$80.66; Heying,Bradley-\$10.00; Ruffatto,Robert-\$163.00; A To Z Shredding-\$32.55; A&B Business,Inc Solutions-\$543.36; A&I Distributors-\$1,872.55; A&J Supply-\$104.70; Aaa Collections-\$110.54; Alpine Impressions-\$50.00; American Family Life-\$3,126.05; Audra Malcomb Consulting-\$817.01; BH Chemical Company-\$289.36; BH Federal Credit Union-\$6,923.76; BH Pioneer-\$28.30; BH Power-\$1,081.37; BH Window Cleaning-

\$3,420.00; Bomgaars Supply-\$21.99; Butler Machinery Co-\$10,898.33; Century Business Products-\$354.03; Clinical Lab Of BH-\$1,798.00; Dash Medical Gloves-\$76.90; Deadwood Recreation Center-\$635.00; Delta Dental Of South Dakota-\$6,985.96; Dept Of Hlth Lab Services-\$33.00; Dept Of The Treasury-\$54,655.05; Diversified Collections-\$100.00; Eb Communications-\$281.80; Fastenal-\$8.94; Goodie's Uniforms-\$10.25; Hartford-Priority Accounts-\$1,748.91; Heartland Paper Co-\$624.39; Hills Material Comp-\$26,543.07; Kadrmas, Lee And Jackson-\$13,717.26; Kinney,Matthew-\$2,155.90; LC Sheriff-\$163.00; Lead-Deadwood Regional Hospital-\$141.35; Lowe Roofing-\$65,850.30; Mg Oil Company-\$6,620.80; Mobile Electronic Service-\$246.00; Nelson,Christy-\$150.00; Neve's Uniforms-\$268.85; Northern Hills Rec Center-\$164.00; Novus-\$65.00; Office Of Child Support-\$398.31; Pennington County Sts Attny-\$430.00; Pitney Bowes-\$1,078.65; Plumbmaster-\$560.07; Quill Corporation-\$207.12; RC Finance Office-\$1,225.00; Rabe Elevator-\$972.27; Rice Honda Suzuki-\$339.71; Rocket Lube-\$144.98; SD Dept Of Labor Unemployment-\$2,669.49; SD Public Assur Alliance-\$339.00; SD Retirement System-\$54,456.06; Sand Creek Printing-\$249.00; Sd Counties-\$330.00; Sdrs Supplemental Retirement-\$2,394.00; Servall Towel&Linen-\$963.56; Sheehan Mack Sales&Equip-\$489.79; Southside Oil Co-\$6,971.16; Spearfish Building Supply-\$149.13; Spearfish Police Dept-\$10,659.79; Sunshine Towing&Transport-\$395.00; Sysco Montana-\$2,823.24; Tigerdirect-\$49.44; Top Quality Glove-\$195.00; Triple K Tire&Repair-\$677.96; Trugreen Chemlawn-\$56.75; Twin City Hardware& Lumber-\$168.03; Vast Broadband-\$4,196.52; Verizon Wireless-\$105.19; Wellmark Blue Cross-\$72,524.30; White's Canyon Motors-\$27,666.00; Wimactel-\$60.00; Witness & Jurors: Carlbom,C-\$67.02; Cook,C-\$61.10; Crago,A-\$61.10; Kapust,V-\$61.10; Lasley,A-\$61.10; Meredith,M-\$62.58; Nankivel,K-\$65.54; Netterberg,J-\$61.10; Quaschnick,E-\$60.36; Thu,C-\$33.32

ADJOURN: 10:30 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Terry Weisenberg, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 14, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 14, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

**AGENDA:** Moved-Seconded (Rosenau-Flanagan) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of June 30<sup>th</sup> County Commission meeting. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Weisenberg) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of June 30, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$52,282.30; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$3,444.17; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$3,415,250.16, Money Market \$3,985,372.08; Savings-\$10,654,067.32; Total \$21,213,626.03.

### **AUTOMATIC SUPPLEMENTS:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Johnson-Rosenau) to approve the automatic supplement of \$5,900.00 for Invasive Species Management Chemicals for funds received from the State of South Dakota. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Rosenau-Flanagan) to approve the step raise for Mike Meehan as an Appraiser III G3 at the base rate of \$18.55 an hour, effective 7-16-2015. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Rosenau) to approve the new hire of Bev Caserio as a full-time permanent Legal Assistant G3 at the base rate of \$17.99 an hour, effective August 3, 2015. Motion Carried.

**CHAPLAIN PROGRAM:** Moved-Seconded (Rosenau-Flanagan) to approve John P. Williamson, Jay C. Donner, Frederick J. Johnsen, Paul D. Thompson, Robert L. Walther, Mark

P. Phillips, and Monsignor Michael Woster as volunteers for the Chaplain Program. Motion Carried.

**TRAVEL REQUEST:**

**SHERIFF:** Moved-Seconded (Flanagan-Rosenau) to approve the travel request for Megan Merwin to travel to Sioux Falls for the Building Warrior Women Training program on August 16<sup>th</sup> through 21<sup>st</sup>, 2105. Motion Carried.

**PILT FUNDS:** The Board discussed the Payment in Lieu of Taxes (PILT) funds received in June. Moved-Seconded (Rosenau-Weisenberg) to receipt the PILT funds of \$435,789.00 into the Road and Bridge Fund for 2015. Motion Carried.

**HIGHWAY BUSINESS:**

**NORTH STREET PROJECT:** Allan Bonnema updated the Board on the North Street Project and the need for additional work at the cost of \$40,989.31 because they could not put a road bed in without extra excavation because it was spongy and soft.

**CROOK CITY ROAD:** Bonnema updated the Board on the Crook City Road. The project is nearing completion. Bonnema stated he was concerned on the quality of the finished project because of the affects of the wet spring.

**APPROACH PERMIT:**

**NATE FREDERICKSON:** Moved-Seconded (Sleep-Rosenau) to follow the recommendation of the Highway Superintendent and approve the approach permit for Nate Frederickson on the North side of Homestake Rd located approximately 100 yards east of Junction of Homestake and Bear Ridge Rd. Motion Carried.

**NEMO ROAD SPEED LIMIT CHANGE:** Moved-Seconded (Flanagan-Johnson) to follow the recommendation of Highway Superintendent and set the following Speed Limits on Nemo Road. Establish a 35 mph speed limit approximately 1,640' south of the current 25 mph zone coming into Nemo from the south. Current 25 mph sign is approximately 600' south of the fire hall and post office driveway. Leave in place. Leave the existing 25 mph speed limit zones in place when coming in from the north. Change the existing 55 mph speed limit sign to a 35 mph sign on the south edge of Nemo. Start the 55 mph south bound on Nemo Rd at the Estes Creek Road Intersection. Motion Carried.

**APPROACH PERMIT:**

**JAN KABERNA:** The Board discussed an Approach Permit Application from Jan Kaberna at Big Mama's Place. Kaberna would like a second approach to allow for an entrance and an exit. The Board discussed the speed limit change. Moved-Seconded (Flanagan-Rosenau) to follow

the recommendation of the Highway Superintendent and deny the approach permit for an additional approach. Motion Carried.

**KIRK ROAD / GILT EDGE ROAD:** Allan Bonnema updated the Board on the impact on the Kirk Road to the Gilt Edge Road and the hauling of 800,000 tons of material. This would be about 40,000 truck loads across the road 5 days a week for a period of two to three years. Safety issues on the Road were also discussed. A road study will be conducted in the future.

**FUEL QUOTES:** The following fuel quotes were submitted as of July 13, 2015: Deadwood #2 Diesel 5500 gallons: (prices per gallon) CBH Cooperative - \$2.068, Southside-\$2.02\*, MG-Oil - \$2.021; Deadwood Unleaded 3500 gallons: (prices per gallon) CBH Cooperative - \$2.621, Southside-\$2.63, MG Oil - \$2.615\*; Spearfish Diesel#2 3800 gallons: (prices per gallon) CBH Cooperative - \$2.068; Southside-\$2.08, MG Oil-\$2.0201\*; Spearfish Unleaded 900 gallons: (prices per gallon) CBH Cooperative - \$2.641; Southside-\$2.69, MG Oil – \$2.615\*; Whitewood Blended Diesel 600 gallons: (prices per gallon) CBH Cooperative - \$2.098; Southside-\$2.08, MG Oil –\$2.035\*; \*Represents lowest quote awarded. No bid received from Harms Oil Co.

**WHARF:** Ron Waterland, Coeur/Wharf Environmental Manager was present to review the 2014 Coeur/Wharf Activity Update.

**BUDGET:** The board reviewed the 2016 Preliminary budget.

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,793.21; Treas-\$10,816.72; Comp-\$8,336.31; States Atty-\$12,151.05; Pub Def-\$11,142.13; Gen Govt Bldg-\$8,430.86; Equal-\$12,667.05; Rod-\$7,958.87; Vso-\$1,305.21; Disp-\$11,541.20; Sher-\$36,872.95; Jail-\$21,108.49; Coroner-\$663.45; 24/7-\$156.78; Emerg Mgnt-\$3,989.88; E911-\$1,808.00; Highway-\$40,455.72; Air-\$1,102.00; Mh Serv-\$360.00; Weed-\$4,681.30; Pz-\$5,091.89

**Bills:** Fitzgerald,John-\$79.00; Tysdal,Richard-\$35.52; Brady,Thomas-\$23.68; Coburn,William-\$11.84; Mickelson,Craig-\$47.36; Sleep,Richard-\$11.84; Johnson,Daryl-\$59.20; Pedneau,Darin-\$9.25; Palmer,Ryan-\$23.31; Schenk,Travis-\$59.20; Stone,Julie-\$24.42; A&B Business,Inc Solutions-\$160.77; A&B Welding Supply-\$21.08; Abc Business Supply-\$1,488.36; Active Data Systems-\$1,846.90; Air Connection-\$5,304.00; Alpine Impressions-\$40.00; At&T Mobility-\$789.34; BH Federal Credit Union-\$6,923.76; BH Land Analysis-\$585.00; BH Pest Control-\$190.00; BH Pioneer-\$645.77; Baczwaski Law Office-\$2,169.00; Black Hills Pure-\$47.50; Bob Barker Company-\$58.22; Bomgaars Supply-\$98.62; Brownsville Fire Dept-\$4,490.83; Butler Machinery Co-\$209.90; Butte Electric Coop-\$481.78; Campbell Co Sheriffs Office-\$50.00;

Century Business Products-\$129.43; Centurylink-\$2,307.48; Childrens Home Society-\$300.00; Chris Supply Co-\$51.68; Clauser Machine Works-\$450.00; Clinical Lab Of BH-\$1,590.00; Crescent Memorial-\$657.00; Crop Production Services-\$47.00; D&P Investments-\$600.00; Deadwood, City Of-\$5,323.90; Dept Of The Treasury-\$57,900.82; Diversified Collections-\$100.00; EB Communications-\$98.00; Ellingson, Joseph-\$2,158.08; Fastenal-\$25.50; Fish, Veronica-\$57.20; Fred Pryor Seminars-\$554.00; Gene's Lock Shop-\$12.00; Goodie's Uniforms-\$305.20; Heartland Paper Co-\$215.36; Heisler Hardware-\$25.24; Hewlett-Packard Company-\$573.75; High Plains Business Forms-\$74.51; Hills Material Comp-\$10,044.78; Janke, Wendy-\$1,146.00; John W Hey & Company-\$1,450.00; Johner Gravel-\$23,284.12; Kimball-Midwest Co-\$597.00; Kinney, Matthew-\$503.04; Kosel, Joseph-\$158.82; LC Conservation Dist-\$5,000.00; LC Treasurer-\$14.00; Labcorp Of America Holdings-\$25.00; Lead Fire Protection District-\$8,252.96; Lead, City Of-\$62.55; Lead-Deadwood Sanitary-\$326.90; Lee, James-\$15.00; Lexisnexis Risk Data Mgmt-\$82.00; McClure, Susan-\$200.00; Mcpherson Propane-\$45.00; Midcontinent Communications-\$35.09; Montana Dakota Utilities-\$1,574.87; Nelson, Tonya-\$250.00; Nemo Volunteer Fire Dept-\$1,065.38; Neve's Uniforms-\$141.40; Office Depot-\$53.74; Office Of Child Support-\$398.31; Outdoor Motor Sports-\$260.98; Pennington Co Auditor-\$117.00; Pennington Co Jail-\$1,691.40; Pennington County Sts Attny-\$215.00; Pheasantland Industries-\$118.29; Populas-\$450.00; Quill Corporation-\$300.88; RC Police Dept-\$7.65; Radiology Associates-\$36.46; Rapid Construction-\$88,989.66; Rapid Transcript Co-\$300.00; Rasmussen Mechanical Serv-\$192,700.00; Reliance Telephone-\$2,000.00; Reserve Account-\$5,000.00; Rochford Fire Protection Dist-\$481.83; Rocket Lube-\$124.97; SD Assoc Of Criminal Defense-\$50.00; SD Dept Of Transportation-\$34.63; SD State Treasurer-\$1,260.00; Sacrison Paving-\$191,847.25; Servall Towel&Linen-\$402.99; Small, Richard-\$68.00; Spearfish Ambulance Service-\$108.76; Spearfish Auto Supply-\$872.48; Spearfish Canyon Fire-\$3,139.00; St Onge Fire Protection Dist-\$701.55; Sterna, Laura-\$250.00; Sturdevant's Auto Parts-\$694.85; Sturgis Fire Department-\$3,284.00; Sunshine Towing & Transport-\$160.00; Swisher Hygiene/Css-\$353.60; Sysco Montana-\$2,248.72; Teen Court-\$7,500.00; Thomson Reuters-West-\$238.75; Triple K Tire&Repair-\$584.18; Truenorth Steel-\$9,016.00; Turnkey Corrections-\$15.80; Twin City Hardware&Lumber-\$246.82; United Parcel Service-\$20.16; Victims Of Violence-\$1,855.00; Waste Connections-\$712.06; Watertree-\$45.40; Waytek-\$1,458.60; Wells Fargo Business Card-\$9,067.14; Western Communication-\$993.00; Wex Bank-\$1,070.44; White Drug-\$164.73; Whitewood Fire Prot District-\$3,557.38; Wilde&Hunt, Prof Llc-\$5,676.56; Williams&Associates-\$2,006.25; Z&S Dust Control-\$59,776.32; **Witness & Jurors:** Emme, D-\$31.84; Anderson, B-\$29.32; Ballert, T-\$12.52; Bordewyk, D-\$26.80; Braun, M-\$26.80; Bruns, B-\$62.60; Brusseau, S-\$10.84; Cowen, M-\$17.56; Dvorak, D-\$21.76; Dvorak, J-\$21.76; Eastman, J-\$59.24; Erickson, K-\$14.20; Erion, M-\$60.08; Essink, L-\$10.84; Ferrell, C-\$22.60; Garman, C-\$23.44; Glidden, T-\$20.92; Hoogshagen, T-\$22.60; Jacobs, J-\$22.60; Kilander, A-\$12.52; Larson, R-\$20.92; Ludens, D-\$62.60; Mackey, J-\$52.52; Magnusson, B-\$22.60; Mohr, A-\$62.60; Morrison, K-\$25.12; Norris, J-\$52.52; Patterson, C-\$22.60; Peterson, F-\$50.84; Robbins, J-\$22.60; Rogers, M-\$22.60; Schmit, C-\$12.52; Shivers, L-\$13.36; Stark, M-\$23.44; Stephens, J-\$75.20; Stricherz, J-\$22.60; Terveen, G-\$25.12; Thompson, A-\$22.60; Voegeli, B-\$10.84; Weiler, A-\$63.44; Weins, S-\$22.60; Welch, B-\$21.76; Zagala, K-\$27.64; Lehman, K-\$22.52; Nile, D-\$22.52

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – July 28, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on July 28, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of July 14<sup>th</sup> & 21<sup>st</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**INVASIVE SPECIES MANAGEMENT:** Moved-Seconded (Sleep-Flanagan) to approve Darick Eisenbraun as a seasonal full-time sprayer/gps G2 at the base rate of \$13.59 an hour, effective July 20, 2015. Motion Carried.

**SHERIFF / CHAPLAIN PROGRAM:** Moved-Seconded (Flanagan-Weisenberg) to approve Jimmy J. Roberts as volunteer for the Chaplain Program. Motion Carried.

**JAIL SERVICES:** Moved-Seconded (Sleep-Rosenau) to follow the recommendation of Paul Hanson, Chief Deputy Sheriff and allow Karen Oster to come to the Jail to provide haircuts to inmates. Motion Carried.

**CHANGE ORDER:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Roof Project Change Order #1 with Lowe Roofing inc. Motion Carried.

Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the Certificate of Substantial Completion with Lowe Roofing. Motion Carried.

**AUTOMATIC SUPPLEMENTS:** Moved-Seconded (Flanagan-Johnson) to approve the automatic supplement for the Airport Capitol Improvement Project for \$131,480.57 for grant funds received. Motion Carried.

**PDM GRANT:** Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the Pre-Disaster Mitigation Grant application and Letter of Commitment as participating jurisdiction, and to solicit quotes for the service. Motion Carried.

**SUPPLEMENTAL BUDGET / MODERNIZATION & PRESERVATION FUND:** A public hearing was held for a supplemental budget for the Modernization and Preservation Fund (Service & Fees) \$10,400. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Resolution ##2015-19. Motion Carried. **RESOLUTION #15-19 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit **MODERNIZATION & PRESERVATION FUND Modernization & Preservation (Service & Fees) \$10,400** 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 28<sup>th</sup> day of July, 2015 at the hour of 8:20 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 28<sup>th</sup> day of July, 2015. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry Weisenberg, Chairman. **ATTEST:** Connie Atkinson Lawrence County Auditor

**MALT BEVERAGE TRANSFER:** A public hearing was held on an application to transfer a Class-Retail (On-Off Sale) Malt Beverage License: **PREVIOUS LICENSE: RONALD AND LISA JORGENSON-BOONDOCKS: PT HES 54 Tract C S25 T4N, R3E, BHM. TRANSFER TO: SARAH AND JAMES SOLANO-BOONDOCKS: PT HES 54 Tract C S25 T4N, R3E, BHM.** No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Flanagan) to approve the transfer to **SARAH AND JAMES SOLANO-BOONDOCKS: PT HES 54 Tract C S25 T4N, R3E, BHM** for 2015/2016. Motion Carried.

**HIGHWAY BUSINESS:**

**SURPLUS AUCTION SALE:** Allan Bonnema reported the County will be having a surplus auction on September 26<sup>th</sup> and presented a list of equipment that is currently being considered for surplus.

**HOMESTAKE / RICHMOND HILL:** Mark Tieszen, Environmental Manager for Homestake/Richmond Hill Mines was present to review the 2014 Mine Activities Report.

**WHARF:** Ron Waterland, Coeur/Wharf Environmental Manager was present to review the 2014 Coeur/Wharf Activity Update. Ken Nelson, Mine Manager was present for any questions.

**GARIBOLDI / ISOLATED TRACT:** Gariboldi Petition for Isolated Tract - Discussion of On-site Conducted on July 21, 2015, Determination of Isolated Tract Status/Determination of Access Easement Location/Determination of Damages. Tom Brady, Attorney representing the petition for isolated tract requested to have more time to negotiate with the landowners involved. The Board will reschedule for September.

**BUDGET:** The board reviewed the 2016 Preliminary budget. The Board reviewed budgets with Brian Dean, Sheriff, Amber Vogt, Planning and Zoning Director, Paul Thomson, Emergency Manager, and Rick Frerichs, Building and Grounds.

**ROAD & BRIDGE:** The Board reviewed the proposed Road & Bridge Budget for 2016 with Allan Bonnema, Highway Superintendent. The Board requested Bonnema complete a 5 year plan for the Board to review and approve so they are able to have a better handle on the County Highway Roads and Bridges. Discussion followed on paved roads vs gravel roads.

**ITEMS FROM COMMISSIONERS:**

**FUTURE MEETING AGENDA ITEMS:** The Board discussed the upcoming meeting agenda. Moved-Seconded (Johnson-Weisenberg) to remove Roger Riley's scheduled appointment and instruct him to go through Planning and Zoning first. Motion Carried.

**4H / CONSERVATION:** Richard Sleep reported on the Soil Conservation services provided and 4H expenses.

**PLANNING & ZONING:**

**CUP #192-15:** The Board discussed the request to transfer C.U.P #192-14 from Russ Ficek (192-14 Strawberry Hill Specialty Resort) to CUP#192-15 Erin & Jordan Kaser (Maya Jo's B & B). **Moved-Seconded** (Flanagan-Rosenau) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #192-15 Erin & Jordan Kaser (Maya Jo's B & B). Motion Carried.

**CUP #432 / GARRETT – STORAGE UNITS & RV PARKING:** A public hearing was held on C.U.P #432 for Jeff & Polly Garrett to allow the construction of storage units and RV covered parking, along Hwy 85 at corner of Hwy 85 and Camp Comfort Road in Section 27 & 28 T7N, R2E. Sleep expressed concerns of scattered development in the County. Discussion followed on dump stations and electricity services. The Board reviewed the proposed conditions and development plan. The public hearing was closed.

**Moved-Seconded** (Rosenau-Flanagan) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, Conditional Use Permit #432 for Jeff & Polly Garrett to allow the construction of storage units and RV covered parking, along Hwy 85 at corner of Hwy 85 and Camp Comfort Road in Section 27 & 28 T7N, R2E. Motion Carried.

### **ANNUAL REVIEWS:**

**CUP#172-09 GREG DITTMAN / 2<sup>nd</sup> RESIDENCE:** An annual review was conducted on CUP#172-09 for Greg Dittman for a 2<sup>ND</sup> Residence. No complaints have been received in the past 12 months.

**CUP#376 BARB MOORE/SPECIALTY RESORT:** An annual review was conducted on CUP#376 Barb Moore/Specialty Resort. No complaints have been received and will be reviewed in 12 months.

**CUP #388 BILL SWENSON / SPECIALTY RESORT:** An annual review was held for CUP #388 Bill Swenson / Specialty Resort. Moved-Seconded (Sleep-Flanagan) CUP #388 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CUP #400 JOHNER & SON'S GRAVEL PIT:** An annual review was held for CUP #400 Johner & Son's / Gravel Pit. CUP #400 was found to be in compliance and another review will be completed in 12 months.

**CUP #408 LICENSED PROFESSIONAL SERVICES / RUPP:** An annual review was held for CUP #408 for Licensed Professional Services Spa. Moved-Seconded (Flanagan-Johnson) CUP #408 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CUP #419 MAD MOUNTAIN RENTALS:** An annual review was held for CUP #419 for Wayne & Melissa Boullion-ATV Rentals at Nemo Guest Ranch. Moved-Seconded (Johnson-Flanagan) CUP #419 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CUP #420 ANDY'S TRAIL RIDES:** An annual review was held for CUP #420 for Andy's Trail Rides. Moved-Seconded (Flanagan-Rosenau) CUP #420 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

### **BILLS:**

Moved-Seconded (Flanagan-Rosenau) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies,

repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$5,985.28; Aud-\$8,793.20; Treas-\$10,820.57; Comp-\$8,325.87; States Atty-\$12,151.03; Pub Def-\$11,142.14; Gen Govt Bldg-\$8,484.74; Equal-\$12,667.02; Rod-\$7,958.87; Vso-\$1,305.21; Disp-\$14,160.69; Sher-\$42,088.79; Jail-\$22,861.75; Coroner-\$763.45; 24/7-\$139.36; Emerg Mgnt-\$3,913.88; E911-\$1,808.00; Highway-\$40,468.09; Air-\$1,349.70; Weed-\$7,244.48; Pz-\$5,244.39; **Bills:** Fitzgerald,John-\$91.56; Larson,Rene-\$26.00; Thomson,Paul-\$26.00; 3D Specialties-\$219.16; A&B Business,Inc Solutions-\$1,219.24; A&B Welding Supply-\$40.42; A&I Distributors-\$1,233.75; Abc Business Supply-\$184.73; Aed Superstore-\$118.00; At&T-\$12.14; Audra Malcomb Consulting-\$1,056.92; BH Federal Credit Union-\$6,823.76; BH Power-\$12,924.66; Barnaud Law Firm-\$3,251.92; Bi Geo Group Co-\$280.60; Bob Barker Company-\$26.72; Bruemmer,Lynnel-\$152.00; Century Business Products-\$260.28; Centurylink-\$57.45; Charm-Tex-\$51.90; Childrens Home Society-\$58.78; City/County Alcohol&Drug-\$166.00; Credit Collections Bureau-\$288.11; Dakota Security Systems-\$6,599.28; Deepnet Security Ltd-\$72.00; Dept Of Hlth Lab Services-\$70.00; Dept Of The Treasury-\$57,015.69; Diversified Collections-\$100.00; Eddie's Truck Sales/Serv-\$165.16; Fish,Veronica-\$407.20; Godfrey's Brake Serv-\$229.59; Grimm's Pump Service-\$1,230.50; Heartland Paper Co-\$1,903.57; Hills Material Comp-\$6,739.38; Interstate Engineering-\$61,392.77; Jacobs Precision Welding-\$2.78; Kadrmas, Lee And Jackson-\$13,717.26; Kosel,Joseph-\$5,271.71; Lead-Deadwood Regional Hospital-\$276.01; Lowes Roofing-\$54,875.10; Lr Auto Detailers-\$125.00; Mack's Auto Body Llc-\$4,611.82; Mg Oil Company-\$20,419.30; Microfilm Imaging Systems-\$3,305.00; Montana Dakota Utilities-\$1,163.82; Moore Medical-\$103.90; Morphotrak-\$208.00; Nelson,Christy-\$300.00; Neve's Uniforms-\$59.85; Office Depot-\$365.00; Office Of Child Support-\$398.31; Overhead Door Company Of Rapid-\$162.00; Pennington County Sts Attny-\$430.00; Pitney Bowes-\$110.98; Priority Dispatch-\$460.00; RC Finance Office-\$630.00; RC Regional Hospital-\$397.19; Radio Shack/Kazco-\$39.99; Rasmussen Mechanical Serv-\$765.91; Reliance Telephone-\$3,368.90; Rena M Hymans, PC-\$1,169.29; Rocket Lube-\$258.46; SD Assoc Of Criminal Defense-\$50.00; SD Cvso-\$85.00; Sdrs Supplemental Retirement-\$2,419.00; Semerad,Sandra-\$71.40; Servall Towel&Linen-\$547.13; Silverado-\$612.00; Southside Oil-\$11,110.00; Spearfish Auto Supply-\$77.45; Spearfish Police Dept-\$10,721.59; Sturdevant's Auto Parts-\$216.96; Subway-\$49.20; The Repair Shop-\$150.54; Thomson Reuters-West-\$2,014.00; Tigerdirect-\$165.61; Top Quality Glove-\$325.00; Triple K Tire&Repair-\$17.50; Twin City Hardware&Lumber-\$677.27; US Geological Survey-Doi-\$17,600.00; Vast Broadband-\$322.74; Verizon Wireless-\$105.17; Wainman,Billie-\$300.00; Wells Plumbing&Farm Supp-\$12.62; West River International-\$352.86; Western SD Juvenile Serv-\$1,815.00; White's Canyon Motors-\$45.00; White's Queen City Motors-\$58.16; Wilde&Hunt, Prof-\$240.00; Wimactel-\$60.00; Yankton Co Sheriff-\$50.00; Z&S Dust Control-\$165,821.92; Zuercher Technologies-\$3,885.00; **Witness & Jurors:** Emme,D-\$71.84; Ballert,T-\$52.52; Cowen,M-\$57.56; Dvorak,D-\$61.76; Ferrell,C-\$62.60; Magnusson,B-\$62.60; Morrison,K-\$65.12; Terveen,G-\$65.12; Blamy,J-\$22.52; Garreau,S-\$20.00; Kingsbury,K-\$33.44; Oliver,A-\$111.14; Oneil,P-\$53.60; Schwartz,C-\$33.44

**ADJOURN:** 12:08 p.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 11, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 11, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of July 28<sup>th</sup> County Commission meeting. Motion Carried.

**AUDITOR’S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Sleep-Johnson) to accept the Auditor’s Account with the County Treasurer. Motion Carried. As of July 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$45,504.83; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,559.79; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$2,017,581.54, Money Market \$3,986,785.58; Savings-\$10,654,943.03; Total \$19,812,584.77.

### **PERSONNEL:**

**INFORMATION SYSTEMS & TECHNOLOGY:** Moved-Seconded (Rosenau-Weisenberg) to approve the step raise for Steve Kline as a Information System & Technology Specialist G2 at the base rate of \$21.71 an hour, effective August 9, 2015. Motion Carried.

**CELL PHONE:** Moved-Seconded (Rosenau-Flanagan) to approve the cell phone allowance for Steve Kline at \$75.00 per month, effective August 9, 2015. Motion Carried.

**STATE’S ATTORNEY:** Moved-Seconded (Johnson-Weisenberg) to approve hiring Sara Fitzgerald as a permanent three-quarter time Deputy State’s Attorney at the base rate of \$20.00 an hour, effective August 11, 2015. Motion Carried.

**PUBLIC DEFENDER:** Moved-Seconded (Flanagan-Johnson) to approve hiring Virginia Peterson as a Temp Fill-in Legal Secretary G3 at the base rate of \$17.99 an hour, effective July 30, 2015 thru August 14,2015. Motion Carried.

**SLA QUARTERLY REPORT:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the State and Local Agreement for October 1, 2014 through September 30, 2015. Motion Carried.

**PICTOMETRY AGREEMENT:** Moved-Seconded (Rosenau-Weisenberg) to approve and authorize the Chairman to sign the Pictometry Agreement. Motion Carried.

**RESOLUTION #15-20 LIQUOR LICENSES:** Moved-Seconded (Flanagan-Rosenau) to approve the following Resolution #15-20 Liquor Licenses for 2015. Motion Carried

**RESOLUTION #15-20 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 2015, whichever is less for the ensuing year, and Retail On-Off Sale Wine License, and **BE IT FURTHER RESOLVED** that the Board of County Commissioners list the following fee schedule as a matter of record and current license holders. **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: Vezero Inc/Guadalajara Mexican; Restaurant Chop House Inc/Spearfish Chophouse & Whiskey Bar. Those current license holders being closer to Lead, Deadwood or Whitewood (2nd class cities) to be charged the fee of \$1,200.00: Lead Country Club; Black Hills Chair Lift Co./Dark Horse Saloon; Spearfish Canyon Resorts LLC; Mystic Miner F&B LLC/ Mine Shaft Tavern; HomeSlice Management LLC/Boulder Grille; Tomahawk Lake Country Club Inc. **B)** Off-Sale dealer - any person who sells or keeps for sale any alcoholic beverage for consumption other than on premises where sold. Fee - \$400.00 Nemo Mercantile/Larry Kaiser; Lonny or Susan Smith/St. Onge Bar & Grill. **C)** Retail On-Off Sale Wine - Fee - \$500.00 Unlimited Licenses available Spearfish Canyon Resorts LLC/Latchstring Village; Seven Down LLC; Triple H Hills LLC / Mystic Hills Hideaway; Cheyenne Crossing Store; Wichterman and Sons Inc/Steel Wheel Campground; Barefoot Resort Association Inc / Barefoot Resort; Crow Peak Brewing Company LLC; Fresh Start Convenience Store Inc. / The Valley Corner Store; Reynolds & Livingston LLC/Cousins Big Chair; B&S Resort LLC / Recreational Springs Resort; Bob Yarger and Jan Heitland/Sawmill Restaurant Saloon. **DATED** at Deadwood, South Dakota, this 11<sup>th</sup> day of August, 2015. **FOR LAWRENCE COUNTY COMMISSIONERS** Terry Weisenberg, Chairperson **ATTEST:** Connie Atkinson, Auditor.

**TRANSFER OF FAA ENTITLEMENT FUNDS:** Moved-Seconded (Sleep-Johnson) to approve and authorize the Chairman to sign the agreement for transfer of Federal Aviation Administration entitlement funds in the amount of \$6,358.00. Motion Carried.

**SHERIFF BUSINESS:** Brian Dean, Sheriff updated the Board on Sheriff's business.

**NEW WORLD COMPUTER SOFTWARE AGREEMENT:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the New World Computer Software Maintenance Agreement. Motion Carried.

**HIGHWAY BUSINESS:** Doug Kinniburgh from the South Dakota Department of Transportation will be here to discuss the Bridge Grant funding and 5 year plan on September 1, 2015 at 10:15 a.m.

Moved-Seconded (Flanagan-Rosenau) to set a bid opening for 1 (one) used Semi-Truck Tractor for September 1, 2015 at 8:30 a.m. Motion Carried

**BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,796.40; Treas-\$10,820.56; Comp-\$8,336.31; States Atty-\$12,151.03; Pub Def-\$11,246.12; Gen Govt Bldg-\$8,549.48; Equal-\$12,695.86; Rod-\$7,959.83; Vso-\$1,305.21; Disp-\$10,576.05; Sher-\$36,061.27; Jail-\$19,362.07; Coroner-\$763.45; 24/7-\$139.36; Emerg Mgnt-\$3,898.88; E911-\$1,808.00; Highway-\$40,736.50; Air-\$1,102.20; MH Ser-\$720.00; Weed-\$7,199.29; PZ-\$5,091.89; **Bills:** American Family Life-\$3,126.05; BH Federal Credit Union-\$6,823.76; Credit Collections Bureau-\$223.58; Deadwood Recreation Center-\$635.00; Delta Dental Of South Dakota-\$6,876.02; Dept Of The Treasury-\$52,928.23; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,733.44; Montana Dakota Utilities-\$41.87; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$398.31; SD Retirement System-\$80,660.65; Sdrs Supplemental Retirement-\$2,419.00; Wellmark Blue Cross-\$71,950.04

Vogt,Amber-\$164.00; Pesicka,Jamie-\$49.00; A To Z Shredding-\$39.45; A&B Business,Inc Solutions-\$772.48; A&B Welding Supply-\$60.82; Abc Business Supply-\$420.00; Aberdeen Llc-\$424.00; At&T Mobility-\$869.77; BH Pest Control-\$190.00; BH Pioneer-\$1,639.66; BH Power-\$946.37; Belle Fourche Landfill-\$19.20; Black Hills Pure-\$58.50; Brownsville Fire Dept-\$3,723.87; Bruemmer,Lynnel-\$83.60; Butler Machinery Co-\$373.41; Butte Electric Coop-\$365.78; Central Restaurant Products-\$72.92; Century Business Products-\$237.36; Centurylink-\$105.58; Certified Laboratories Div-\$147.60; Charm-Tex-\$471.60; Chemsearch-\$356.00; Clinical Lab Of BH-\$8,533.00; Cody,Denise-\$15.00; Commercial Kitchen Products-\$502.82; Dakota Equipment Rental-\$14.99; Dale's Tire&Retread-\$1,518.00; Deadwood Vol Fire Dept-\$10,245.77; Deadwood, City Of-\$839.24; Eb Communications-\$790.00; Fastenal-\$27.48; Fish,Veronica-\$103.00; Frederickson,John R-\$486.00; Gene's Lock Shop-\$117.50; Heartland Paper Co-\$670.67; Heisler Hardware-\$105.68; Hills Material Comp-\$529.40; Kimball-Midwest Co-\$259.94; Kinney, Matthew-\$450.00; Kosel,Joseph-\$512.31; L-3 Communications-\$521.00; Lawson Products-\$305.61; Lead Fire Protection District-\$11,887.66; Lead, City Of-\$61.15; Lead-Deadwood Sanitary-\$472.02; Lewis&Clark Bhs-\$160.00; Lewno, Lucy-\$149.99; Mayo Clinic Health Systems-\$1,157.00; Midcontinent Communications-\$34.94; Nemo Volunteer Fire Dept-\$1,287.49; Newman Traffic Signs-\$589.54; Nw Shuttle Conference-\$275.00; Office Depot-\$980.66; Overhead Door Company Of Rapid-\$1,761.75; Pennington Co Auditor-\$36.00; Phoenix Investigations-\$125.80; Pump House Coffee&Deli-\$86.10; Quill Corporation-\$333.88; RC Regional Hospital-\$1,932.21; Radiology Associates-\$50.00; Rasmussen Mechanical Serv-\$21,970.00; Redwood Toxicology Lab-\$302.54; Regional Health-\$28.77; Reliance Telephone-

\$391.80; Rochford Fire Protection Dist-\$630.20; Rocket Lube-\$252.44; SD Human Services Center-\$101.50; SD Planners Association-\$100.00; SD State Treasurer-\$14,318.63; Sacrison Asphalt-\$3,216.20; SD Counties-\$330.00; SD Department Of Public Safety-\$5,400.00; Servall Towel&Linen-\$389.55; Spearfish Auto Supply-\$1,181.97; Spearfish Canyon Fire-\$1,948.56; Spearfish Fire Dept-\$43,527.09; Spearfish Regional Hospital-\$94.10; St Onge Fire Protection Dist-\$1,210.68; Stan Houston Equip Co-\$825.00; Sterna,Laura-\$150.00; Strain Morman Law Firm-\$3,283.67; Sturdevant's Auto Parts-\$538.31; Sturgis Fire Department-\$2,803.96; Swanda,Karen-\$15.00; Sysco Montana-\$2,567.18; Thomson Reuters-West-\$1,342.50; Twin City Hardware&Lumber-\$177.53; Vanway Trophy And Award-\$133.80; Waste Connections-\$712.06; Watertree-\$52.25; Wells Fargo Bank-\$29.74; Western Communication-\$3,005.00; Wex Bank-\$596.47; White's Queen City Motors-\$1,297.22; Whitewood Fire Prot District-\$5,470.66; Wilde & Hunt,Prof. Llc-\$217.50; Yankton Co Sheriff-\$25.00; **Witness & Juror Fees:** Bruns,B-\$62.60; Eastman,J-\$59.24; Erion,M-\$60.08; Ludens,D-\$62.60; Mackey,J-\$52.52; Norris,J-\$52.52; Peterson,F-\$50.84; Stephens,J-\$75.20; Weiler,A-\$63.44; Huntley,A-\$34.28

**ADJOURN:** 9:03 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – August 13, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 13, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**APPLE VALLEY ROAD DISTRICT: :** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated And Subject To Vote Apple Valley Road District. Motion Carried.

ORDER DECLARING APPLE VALLEY ROAD DISTRICT INCORPORATED WHEREAS, an election was held among the eligible voters in the Apple Valley Road District to determine whether or not a County Road District should be incorporated. WHEREAS, this vote was held on August 11, 2015. WHEREAS, the vote has been cast and canvassed and a verified statement from the judges of the election has been received showing the whole number of ballots cast was Thirteen (13), together with the number of Thirteen (13) voting for and the number of Zero (0) voting against incorporation; WHEREAS, The Territory organized as a district is as follows: LOTS 1 THROUGH 17 INCLUSIVE OF THE SUBDIVISION OF LOT 1B OF APPLE VALLEY SUBDIVISION IN THE SE ¼ SE ¼ SEC 4 T6N R2E BHM, LAWRENCE COUNTY, SOUTH DAKOTA ACCORDING TO LAWRENCE COUNTY RECORDED PLAT DOCUMENT #80-2560. LOT 4B A SUBDIVISION OF LOT 4 OF THE SE ¼ SE ¼ SEC. 4 T6N R2E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA ACCORDING TO LAWRENCE COUNTY RECORDED PLAT DOCUMENT #2006-2846. 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 Apple Valley Road District is hereby incorporated pursuant to SDCL 31-12A. DATED this 13<sup>th</sup> day of August, 2015. Terry W. Weisenberg, Chairperson Lawrence County Commission  
ATTEST: CONNIE ATKINSON, Auditor

**SURPLUS PROPERTY:** Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Resolution #2015-21 declaring surplus property and offer for sale by auction on September 26, 2015 at 10:00 a.m. at the Spearfish County Highway Shop. Motion Carried.

RESOLUTION #2015-21 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 13<sup>TH</sup> day of August, 2015. FOR THE BOARD OF LAWRENCE COUNTY  
COMMISSIONERS: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

**ADJOURN:** 8:26 a.m. Moved-Seconded (Flanagan-Rosenau) there being no further business  
the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 1, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 1, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Johnson-Sleep) to approve the minutes of August 11<sup>th</sup> and August 13<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Flanagan) to approve Baylee J. Dittman as a Part-Time (under 20) Fill-in Correctional Officer 1 G2 at the base rate of \$15.54 an hour, effective August 23, 2015. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve Clayton P. Schleusner as a Temporary Full-Time Correctional Officer 1 G2 at the base rate of \$15.54 an hour, effective August 23, 2015. Motion Carried.

**EXECUTIVE SESSION:** 8:03 a.m. Moved-Seconded (Rosenau-Sleep) to go into executive session with Sheree Green, Register of Deeds for personnel issues. Motion Carried. 8:05 a.m. the Board opened for regular business with no action taken.

**REGISTER OF DEEDS:** Moved-Seconded (Rosenau-Flanagan) to allow employees to donate leave to Marie Carr upon the exhaustion of the employee's accumulated vacation time, "comp. time" and sick leave. Motion Carried.

**TRAVEL REQUESTS:** Moved-Seconded (Rosenau-Sleep) to approve the travel request for Seth Brennan to attend the Reid Technique Investigative Interviewing & Advanced Interrogation seminar in Rapid City, South Dakota on September 29 through October 2, 2015. Motion Carried.

**AIRPORT BROWN BAG PERMIT:** Moved-Seconded (Johnson-Flanagan) to approve the Brown Bag Permit for the Airport for the South Dakota Aviation Hall of Fame on September 12, 2015. Motion Carried.

**SUPPLEMENTAL BUDGET / INSURANCE & BONDS FUND:** A public hearing was held for a supplemental budget for the Insurance & Bonds Fund \$180,000. No public input was

voiced and the hearing was closed. Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Resolution #2015-22. Motion Carried. RESOLUTION #15-22 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: INSURANCE & BONDS FUND Insurance & Bonds \$180,000 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 1<sup>st</sup> day of September, 2015 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 1<sup>st</sup> day of September, 2015. FOR THE BOARD OF COUNTY COMMISSIONERS Terry Weisenberg, Chairman ATTEST: Connie Atkinson Lawrence County Auditor

**HIGHWAY BUSINESS:**

**FUEL QUOTES:** The following fuel quotes were submitted as of August 12, 2015: Spearfish Diesel#2 3700 gallons: (prices per gallon) CBH Cooperative - \$1.989; MG Oil-\$1.949\*; Spearfish Unleaded 800 gallons: (prices per gallon) CBH Cooperative - \$2.631; MG Oil – \$2.579\*; \*Represents lowest quote awarded. No bid received from Harms Oil Co and Southside.

**BID OPENING HIGHWAY EQUIPMENT/USED TRUCK TRACTOR:** Moved-Seconded (Johnson-Weisenberg) to accept the low and only bid received from Black Hills Truck and Trailer for \$74,500 for a used 2011 Kenworth T-800 Semi Truck Tractor. Motion Carried.

**APPROACH PERMIT / TRIPLE H LLC:** Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of Highway Superintendent and approve the approach permit for Triple H LLC located on the South side of Custer Peak Road located approximately on the East side of the cell phone tower. Motion Carried.

**LANDOWNER PETITION REQUEST FOR MAINTENANCE:** The Board reviewed a Landowner Petition Request for Maintenance for Highway 85 and FS 117. Dick Tieszen, landowner in the area presented history on the road and area involved. Tieszen stated this is a secondary road in the County and asked the County to maintain the road. Lonnie Braun presented history and documents in reference to the road in question. Sleep stated everyone building on the Road should have known that this road was not maintained by the County. Braun stated he has documents from the Forest Service showing Lawrence County has the easements for the Road. Bill Locken, Landowner in the area stated the Road is under schedule A or B with the Forest Service and the County blades the Road once a year. Allan Bonnema, Highway Superintendent reviewed estimated costs of approximately \$198,623.50 for the County to gravel

and plow the road. Sleep questioned if a Road District has been discussed. Braun stated this Road serves more than landowners and serves hunters, fishermen, and other developments that have been approved in the area. Moved-Seconded (Sleep-Johnson) to table the request to allow for more time for discussion and review. Motion Carried.

**DALTON LAKE ROAD SPEED COMPLAINT:** Allan Bonnema reviewed the complaint for the Dalton Lake Road Speed limit. Bonnema stated this is a Forest Service Road or Jurisdiction area and asked what responsibility the County has for posting a speed limit. Bonnema stated when he discussed the issue with the Forest Service they informed him that the County has no authority to post speed limits on Forest Service Roads. The Commission was in agreement and it was Moved-Seconded (Rosenau-Sleep) to authorize Bruce Outka to communicate with the complainant that the County has no authority to post signs on the Road. Motion Carried.

**2016 BUDGET:** A public hearing was held on the proposed 2016 Budget. No further comments were voiced and the chairman closed the hearing. Moved-Seconded (Johnson-Sleep) to table the approval of the Budget until September 22, 2015. Motion Carried.

**DOUG KINNIBURGH, SDDOT:** Doug Kinniburgh from the SDDOT was present to discuss the Highway Funding Bill. Discussion followed on the importance of a wheel tax to be able to access the Bridge Improvement Grant Funds.

Moved-Seconded (Sleep-Weisenberg) to request that the Department of Transportation proceed with project BRO 8041-(15) and BRO 8041-(16) (Redwater Bridges) instead of the BRF 6545(02) (Whitewood Creek Bridge) using the Bridge Replacement Funds. Motion Carried.

**2013-2014 AUDIT:** Bruce Hintz, State Auditor was present to report on the findings of the 2013/2014 Audit for Lawrence County. Moved-Seconded (Rosenau-Flanagan) to authorize the Chairman to sign a letter addressed to the Department of Legislative Audit. Motion Carried.

## **PLANNING & ZONING:**

### **PLATS:**

**LAYOUT PLAN / ROGER RILEY:** The density of the lots and approaches on Higgins Gulch Road were discussed. Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning recommendation and approve the Layout Plan for Roger Riley for 13 Lots within City of Spearfish Platting Jurisdiction Located on Higgins Gulch Road, since it is within the spirit and intent of the density limitation on the property provided there is the indication of the final plat document prohibiting the construction of any structure including a residence on the 13+ acres in question that is not included in proposed lot 7. Motion Carried. The Board asked that the County be kept informed on the progression of the project from the City of Spearfish.

## **PRELIMINARY & FINAL PLAT / JEFFERY AND JOANNE HOHLE/JOHN AND**

**JOAN GETZ:** Moved-Seconded (Johnson-Flanagan) to declare the Plat meets exemption criteria per Subdivision Ordinance, Chapter 4 for Tracts 3A & 4A of Silver Creek Subdivision Located in Section 12, T2N, R3E. Motion Carried.

Moved-Seconded (Johnson-Flanagan) to approve the Preliminary and Final Plat for Tracts 3A & 4A of Silver Creek Subdivision Located in Section 12, T2N, R3E. Summary: Proposed Lot Line Adjustment. Motion Carried.

**PRELIMINARY & FINAL PLAT / KENNENBERG & OEDEKOVEN:** Moved-Seconded (Flanagan-Rosenau) to declare the Plat meets exemption criteria per Subdivision Ordinance, Chapter 4 for Kennenberg Tract, Keefe Tract and Tract F Revised Located along Boulder Canyon & Bauer Avenue. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to approve the Preliminary and Final Plat for Kennenberg Tract, Keefe Tract and Tract F Revised located along Boulder Canyon & Bauer Avenue. Summary: Lot line adjustment. Motion Carried.

**FINAL PLAT / RON & NANCY ISLAND:** Moved-Seconded (Johnson-Flanagan) to approve the Final Plat for Lots 1-5 of HES 252, Section 15, T4N, R4E along Elk Creek Road. Summary: Creation of 5 Lots with common driveway. Motion Carried.

**RECESS:** 9:49 a.m. Moved-Seconded (Flanagan-Sleep) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:55 a.m. The Chairman called the meeting back to order.

**CUP#205-13 BENCHMARK MINING TRANSFER:** Moved-Seconded (Sleep-Flanagan) to follow Planning and Zoning staff recommendation and transfer CUP #205-13 to DUCO Mining LLC with the same conditions and rename to CUP#205-15. Motion Carried.

**ANNUAL REVIEWS:**

**CUP#329-12 CINDY GILLIES/2<sup>ND</sup> RESIDENCE:** An annual review was conducted on CUP#329-12 for Cindy Gillies for a 2<sup>nd</sup> residence. No complaints have been received in the past 12 months.

**CUP#391 7<sup>TH</sup> DAY ADVENTIST CHURCH:** An annual review was conducted on CUP#391 for 7<sup>th</sup> Day Adventist Church. No complaints have been received in the past 12 months. Moved-Seconded (Sleep-Weisenberg) CUP #391 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

**CUP#429 BONICELLI DERITO/PASTA OUTPOST:** An annual review was conducted on CUP#429 for Bonicelli Derito/Pasta Outpost. No complaints have been received in the past 12 months.

**HIGHWAY 85 CORRIDOR STUDY:** Moved-Seconded (Flanagan-Weisenberg) to appoint Commissioner Daryl Johnson and Rick Tysdal, Planning & Zoning as members to the City of Spearfish/Lawrence County Highway 85 Corridor Study. Motion Carried.

**DEVELOPMENT PLAN 15-02 / TIM MADSEN:** A public hearing was held on the proposed Development Plan #15-02 for Tim Madsen Legal Description: Lot 11 of HES 297 (Current Location of Mad Mountain Rentals). Zoning: HSC-Highway Service Commercial Summary: Request to Construct 90 x 20 Storage Units. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Weisenberg) to follow staff recommendation and approve Development Plan #15-02 for Tim Madsen Legal Description: Lot 11 of HES 297 to Construct 90 x 20 Storage Units. Motion Carried.

**ITEMS FROM COMMISSIONERS:**

**INVASIVE SPECIES MANAGEMENT:** Sleep expressed concerns on the weed problem in Lawrence County. Moved-Seconded (Sleep-Weisenberg) to send a letter to Craig Bobzien, Forest Service asking them to put in a line item in their budget to fund for weed spraying on Forest Service Land. Motion Carried.

**PILT FUNDS:**

The Board discussed a letter they received from Tom Troxel in reference to Pilt 4 (to recover the 2015 underpayment). Moved-Seconded (Rosenau-Weisenberg) to decline signing onto the lawsuit. Motion Carried.

**ASSIGNMENT OF FUNDS:**

The Board stated the County has been involved in multiple Capital Improvement Projects at the Lawrence County Airport and was responsible for initially funding these large projects and then submitting for reimbursement to the Federal and State Government for reimbursements. As these projects come to a close and funding has been restored to the County they are now able to focus on other issues before them. Moved-Seconded (Rosenau-Weisenberg) to assign \$700,000 to Courthouse Buildings/Grounds projects and improvements and \$700,000 to Road & Bridge improvements. Motion Carried.

**BILLS:**

Moved-Seconded (Flanagan-Johnson) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies,

repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

**Payroll:** Comm-\$11,970.56, Aud-\$17,559.20; Treas-\$21,641.14; Comp-\$16,772.04; States Atty-\$25,304.94; Pub Def-\$19,675.89, Gen Govt Bldg-\$16,716.17; Equal-\$25,233.03; Rod-\$15,920.94; Vso-\$2,610.42; Disp-\$25,502.68; Sher-\$92,087.20; Jail-\$45,396.65; Coroner-\$528.50; 24/7-\$348.40; Emerg Mgnt-\$7,676.88; E911-\$3,616.00; Highway-\$81,531.08; Air-\$2,489.28; Weed-\$12,011.53; Pz-\$10,343.78; **Bills:** American Family Life-\$3,126.05; BH Federal Credit Union-\$13,647.52; BH Power-\$13,762.85; Centurylink-\$2,265.23; Deadwood Recreation Center-\$629.00; Delta Dental Of South Dakota-\$6,835.42; Dept Of The Treasury-\$113,942.56; Diversified Collections-\$200.00; Hartford-Priority Accounts-\$1,733.44; Montana Dakota Utilities-\$37.39; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$796.62; SD Retirement System-\$56,079.98; Sdrs Supplemental Retirement-\$4,863.00; Verizon Wireless-\$105.13; Wellmark Blue Cross-\$71,950.04; Wells Fargo Business Card-\$3,278.77; Palmer,Ryan-\$432.43; Tyson,Chase-\$35.70; Abell,Mary-\$16.03; A To Z Shredding-\$35.25; A&B Business,Inc Solutions-\$989.93; A&I Distributors-\$1,881.95; A&J Supply-\$23.97; Abc Business Supply-\$335.51; Alpine Impressions-\$116.00; At&T-\$5.20; Audra Malcomb Consulting-\$1,131.02; BH Chemical Company-\$162.49; BH Power-\$1,048.86; Baczwaski Law Office-\$342.00; Bi Geo Group Co-\$142.60; Butler Machinery Co-\$396.86; Campbell Co Sheriffs Off-\$50.00; Century Business Products-\$511.95; Charm-Tex-\$107.90; City/County Alcohol&Drug-\$332.00; Clinical Lab Of BH-\$560.00; Cody,Denise-\$15.00; Dakota Security Systems-\$57.19; Deadwood,City Of-\$1,021.69; Dept Of Hlth Lab Services-\$305.00; Eb Communications-\$128.00; Ecolab-\$139.73; Ellingson,Joseph-\$2,136.73; Esri-\$4,500.00; Fidler-Isburg Funeral Chapel-\$805.00; Fisher Sand & Gravel-\$19,191.62; Frederickson,John-\$441.00; Glaxosmithkline Pharmaceutical-\$653.60; Godfrey's Brake Serv-\$315.84; Goodie's Uniforms-\$562.65; Heartland Paper Co-\$527.67; Hills Material Comp-\$5,160.79; Horn Law Office Prof-\$211.00; Janke,Wendy-\$908.00; Johner Gravel-\$40,001.42; Juneks' Chrysler/Dodge-\$100.40; Kadmas, Lee And Jackson-\$13,717.26; Language Line Service-\$154.00; Lead,City Of-\$61.15; Lead-Deadwood Regional Hospital-\$291.21; Lee,James-\$15.00; Lewno,Lucy-\$222.49; Lexisnexis Risk Data Mgnt-\$75.00; Lynn's Dakotamart-\$11.24; Mg Oil Company-\$9,274.50; Microfilm Imaging Systems-\$3,440.00; Midwest Alarm-\$91.20; Montana Dakota Utilities-\$1,291.30; Nelson,Christy-\$500.00; Nelson,Tonya-\$1,050.00; Neve's Uniforms-\$149.35; New World Systems-\$56,362.00; Pennington Co Jail-\$1,694.95; Pennington County Sts Attny-\$430.00; Pictometry International Corp-\$1,500.00; Pizza Lab-\$94.00; Quik Signs-\$716.97; Quill-\$311.89; RC Finance Office-\$980.00; RC Journal-\$215.80; Rabe Elevator-\$1,685.90; Rapid Construction-\$266,254.05; Rapid Transcript Co-\$507.00; Regional Health-\$2,070.96; Reuer,Allen-\$125.00; Rocket Lube-\$243.96; SD Sheriff's Association-\$170.00; Sacrison Paving-\$449,163.92; Sanford Health Pathology Clinic-\$20.00; Schafer,Lisa-\$100.00; Servall Towel&Linen-\$389.55; Sheehan Mack Sales&Equip-\$11.57; Spearfish Auto Supply-\$78.45; Spearfish Police Dept-\$10,710.39; Sterna,Laura-\$1,100.00; Sturdevant's Auto Parts-\$30.95; Super 8-Spearfish-\$72.00; Swanda,Karen-\$15.00; Sysco Montana-\$3,095.77; Thomson Reuters-West-\$159.50; Triple K Tire& Repair-\$1,015.30; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$4.24; Twilight First Aid & Safety-\$493.45; Twin City Hardware&Lumber-\$305.44; Vast Broadband-\$321.60; Victims Of Violence-\$1,345.00; Western Communication-\$1,076.00; Western SD Juvenile Serv-\$420.00; White Drug-\$1,132.21; White's Queen City Motors-\$333.89; Wimactel-\$60.00; Yankton County-\$113.75; Z&S Dust Control-\$38,538.80; **Witness & Jurors:** Emme,D-\$71.84; Ballert,T-\$52.52; Braun,M-\$66.80; Bruns,B-\$62.60;

Cowen,M-\$57.56; Dvorak,D-\$61.76; Eastman,J-\$59.24; Erion,M-\$60.08; Ludens,D-\$62.60; Mackey,J-\$52.52; Magnusson,B-\$62.60; Morrison,K-\$65.12; Norris,J-\$52.52; Peterson,F-\$50.84; Stephens,J-\$75.20; Terveen,G-\$65.12; Abbott,S-\$22.60; Adler,T-\$10.84; Althoff,A-\$24.28; Balo,G-\$35.20; Boyd,P-\$23.44; Carroll,P-\$26.80; Cass,B-\$12.52; Chapman,M-\$21.76; Chronister,T-\$25.12; Cooper,D-\$26.80; Cooper,K-\$25.96; Coyle,A-\$26.80; Cyphers,T-\$21.76; Degen,E-\$23.44; Douglas,C-\$20.08; Elliott,M-\$12.52; Fitzgerald,R-\$12.52; Ford,K-\$10.84; Gould,M-\$11.68; Griess,L-\$66.80; Haar,J-\$21.76; Hach,L-\$22.60; Hartung,A-\$22.60; Hemmingson,T-\$26.80; House,J-\$20.08; Jones,J-\$23.44; Kirkpatrick,E-\$11.68; Koepp,P-\$20.08; Koppinger,G-\$67.64; Kruse,P-\$13.36; Lemire,S-\$12.52; Littleton,J-\$22.60; Love,T-\$62.60; Malde,L-\$24.28; Marta-Nickels,K-\$26.80; Meisinger,L-\$64.28; Myers,M-\$24.28; Olson,J-\$13.36; Pautz,K-\$62.60; Piekkola,J-\$22.60; Quenzer,M-\$11.68; Rainboth,B-\$60.92; Reid,E-\$18.40; Richards,C-\$26.80; Sandor,R-\$20.92; Schmaltz,G-\$14.20; Schultz,J-\$62.60; Schulz,M-\$62.60; Schwartz,R-\$53.36; Stadel,S-\$66.80; Stewart,G-\$22.60; Tennyson,P-\$23.44; Teupel,J-\$22.60; Thovson,J-\$12.52; Torres,R-\$26.80; Turbiville,K-\$22.60; Tyler-Streff,C-\$62.60; Vantassel,J-\$52.52; Wilczynski,J-\$22.60; Morgan,D-\$270.32; Perry,R-\$22.52; McMahan,M-\$30.08; Robinson,Z-\$31.76

**ADJOURN:** 12:11 p.m. Moved-Seconded (Flanagan-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – September 1, 2015**

Chairperson Terry Weisenberg called the Lawrence County Board of Adjustment meeting to order at 9:50 a.m. on September 1, 2015 in the Administrative Annex Building of the Lawrence County courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Randall Rosenau, and Brandon Flanagan present.

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

**VARIANCE #146 / ROMANO:** A public hearing was held on Variance #146 Chris Romano for 3 Separate Variance Requests Pursuant to One Application, To-Wit: SW Corner of Front of Deck (9' variance to 25' setback); Deck from Existing Walkway (11' Variance to the 25' Setback); and Deck from Shed (17' variance to the 25' Side Setback). No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Weisenberg) to follow Planning and Zoning recommendation and approve Variance #146 for Chris Romano Motion Carried.

**ADJOURN:** 9:55 a.m. There being no further business it was Moved-Seconded (Flanagan-Rosenau) to adjourn from the Board of Adjustment. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – September 22, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on September 22, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, and Randall Rosenau present. Brandon Flanagan was available by video (Skype).

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of September 1st County Commission and Board of Adjustment meeting. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of August 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$73,013.82; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$8,898.36; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$3,859,153.17, Money Market \$5,738,146.81; Savings-\$6,655,848.00; Total \$19,438,270.16.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Rosenau-Weisenberg) to approve the classification change for Nicolle Geuke as a Permanent Full-Time Equalization Administrative Assistant G3, at the base rate of \$17.61 an hour, effective September 20, 2015. Motion Carried.

**ROAD & BRIDGE:** Moved-Seconded (Johnson-Rosenau) to allow employees to donate leave to Toby Harley upon the exhaustion of the employee's accumulated vacation time, "comp. time" and sick leave. Motion Carried.

### **EQUALIZATION BUSINESS:**

Tim Hodson was present to discuss expenditures in 2015. Hodson stated because of a decrease in personnel he will have extra funds in 2015 and asked permission to purchase a new copier or vehicle in 2015. Hodson will report back to the Board with the estimated amount of funds left.

**BOILER PROJECT UPDATE:** Bruce Outka updated the Board on the Boiler Project.

**MOUNTAIN PINE BEETLE DONATIONS:** The Board discussed a donation received from Spearfish Canyon Foundation (Scott Lewis and Linda Orfei) for \$45.00. The Board respectfully accepted the Donation and Bruce Outka will send a letter to them and explain what the funds will be used for.

**SHERIFF BUSINESS:** Brian Dean, Sheriff was present and updated the Board on business and possible security grants. The Board thanked the Sheriff's Office for their service and dedication to the Citizens.

**HIGHWAY BUSINESS:** Allan Bonnema updated the Board on Highway Business. Bonnema discussed his proposed 2016 Budget and asked to change the equipment he was proposing on purchasing; however the total budget dollar amount did not change. Sleep expressed concerns that the gravel crushing and purchasing was a little low and would like to see that increase and decrease the equipment purchases. Johnson stated the purchase of the vehicles is necessary to accomplish the completion of the scheduled projects. Moved-Seconded (Johnson-Rosenau) to approve and accept page one of the newly submitted budget proposal for the Road & Bridge Budget for 2016. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of September 09, 2015:  
Deadwood Diesel#2 6700 gallons: (prices per gallon) CBH Cooperative - \$1.779\*, Southside - \$1.784, MG Oil-\$1.8645; Deadwood Unleaded 5800 gallons: (prices per gallon) CBH Cooperative - \$2.188, Southside \$2.184\*, MG Oil – \$2.241; \*Represents lowest quote awarded. No bid received from Harms Oil Co.

**2016 BUDGET:**

Moved-Seconded (Rosenau-Sleep) to change Information Systems and Technology Budget Department from 143 to Department 171 and keep the department funding in tact at \$372,108. Motion Carried.

**ADOPTION OF 2016 BUDGET RESOLUTION #2015-23:** Moved-Seconded (Johnson-Weisenberg) to adopt the 2016 Annual Budget and approve the following Resolution #2015-23. Motion Carried. **RESOLUTION #15-23: 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, 2016 and ending December 31, 2016 and the same is hereby approved and adopted by the Board of County commissioners of Lawrence County, South Dakota, this 22nd day of September, 2015 The annual budget so adopted is available for public inspection during normal business hours at the office of the County Auditor Lawrence County, South Dakota. The accompanying taxes are levied by Lawrence County for the payable year January 1, 2016 through December 31, 2016.

FUND	TAX LEVY IN DOLLARS	\$'s/thousand (levy)
GENERAL	9,632,800	4.298
FIRE PROTECTION	85,012	.074
TOTALS	9,717,812	4.372

DATED at Deadwood, South Dakota, this 22nd day of September 2015. LAWRENCE COUNTY COMMISSIONERS: Terry Weisenberg, Chairman, Daryl Johnson, Richard Sleep, Randall Rosenau, and Brandon Flanagan. ATTEST: Connie Atkinson, Auditor.

**TERRY PEAK RADIO BUILDING:** Paul Thomson discussed the Terry Peak Communication Building and the current condition. Thomson stated he has been in discussion with the Air Force in reference to their building on Forest Service property on Terry Peak. Thomson stated they are getting close on getting approval from the Forest Service to allow the transfer of the Air Force Building to the County. Before the transfer can take place the Air Force tower will need to be tore down or fixed. Brian Dean was present in support of the County taking the needed steps to facilitate the transfer. The Board was in support of moving forward with the needed steps for the transfer.

**2016 SLA AGREEMENT / PDM AGREEMENT:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the 2016 South Dakota Office of Emergency Management State and Local Agreement. Motion Carried.

Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the Pre Disaster Mitigation Plan Update Project Agreement and appoint Paul Thomson as the appointed agent. Motion Carried.

**PLANNING & ZONING:**

**CHAD ADAMS PROPERTY:** The Board asked to have Chad Adams come before the Board to discuss concerns.

**JUNK YARD IN SPEARFISH:** The Board asked Jeff Schroeder and Bruce Outka to contact the Junk Yard in Spearfish to discuss parking concerns in the right-of-way.

#### ANNUAL REVIEWS:

ANNUAL REVIEW CUP #255-09 / WILDLIFE SANCTUARY: An annual review was held for CUP #255-09 Spirit of the Hills Wildlife Sanctuary located on Tinton Road. Jeff Schroeder stated they did an on-site of the facility and all of the conditions are being complied with and no complaints.

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

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

ANNUAL REVIEW CUP#390 / SADDLE MOUNTAIN CHURCH: An annual review was held for CUP #390 Saddle Mountain Church. No complaints were received. Brian Hall was present to ask the Board for 12 month extension. Moved-Seconded (Sleep-Rosenau) to grant a 12 month extension. Motion Carried.

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

ANNUAL REVIEW CUP #412 / RANDY SACHAU: The Board discussed CUP #412, Personal Use Airstrip (Randy Sachau) and reviewed the letter received from Randy Sachau. No complaints were received. Moved-Seconded (Rosenau-Weisenberg) CUP #412 was found to be in compliance and will be reviewed on an as needed basis, if complaints should arise, or at the desire of the Board to review. Motion Carried.

#### ITEMS FROM COMMISSIONERS:

WHEEL TAX: Discussion continued on imposing the Wheel Tax and will be discussed again at the next meeting.

#### BILLS:

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

Payroll: Comm-\$5,985.28, Aud-\$8,799.60; Treas-\$10,820.56; Comp-\$8,435.74; States Atty-\$13,482.96; Pub Def-\$8,859.02, Gen Govt Bldg-\$8,564.36; Equal-\$12,700.63; Rod-\$7,960.47; Vso-\$1,305.21; Disp-\$11,635.22; Sher-\$37,989.8; Jail-\$18,768.3; Coroner-\$565.05; 24/7-\$139.36; Emerg Mgnt-\$3,821.84; E911-\$1,808.48; Highway-\$40,633.29; Air-\$1,209.24; Weed-\$5,559.78; Pz-\$5,091.89; Bills: Tridle,Debora-\$243.04; Locken,William-\$636.05; Patino,Mark-\$5.00; A&B Business Solutions-\$1,285.49; A&B Welding Supply-\$12.00; A&J Supply-\$179.54; Abc Business Supply-\$121.73; Ainsworth Benning-\$77,839.89; AT&T-\$22.71; AT&T Mobility-\$1,199.56; Audra Malcomb Consulting-\$1,774.14; BH Federal Credit Union-

\$6,823.76; BH Legal Professionals Assoc-\$160.00; BH Pest Control-\$190.00; BH Pioneer-\$509.64; BH Power-\$13,796.34; BH Truck&Trailer-\$74,500.00; Baczwaski Law Office-\$234.00; Best Western Ramkota Hotel-\$272.97; Bi Geo Group-\$225.40; Black Hills Disposal-\$87.00; Black Hills Pure-\$11.50; Black Hills Urgent Care-\$61.60; Bomgaars Supply-\$78.97; Butte Electric Coop-\$392.94; CBH Cooperative-\$11,915.74; Century Business Products-\$260.28; Centurylink-\$2,368.15; Chief Supply-\$111.23; City/County Alcohol&Drug-\$166.00; Dakota Equipment Rental-\$69.29; Dataspec-\$399.00; Dean Schaefer Court Reporting-\$60.00; Deepnet Security-\$509.00; Dept Of Hlth Lab Services-\$205.00; Dept Of The Treasury-\$52,878.27; Diversified Collections-\$100.00; Eaton Corporation-\$2,691.56; Ellingson, Joseph-\$750.57; Fastenal-\$82.15; Federal Express-\$24.11; Forte-\$762.00; G&H Distributing Of RC-\$21.30; Governors Inn-\$319.80; Grimm's Pump Service-\$742.80; Heartland Paper-\$578.27; Hills Material-\$14,607.70; John E Reid & Associates-\$550.00; Kimball-Midwest-\$240.24; Kosel,Joseph-\$3,307.29; Lawson Products-\$195.63; Lead-Deadwood Sanitary-\$509.70; Lee,James-\$15.00; Lewis & Clark BHS-\$160.00; Lexisnexis Risk Data Mgmt;\$75.00; Lizard Tech-\$855.00; Matthew Bender&Company-\$347.18; Mcleod's Office Supply-\$85.98; Mepheron Propane-\$69.00; Mid-Continent Testing-\$125.00; Midcontinent Communications-\$35.40; Montana Dakota Utilities-\$86.66; NH Alcohol&Drug Services-\$10,000.00; Nebraska Salt&Grain-\$26,323.14; Nelson,Christy-\$200.00; Northern Hills Dental-\$370.00; Northern Truck Equip-\$1,850.00; Oberle's Radiators&Repairs-\$240.00; Office Of Child Support-\$398.31; One Call Now-\$309.47; Pennington Co Jail-\$864.35; Pennington County Sts Attny-\$430.00; Pitney Bowes-\$826.14; Quill Corporation-\$741.30; R&R Industries-\$168.48; RC Finance Office-\$2,310.00; RC Police Dept-\$22.96; Rabe Elevator-\$1,325.07; Rapid Transcript-\$282.00; Regional Health-\$1,586.82; Rocket Lube-\$353.41; Rsinet/Thomas W Nichols-\$180.00; SD Continuing Legal Education-\$950.00; SD Public Assur Alliance-\$16,609.30; SD State Treasurer-\$60.00; SDRS Supplemental Retirement-\$2,469.00; Servall Towel&Linen-\$936.68; Shoener Machine&Tool Supply-\$145.00; Southside Oil-\$12,667.20; Spearfish Auto Supply-\$358.45; Spearfish Police Dept-\$10,842.95; Sturdevant's Auto Parts-\$607.42; Sundance Equipment-\$1,116.55; Sunshine Towing&Transport-\$135.50; Superior Court Of California-\$30.00; Sysco Montana-\$3,439.93; The Repair Shop-\$137.60; Thomson Reuters-West-\$159.50; Triple K Tire&Repair-\$2,506.37; Turnkey Corrections-\$12.02; Twin City Hardware&Lumber-\$232.23; United Parcel Service-\$9.13; Vast Broadband-\$2,552.20; Verizon Wireless-\$105.16; Victims Of Violence-\$1,700.00; Waste Connections-\$712.06; Watertree-\$52.25; Wells Fargo Bank-\$29.74; Wells Fargo Business Card-\$6,177.20; Western Construction-\$293,180.00; Western SD Juvenile Serv-\$465.00; Wex Bank-\$754.35; White Drug-\$728.19; White's Canyon Motors-\$378.29; Wilde&Hunt-\$4,987.26; Yankton County-\$113.75;Witness & Jurors: Cowen,M-\$57.56; Eastman,J-\$59.24; Erion,M-\$60.08; Norris,J-\$52.52; Peterson,F-\$50.84; Stephens,J-\$75.20; Weiler,A-\$63.44; Stillman,M-\$343.40

ADJOURN: 10:12 p.m. Moved-Seconded (Flanagan-Rosenau) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 13, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 13, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

**AGENDA:** Moved-Seconded (Flanagan-Rosenau) to approve the agenda as amended. Motion Carried.

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of September 22<sup>nd</sup> County Commission meeting. Motion Carried.

**PERSONNEL:** Moved-Seconded (Rosenau-Sleep) to approve Nathan S. Lechner as a Permanent Full-Time Correctional Officer 1 G3, at the base rate of \$15.88 an hour, effective October 4, 2015. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of September 30, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$66,285.63; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$4,563.60; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$2,842,624.23, Money Market \$6,656,522.91; Savings-\$5,739,843.41; Total \$18,338,990.55.

**GENERAL FUND SURPLUS ANALYSIS:** The General Fund Surplus Analysis for Lawrence County as of September 30, 2015 is \$2,482,116.41 or 20.02%.

**ROCHFORD FIRE PROTECTION DISTRICT:** Moved-Seconded (Johnson-Flanagan) to ratify the Rochford Fire Protection District Board member replacement (Glenda Robertson filling term of Rod Colvin (Term Expires 3/2016)). Motion Carried.

**SURPLUS PROPERTY:** Moved-Seconded (Johnson-Rosenau) to declare the E Studio Copier SN#CFL513469 surplus and allow it to be destroyed. Motion Carried.

**JOINT FUNDING AGREEMENT:** Moved-Seconded (Rosenau-Sleep) to authorize the Chairman to sign the Joint Funding Agreement with the U. S. Department of the Interior U. S. Geological Survey for the three streamflow gages at Crow Creek near Beulah, Annie Creek near Lead and False Bottom Creek near Central City during the period of October 1, 2015 through September 30, 2016. Motion Carried.

**HIGHWAY BUSINESS:**

**TIM BARRETT FAMILY:** The board would like to send their condolence to the Tim Barrett Family.

**BELLY DUMP BID:** Moved-Seconded (Rosenau-Weisenberg) to allow the purchase of two (2) belly dump gravel trailers off of the Faulk County bid for the 2016 budget year. Motion Carried.

**BID OPENING:** Moved-Seconded (Flanagan-Sleep) to advertise and set a bid opening for November 10, 2015 at 8:30 a.m. for 50,000 tons of crushed gravel in the North East corner of Lawrence County to be crushed by June 1, 2016. Motion Carried.

**UTILITY PERMIT**

**BACHMAN CONSTRUCTION:** Moved-Seconded (Johnson-Sleep) to follow the recommendation of the Highway Superintendent and approve the utility permit for Bachman Construction on McGuigan Road approximately ½ mile from North Hillview Rd. Motion Carried. \_

**WHEEL TAX:** Moved-Seconded (Johnson-Rosenau) to set the wheel tax at \$2.00 per wheel for all categories for purposes of a draft ordinance to be considered at the next meeting. Motion Carried. Aye-Johnson, Flanagan, Rosenau and Weisenberg. Nay-Sleep. The first reading of the ordinance will be held on October 27, 2015 at 8:45 a.m. The commissioners expressed their dislike of a new tax, but noted that a wheel tax is necessary in order for the county to participate in the bridge repair funding program.

**FOREST SERVICE ROAD 231:** Moved-Seconded (Sleep-Johnson) to bring off the table the request. Motion Carried. The Board discussed the request to add Forest Service Road #231 to the County Road System. Lonnie Braun spoke on behalf of the group and said the big concern was the snow plowing. He stated that there are now 47 residences on the road. Moved-Seconded (Sleep-Weisenberg) to honor the existing maintenance agreement with the Forest Service and to continue with the one time a year grading in the spring of each year. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of October 7, 2015: Deadwood Diesel#2 5700 gallons: (prices per gallon) CBH Cooperative - \$1.821\*, South Side - \$1.94, MG

Oil-\$1.9479; Spearfish Diesel#2 1600 gallons: (prices per gallon) CBH Cooperative - \$1.871\*, MG Oil-\$1.9479; Spearfish Unleaded 900 gallons: (prices per gallon) CBH Cooperative - \$2.299, MG Oil – \$2.2799\*; Whitewood Diesel#2 700 gallons: (prices per gallon) CBH Cooperative - \$1.871\*, MG Oil-\$1.9479;\*Represents lowest quote awarded. No bids received from Harms Oil Co.

**SUPPLEMENTAL BUDGET:** A public hearing was held for a supplemental budget for the General Fund Coroner Professional Services \$10,000. No public input was voiced and the hearing was closed. Moved-Seconded (Rosenau-Sleep) to approve and authorize the Chairman to sign the following Resolution #2015-24. Motion Carried.

RESOLUTION #15-24 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND Coroner - Professional Services \$10,000 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. Be it further RESOLVED that a hearing was held on the 13 th day of October, 2015 at the hour of 9:00 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. IN WITNESS WHEREOF, we have hereunto set our hands and official seal of Lawrence County, this 13th day of October, 2015. FOR THE BOARD OF COUNTY COMMISSIONERS: Terry Weisenberg, Chairman. ATTEST: Connie Atkinson Lawrence County Auditor

**RECESS:** 9:30 a.m. Moved-Seconded (Sleep-Weisenberg) to recess the County Commission meeting and convene as the Board of Adjustment. Motion Carried. 9:44 a.m. The Chairman called the meeting back to order.

**PLANNING & ZONING:**

**NEVADA GULCH JUNK COMPLAINT:** Chad Adams was present and a discussion was held on whether he needed a CUP to store vehicles that he tows. The board informed him that he is not allowed to put them on his property in Nevada Gulch without a CUP. He was told he must take them to the impound lot. Chad expressed his concern of damage to the vehicles when they are placed in his impound lot because he is responsible for the vehicles for 3 days. Amber Vogt, Planning and Zoning Director asked for directions as to what to tell the public if they call about the property. She asked that they do an onsite so they have baseline of what is acceptable.

**ANNUAL REVIEWS:**

**CUP #402 / NICOLE DECOOK / SECOND RESIDENCE:** An annual review was held on CUP

#402, Nicole DeCook for a Temporary Second Residence. No complaints were received and a review will be held in 12 months.

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

**CUP #422 / AUER:** An annual review was held on CUP. #422, Mark Auer for a Welding / Mechanical Shop. Moved-Seconded (Flanagan-Johnson) CUP #422 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.

**PLATS:**

**PRELIMINARY PLAT / GILDED MOUNTIAN/MUNRO**

Moved-Seconded (Rosenau-Weisenberg) to approve the preliminary plat for Gilded Mountain/Munro of the entire subdivision-updating all the lot lines and changes from original preliminary plat in Gilded Mt Subdivision located off of Hwy 85. Motion Carried. Abstain Flanagan

**FINAL PLAT/GILDED MOUNTAIN/MUNRO:** Moved-Seconded (Johnson-Weisenberg) to approve the FINAL PLAT for Gilded Mt Subdivision of Lots 1, 2A, 2B, 3, 20, 22, 26 of Gilded Mt Sub, located off Hwy 85. Motion Carried. Abstain Flanagan

**KRAMBECK:** Moved-Seconded (Flanagan-Sleep) to approve the PRELIMINARY & FINAL PLAT for Clint & Randi Krambeck. Preliminary & Final plat of C & R tract, being a portion of the SE ¼ SW ¼ of Section 10, T7N, R1E. This plat is being allowed in the A-1 zoning due to the remainder of the 40 acres being in the Red Water River and in the adjacent County and to declare the plat exempt for the fire plan. Motion Carried.

**FIRE PLAN FOR MEADOWS AT HIGGINS GULCH/HIGHWAY AUTHORITY**

**SIGNATURE ON PLAT:** Roger Riley, Developer was present to ask the Board if he would be allowed to only complete a portion of the Fire Plan created by Rob Mattox according to the Lawrence County Subdivision Regulations. The Board reiterated that Mr. Riley would be required to complete the Fire Plan according to the Subdivision Regulations prior to any final plat being approved. Moved-Seconded (Sleep-Weisenberg) to require Roger Riley, developer of Meadows at Higgins Gulch, to follow the Lawrence County Subdivision Ordinance as written. Motion Carried.

A discussion was held as to who has the highway authority to sign plats as the “Highway Authority”. Allan Bonnema, Highway Superintendent, said he does not feel comfortable signing the plat as “Highway Authority” when the road is not on the County system. Ronda O’Byrne from the Forest Service stated that her agency does not sign off on plats. Jayna Watson, City of Spearfish, was present to discuss the City’s position on signing plats. Also, Lyle Haak a nearby resident to the proposed subdivision was present and expressed concern regarding current and

future traffic on Higgins' Gulch Road. He asked if a radar trailer and traffic counter could be used to measure traffic on the road.

**BILLS:**

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

**Payroll:** Comm-\$11,970.56; Aud-\$17,602.09; Treas-\$21,641.44; Comp-\$16,866.04; States Atty-\$27,259.87; Pub Def-\$17,718.05; Gen Govt Bldg-\$17,079.66; Equal-\$25,404.58; Rod-\$15,933.76; Vso-\$2,610.42; Disp-\$23,811.00; Sher-\$75,274.62; Jail-\$41,059.17; Coroner-\$630.10; 24/7-\$243.88; Emerg Mgnt-\$7,714.48; E911-\$3,625.60; Highway-\$83,923.22; Air-\$2,471.44; Mh Serv-\$360.00; Weed-\$10,206.42; Pz-\$10,423.78; **Bills:** Atkinson,Connie-\$252.20; Green,Sheree-\$240.20; Fitzgerald,John-\$91.14; Leatherman,Debra-\$33.60; Goetsch,Martin-\$8.60; Weisenberg, Terry-\$67.28; Larson,Rene-\$78.00; Thomson,Paul-\$69.00; Harper,Jeffrey-\$5.00; Symonds, Carmen-\$134.00; Hodson,Timothy-\$134.00; Gould,Gary-\$427.06; Rakow,Julie-\$129.00; Fisher,Jason-\$134.00; Aaker,Donald-\$58.50; American Family Life-\$3,126.05; BH Federal Credit Union-\$6,823.76; Deadwood Recreation Center-\$644.00; Delta Dental Of South Dakota-\$6,985.96; Dept Of The Treasury-\$53,877.59; Diversified Collections-\$100.00; Hartford-Priority Accounts-\$1,773.78; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$398.31; SD Retirement System-\$53,762.29; Sdrs Supplemental Retirement-\$2,469.01; Vast Broadband-\$321.39; Wellmark Blue Cross-\$72,524.30; A To Z Shredding-\$24.60; A&B Business,Inc Solutions-\$1,109.73; A&B Welding Supply-\$1.74; A&I Distributors-\$248.95; Abc Business Supply-\$291.54; American Institutional Supply-\$143.05; Apex Software-\$1,080.00; At&T Mobility-\$1,137.06; BH Federal Credit Union-\$6,823.76; BH Pest Control-\$190.00; BH Pioneer-\$290.97; BH Power-\$951.01; B&B Auto Salvage-\$3,655.00; Barnaud Law Firm-\$349.00; Bickle's Truck&Diesel-\$1,095.72; Black Hills Pure-\$29.50; Bob Barker Company-\$126.72; Bomgaars Supply-\$85.61; Bruemmer,Lynnel-\$57.80; Butler Machinery Co-\$74.07; Butte Electric Coop-\$392.04; Century Business Products-\$490.98; Centurylink-\$105.58; Chadams-\$300.00; Chief Supply Corp-\$1,334.90; City/County Alcohol&Drug-\$166.00; Clinical Lab Of BH-\$1,972.00; Commercial Kitchen Products-\$28.26; Dakota Security Systems-\$151.79; Deadwood,City Of-\$1,115.84; Dept Of Hlth Lab Services-\$235.00; Dept Of The Treasury-\$53,417.29; Diversified Collections-\$100.00; Eaton Corporation-\$3,479.04; Emergency Services Marketing-\$3,185.00; Fastenal-\$31.14; Fidler-Isburg Funeral Chapel-\$1,170.00; Gene's Lock Shop-\$80.00; Glenney, Tracy-\$250.00; Governors Inn-\$8.00; Grimm's Pump Service-\$262.95; Heartland Paper Co-\$1,881.42; Heisler Hardware-\$80.55; Hills Material Comp-\$7,216.45; James&Larson Law-\$197.50; Janke,Wendy-\$1,326.00; Kadrmas, Lee And Jackson-\$13,717.26; Kinney,Matthew-\$1,824.84; Kosel,Joseph-\$2,161.38; LC Conservation Dist-\$5,000.00; Language Line Services-\$293.27; Lead,City Of-\$54.15; Lead-Deadwood Regional Hospital-\$495.51; Lead-Deadwood Sanitary-\$552.78; Lee,James-\$15.00; Lexisnexis Risk Data Mgnt-\$75.00; Marc Mid-America Research Chem-\$153.69; McClure,Susan-\$150.00; Microfilm Imaging Systems-\$1,575.00; Mid-Continent Testing-\$35.16; Montana Dakota Utilities-\$1,541.57; Ms Mail-\$600.00; National Assoc Of Counties-\$482.00; National Emergency-\$137.00; Nebraska Salt&Grain-\$10,487.37; Nelson, Tonya-\$350.00; Newman Traffic Signs-\$2,674.74; Northern Hills Dental-\$350.00; Office Of

Child Support-\$398.31; Pennington County Sts Attny-\$215.00; Phoenix Investigations-\$1,256.45; Pitney Bowes-\$542.50; Plumbmaster-\$120.91; Quill Corporation-\$2,383.39; Radio Shack/Kazco-\$229.97; Ramada Worldwide-\$520.00; Redwood Toxicology Lab-\$302.47; Regional Health-\$621.18; Rocket Lube-\$72.49; Rsinet/Thomas W Nichols-\$180.00; SD Dept Of Labor Unemployment-\$645.39; SD State Treasurer-\$14,729.54; SD Ltap/Sdsu-\$85.00; Sdrs Supplemental Retirement-\$2,469.00; Servall Towel&Linen-\$547.13; Spearfish Auto Supply-\$1,400.70; Spearfish Husky-\$80.00; Spearfish Motors-\$52.06; Sterna,Laura-\$350.00; Sturdevant's Auto Parts-\$1,361.38; Sunshine Towing&Transport-\$122.00; Sysco Montana-\$2,776.51; Tigerdirect-\$1,970.20; Triple K Tire&Repair-\$242.06; Twin City Hardware&Lumber-\$196.24; US Identification Manual-\$82.50; Waste Connections-\$712.06; Watertree-\$31.70; Western Hills Humane Society-\$2,000.00; Wex Bank-\$499.69; White Drug-\$349.09; White's Queen City Motors-\$14.14; Wimactel-\$60.00; **Witness & Jurors:** Emme,D-\$71.84; Braun,M-\$66.80; Bruns,B-\$62.60; Cowen,M-\$57.56; Dvorak,D-\$61.76; Eastman,J-\$59.24; Erion,M-\$60.08; Ferrell,C-\$62.60; Mackey,J-\$52.52; Magnusson,B-\$62.60; Morrison,K-\$65.12; Norris,J-\$52.52; Peterson,F-\$50.84; Rogers,M-\$62.60; Stephens,J-\$75.20; Terveen,G-\$65.12; Weiler,A-\$63.44; Cadle,T-\$22.52; Cathcart,S-\$35.12; Davis,B-\$30.16; Gabeline,H-\$56.96; Hooth,T-\$22.10; Hutchison,T-\$23.36; Krohn,C-\$22.52; Manca,B-\$20.00; Nadvorik,L-\$20.00; Pederson,M-\$35.12; Sadler,L-\$20.00; Shinpaugh,D-\$34.28; Suckow,R-\$34.28; Usera,H-\$56.96

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY BOARD OF ADJUSTMENT – October 13, 2015**

Chairperson Terry Weisenberg called the Lawrence County Board of Adjustment meeting to order at 9:30 a.m. on October 13, 2015 in the Administrative Annex Building of the Lawrence County courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Richard Sleep, Randall Rosenau, and Brandon Flanagan present.

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

**VARIANCE #147 / SIMONS:** A public hearing was held on application for VAR # 147  
**APPLICANT:** Guy Simons **SUMMARY:** Requesting a 5' variance to a 10' side setback for an addition to a garage (Located within the City of Spearfish building permit jurisdiction)  
**LOCATION:** Nickel Place. Guy Simons, property owner spoke on his behalf. The public hearing was closed. Moved-Seconded (Sleep-Johnson) to approve Variance #147 Guy Simons. Motion Carried. Aye-Weisenberg, Johnson, Rosenau and Sleep. Nay-Flanagan

**ADJOURN:** 9:44 a.m. There being no further business it was Moved-Seconded (Rosenau-Sleep) to adjourn from the Board of Adjustment. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – October 27, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 27, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of October 13<sup>th</sup> County Commission meeting and Board of Adjustment meeting. Motion Carried.

### **PERSONNEL:**

**PUBLIC DEFENDER:** Moved-Seconded (Rosenau-Flanagan) to approve the new hire of Jennifer De Hueck as a permanent full-time Deputy Public Defender G3 at the base rate of \$2,160.17 per pay period, effective November 2, 2015. Motion Carried.

**TREASURER:** Moved-Seconded (Rosenau-Flanagan) to approve the new hire of Janice Haupt as a temporary part-time secretary G3 at the base rate of \$17.00 an hour, effective December 28, 2015, and allow the waiver of advertising of the position because she is a previously trained employee. Motion Carried.

**PUBLIC DEFENDER:** The Board recognized and congratulated G. Matthew Pike on the National Association of Housing and Redevelopment Officials Commissioner Certification.

### **TRAVEL REQUEST:**

**PUBLIC DEFENDER:** Moved-Seconded (Rosenau-Weisenberg) to approve the travel request for Amber Richey to attend the Zealous Advocacy in Sexual Assault & Child Victims Cases Seminar in Las Vegas, Nevada on November 18-21, 2015. Motion Carried.

**AUTOMATIC SUPPLEMENT:** Moved-Seconded (Johnson-Rosenau) to approve the automatic supplement for Fire Protection Fund / Grants for \$17,596.66 for grant funds received. Motion Carried.

**EQUIPMENT LEASE:** The Board reviewed the proposed Equipment Lease Agreement with the City of Spearfish. Discussion followed on the terms of the agreement and the responsibility of fixing the equipment in the event that a major repair occurs. The Board stated this is an older piece of equipment to begin with. Moved-Seconded (Johnson-Rosenau) to approve and authorize

the Chairman to sign the Equipment Lease Agreement as amended with the City of Spearfish for a front end loader for airport snow removal, effective November 1, 2015. Motion Carried.

**CANCELED CHECK RESOLUTION #2015-25:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign Resolution #2015-25. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2015-25 WHEREAS the Lawrence County Auditor has presented the Lawrence County Board of Commissioners with a list of checks whereon the County of Lawrence is the Drawer, a copy of which list is attached hereto marked as Exhibit "A" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed has not been presented for payment within one (1) year of the date upon which the check was issued, and WHEREAS, there are 32 checks totaling \$1,735.40 that are outstanding, NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Board of Commissioners, pursuant to SDCL 7-22-17, that the checks on said Exhibit "A" be and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 27<sup>th</sup> day of October, 2015. FOR THE BOARD: Richard Sleep, Chairman. ATTEST: Connie Atkinson, Auditor

**EMPLOYEE INSURANCE 2016:** Bruce Outka spoke on behalf of the Insurance Committee. Outka discussed the health insurance quotes received for 2016 and stated the Insurance Committee recommended the County remain with Wellmark, which offered a 1.36% increase for insurance premiums in 2016. Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the contract with Wellmark for 2016. Motion Carried.

**4-H COMMITTEE:** Moved-Seconded (Rosenau-Johnson) to appoint Commissioner Sleep to the 4-H Advisor Selection Committee. Motion Carried.

**VETERANS' HOLIDAY RELIEF DRIVE:** Moved-Seconded (Johnson-Weisenberg) to support the Veterans' Holiday Relief Drive. Motion Carried.

**SHERIFF BUSINESS:** Sheriff Brian Dean and Information & Technology Director Greg Dias were present to discuss technology and camera upgrades needed in the Sheriff's Office. Dean and Dias will continue researching and finalizing cost estimates and design plans. Grant opportunities will be researched.

**HIGHWAY BUSINESS:**

**HOMESTEAD MAINTENANCE:** Moved-Seconded (Johnson-Rosenau) to follow the recommendation of Highway Superintendent and approve the Utility Permit for Homestead Maintenance on Highway No. 0262 Weisman Rd, located approximately 2 miles west from the Whitewood Valley Road for construction of a water pipeline to stock tank, begin section 34, T6N, R4E. Motion Carried.

**2016 ROAD PROJECTS:** Allan Bonnema, Highway Superintendent was present to discuss the 2016 Road Projects and approval to move forward. Bonnema stated once the 2016 projects are approved he can move forward with a 5 year Road & Bridge Plan. Moved-Seconded (Flanagan-

Weisenberg) to follow the recommendation of the Highway Superintendent and go forward with the 2016 Road Projects as presented in the 2016 Budget. Motion Carried. Aye-Johnson, Flanagan, Rosenau, and Weisenberg. Nay-Sleep. Sleep expressed concerns that he felt there are other roads that should be a priority.

**ORDINANCE #2015-01 AN ORDINANCE IMPLEMENTING A WHEEL TAX:** First Reading was held on the proposed **ORDINANCE #2015-01 AN ORDINANCE IMPLEMENTING A WHEEL TAX.** The proposed wheel tax in Section 1.: Pursuant to SDCL Chapter 32-5, a wheel tax is hereby imposed upon all motor vehicles as defined by SDCL 32-3-1 registered in the County at the rate of two dollars (\$2.00) per wheel with the total wheel tax not to exceed 12 wheels or twenty-four (\$24.00) per vehicle. The proposed Ordinance will become effective December 11, 2015 and Implementation and Collection Date would be March 1, 2016. Rosenau questioned if the County should look at \$1.00 fee per wheel instead of \$2.00. Johnson stated he talked to numerous people on the wheel tax and once explained they understand as every dollar collected stays in the county for roads and bridges. Johnson stated he didn't think the \$2.00 is out of line and not a hardship that can't be handled. Bonnema stated he felt the County does not have a choice but to implement a wheel tax to utilize the Bridge Improvement Grants. It is estimated that \$200,000-\$300,000 of increased income a year for road and bridge expenses will be collected. Weisenberg stated currently the increased fuel tax collected in Lawrence County is now going to another County to fix their bridges and Lawrence County will not be eligible for those funds if a wheel tax is not implemented. Bonnema stated currently Lawrence County is looking at approximately \$20,000,000 for bridge repairs and replacements in the future. Second Reading will be held on November 10<sup>th</sup>.

**BUILDING INSPECTIONS:** Deborah Kates was present to discuss building inspections within the County on her property; they are in the process of building and feels that her foundation slab inspection does not meet code. Kates stated a meeting is scheduled for this week to try and resolve issues. She asked the County to make sure the Contractor follows through. Johnson stated the County has never gotten involved, and won't, between a homeowner and contractor. Kates asked the County to issue a correction notice. The Board stated they will monitor how the meeting goes between the homeowner and contractor and will try to have representation present at the meeting.

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,826.80; Treas-\$10,828.57; Comp-\$8,435.73; States Atty-\$13,637.43; Pub Def-\$8,859.02; Gen Govt Bldg-\$8,456.77; Equal-\$12,723.83; Rod-\$7,960.47; Vso-\$1,305.21; Disp-\$13,061.81; Sher-\$37,538.63; Jail-\$22,192.77; Coroner-\$665.05; 24/7-\$209.04; Emerg Mgnt-\$3,808.24; E911-\$1,812.80; Highway-\$40,482.89; Air-\$1,391.44; Weed-\$4,484.90; Pz-\$5,095.09; **Bills:** A&B Business,Inc Solutions-\$507.55; A&J Supply-\$16.98; Abc Business Supply-\$257.40; Aberdeen Llc-\$3,496.00; Air Connection-\$129.70; Allstar Travelers

Inn-\$400.00; American Family Life-\$3,126.05; Apco International-\$184.00; At&T-\$83.75; Audra Malcomb Consulting-\$1,428.89; BH Federal Credit Union-\$6,823.76; BH Power-\$12,700.96; BH Truck And Trailer-\$375.46; BH Window Cleaning-\$3,420.00; Baczwaski Law Office-\$576.00; Best Western Ramkota Hotel-\$1,275.00; Bi Geo Group-\$644.00; Black Hills Urgent Care-\$252.00; Butler Machinery Co-\$1,280.57; Cbh Cooperative-\$14,683.00; Century Business Products-\$348.41; Centurylink-\$2,262.48; Childrens Home Society-\$30.00; City/County Alcohol&Drug-\$1,494.00; Clinical Lab Of BH-\$3,026.00; Community Health Services-\$210.00; Deadwood Recreation Center-\$659.00; Delta Dental Of South Dakota-\$6,847.28; Dept Of Hlth Lab Services-\$140.00; Dept Of The Treasury-\$53,968.10; Diversified Collections-\$100.00; Grabar Voice And Data-\$4,018.00; Hartford-Priority Accounts-\$1,773.78; Havemeier,Leslie-\$17.00; Heartland Paper Co-\$408.87; Hills Material Comp-\$8,622.96; Johner Gravel-\$2,348.88; Kadrmas, Lee And Jackson-\$13,717.26; Kimball-Midwest Co-\$392.33; Kinney,Matthew-\$443.50; Koala Electric-\$2,462.29; Kosel,Joseph-\$1,913.44; LC Assessor-\$21.88; LC Treasurer-\$10.00; Language Line Services-\$173.89; Lead-Deadwood Regional Hospital-\$187.60; Mack's Auto Body Llc-\$1,208.95; Mg Oil Company-\$2,051.91; Mid-Continent Testing-\$1,000.00; Montana Dakota Utilities-\$47.23; Moore Medical-\$148.36; National Emergency-\$137.00; Northern Hills Dental-\$398.00; Northern Hills Rec Center-\$164.00; Northern Safety And Industrial-\$251.52; Office Of Child Support-\$398.31; Pennington Co Auditor-\$252.00; Pennington Co Jail-\$1,626.35; Pennington County Sts Attny-\$215.00; Pmb 0112-\$225.79; Quill Corporation-\$270.07; RC Finance Office-\$630.00; Rachtetto,Jerry-\$405.00; Rapid Transcript Co-\$162.00; Rasmussen Mechanical Serv-\$88,491.88; Redwood Toxicology Lab-\$302.47; Regional Health-\$117.90; Reserve Account-\$6,000.00; Rocket Lube-\$144.98; SD Dept Of Legislative Audit-\$15,972.15; SD Human Services Center-\$111.50; SD Retirement System-\$53,873.56; SD Sheriff's Association-\$86.88; Safety Benefits-\$130.00; Sdrs Supplemental Retirement-\$2,469.00; Servall Towel&Linen-\$389.55; Shoener Machine&Tool Supply-\$65.18; Silverado-\$567.00; Skillpath Seminars-\$598.00; Spearfish Auto Supply-\$64.36; Spearfish Police Dept-\$10,681.43; Stadler Ind Service-\$150.00; Sturdevant's Auto Parts-\$103.32; Sysco Montana-\$1,824.65; Thomson Reuters-West-\$159.50; Top Quality Glove-\$325.00; Triple K Tire&Repair-\$278.97; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$29.91; Twin City Hardware&Lumber-\$151.92; Verizon Wireless-\$105.13; Versatile Carpets&Inter-\$2,287.68; Victims Of Violence-\$1,270.00; Wellmark Blue Cross-\$72,524.30; Wells Fargo Business Card-\$4,433.27; West River International-\$84.47; White's Queen City Motors-\$82.30; Wilde&Hunt, Prof-\$1,417.50; Wimactel-\$60.00; **Witness & Jurors:** Emme,D-\$71.84; Braun,M-\$66.80; Cowen,M-\$57.56; Dvorak,D-\$61.76; Ferrell,C-\$62.60; Morrison,K-\$65.12; Terveen,G-\$65.12; Heaton,D-\$36.80; Harrison,T-\$32.60; Houle,A-\$22.52; Neal,T-\$22.52

**ADJOURN:** 9:45 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

**LAWRENCE COUNTY COMMISSIONERS SPECIAL JOINT MEETING – October 30, 2015**

Chairman Terry Weisenberg called the Commission to order for purposes of the special joint meeting of the Lawrence County Commissioners and Spearfish City Council (Mayor Boke having previously called the City Council to order) and the Pledge of Allegiance was conducted at 9:00 a.m. on October 30, 2015 at the Spearfish City Administrative Building in Spearfish, South Dakota with Commissioners Terry W. Weisenberg, Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

**EXIT 10 LAND OWNERSHIP:** Moved-Seconded (Rosenau-Johnson) to adjourn to joint Executive Session with the Spearfish City Council for purposes of consultation with legal counsel regarding contractual matters and for purposes of contract negotiations (pursuant to SDCL 1252 (3) and (4)) at 9:02 a.m. Motion Carried. The Board opened for regular business with no action taken.

**ADJOURN:** 10:15 a.m. Moved-Seconded (Flanagan-Johnson) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 10, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 10, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of October 27<sup>th</sup> and October 30<sup>th</sup>, 2015 County Commission meeting. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Rosenau-Flanagan) to approve a step raise for Desiree Phinney as an Administrative Secretary G3 at the base rate of \$17.32 an hour, effective November 1, 2015. Motion Carried.

**VOLUNTEER FIRE FIGHTER:** Moved-Seconded (Rosenau-Sleep) to approve Shannon Croft as Volunteer Fire Fighter for Brownsville Volunteer Fire Department for insurance purposes. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Rosenau) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of October 31, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$1,161,946.99; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$25,392.24; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$4,102,152.16, Money Market \$5,741,648.50; Deposit \$9,500,000; Savings-\$6,657,070.05; Total \$30,291,419.94.

**TREASURER TRUST AGREEMENT:** Moved-Seconded (Rosenau-Flanagan) to approve and authorize the Chairman to sign the Treasurer Trust Agreement with Dwayne and Pamela Kerney on parcel #28800-01200-040-00 and 28800-01200-010-00. Motion Carried.

**COMPASS POINT:** Roger Merriman, CFO and Mary Wood-Fossom were present and gave history on the program and their vision for the future. A letter of support was requested for Compass Point to allow them to go forward with their new location. Moved-Seconded (Rosenau-Johnson) to send a letter of support for Compass Point. Motion Carried.

**SPEARFISH FIRE DEPARTMENT:**

EXECUTIVE SESSION: 8:14 a.m. Moved-Seconded (Johnson-Flanagan) to go into executive session pursuant SDCL 1-25-2(3)(4). Motion Carried. 8:25 a.m. The Board opened for regular business with no action taken.

**SHERIFF BUSINESS:** Brian Dean, Sheriff was present to update the Board on Sheriff's Office Business. Dean stated Marty Goetsch has announced that he will be retiring in April of 2016. Dean expressed his appreciation for his many years of service. Dean informed the Board that Matt Hardin will be attending the Academy to be a certified law enforcement officer.

EXECUTIVE SESSION: 8:29 a.m. Moved-Seconded (Johnson-Sleep) to go into executive session for personnel pursuant SDCL 1-25-2(1). Motion Carried. 8:40 a.m. The Board opened for regular business with no action taken

**2016 LIQUOR LICENSE RENEWALS:** A public hearing was held on an application for renewal of liquor licenses for 2016. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Rosenau) to renew the following liquor licenses for 2016. Motion Carried.

**PACKAGE LIQUOR - OFF SALE LICENSE:**

LARRY KAISER, Nemo Mercantile, Tract 3 of the un-platted portion of Nemo Placer Mineral Survey 1368, located in the NE1/4 of Section 27, T3N, R5E.

LONNY & SUSAN SMITH (ST.ONGE BAR & GRILL), Lots 1 & 2, Block 8, Section 23, T7N, R3E, St.Onge

**RETAIL AND SUNDAY ON-SALE LICENSE**

CHOPHOUSE INC., SPEARFISH CHOPHOUSE & WHISKEY BAR: Lot 3B of tract A of the SW1/4SW1/4 S14 T6N R2E BHM.

LEAD COUNTRY CLUB, INC., Lead, SD, Block 5 Ironwood Estates Section 31, T4, R3.

VEZARO INC., GUADALAJARA MEXICAN RESTAURANT, Spearfish, SD, Lot 3 Northwest of City on Hwy. 14, Subdivision of NW1/4NW1/4, S3, T6N, R 2E, B.H.M.

SPEARFISH CANYON RESORTS LLC, Spearfish Canyon, SD, A Portion of the Little Spearfish Placer, M.S. 953 Located in the NE1/4 OF S36, T5N, R1E, B.H.M.

MYSTIC MINER F&B LLC, MINE SHAFT TAVERN, Lead, SD, Mineral 1208 thru 1216; M.S. 1210 Connecting, Havana Lodes #1-10..

BLACK HILLS CHAIRLIFT CO.INC., (Dark Horse Saloon) Lead, SD, Section 1-2-11 & 12, T4N, R2E, B.H.M.

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

HOMESLICE MANAGEMENT LLC (BOULDER GRILLE), Sturgis, SD, Lot D, SW1/4NW1/4, S11, T5, R4E.

**RETAIL ON-OFF SALE WINE**

SPEARFISH CANYON RESORTS LLC, (Latchstring Village) Spearfish Canyon, LOTS Ab-1 and Ab-2, a subdivision of Latchstring Village Lot Ab of the Cascade Placer, M.S. in the W1/2 of S31, T5N, R2E, and the E1/2 of Section 36, T5N, R1E, B.H.M.

SEVEN DOWN LLC, (Travis Lantis) 6623 Centennial Rd: W1/2 NW1/4 (Seven Downs Arena) T6N, R3E, BHM.

CHEYENNE CROSSING STORE, LLC) 21415 US HWY 14A, Lead, SD 57754. Lot C-3 of Meadow 1-2-3 Lodes of M.S. 1564, NW1/4 Section 22, T4N, R2E.

TRIPLE H HILLS LLC (MYSTIC HILLS HIDEAWAY): 21766 Custer Peak Road, Deadwood, SD 57732. M.S.1748 St John Claim. Located in Section 1, T3N, R3E.

WICHTERMAN AND SONS INC (STEEL WHEEL CAMPGROUND): 21399 US Hwy 385, Deadwood, SD 57732. Legal description: Tract "D", Rally Park Addition, Sec's 18 & 19, T4N, R4E, BHM.

BAREFOOT COUNCIL OF CO OWNERS (BAREFOOT RESORT) M.S. 2021 LOT 1R OF BAREFOOT EX UNITS D-1-O,D-1-1,D-2-0,D-2-1,D-2-2 & D-2-3. MINERAL 1995 THRU 2079, Sec. 2-T4N-R2E of Black Hills. 26880-02021-000-50

CROW PEAK BREWING COMPANY, LLC: a consolidation of Lot Y-1 and Z-1, of Lot Y and Z of lot 8, located in NE1/4NE1/4, S4, T6N, R2E.

FRESH START CONVENIENCE STORES INC: The Valley Corner Store: : Lot 1 & W 20' Lot 2 of Lot A of Lot 1, NW1/4NW1/4 Subdivision of Section 3, T6N, R2E, B.H.M.

REYNOLDS & LIVINGSTON LLC (Cousins Big Chair): 22493 US Hwy 385 So., Deadwood, SD: Lot L Sec 7., T2N, R5E, BHM, Lawrence County.

B&S RESORT LLC, Recreational Springs Resort: M.S. 1200 Lot 3-A2 Of Tract 3-A A S/D Of Jay#1,2&3 & Fay#3, Albert Steele Fraction, Hazard, Log Cabin & Violet #3 Of Sec 24, T4N, R2E, BHM.

### **HIGHWAY BUSINESS:**

**GRAVEL SURFACING AGGREGATE BID:** The following bids were received for Gravel Surfacing Aggregate: Hills Material-\$284,150; Western Construction-\$288,000; and Johner & Son's-\$349,750. Moved-Seconded (Flanagan-Sleep) to accept the lowest responsible bid from Hills Material for \$284,150. Motion Carried.

**5 – YEAR PLAN:** Allan Bonnema presented the proposed Lawrence County 5 Year Road Plan and will be discussed further at the next meeting.

**ORDINANCE #2015-01 AN ORDINANCE IMPLEMENTING A WHEEL TAX:** 2<sup>ND</sup> reading was held on the proposed ORDINANCE NO. #2015-01 AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION THEREOF. Moved-Seconded (Rosenau-Weisenberg) to approve and adopt **ORDINANCE NO. #2015-01 AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION THEREOF.** Motion Carried.

**ORDINANCE NO. #2015-01 AN ORDINANCE IMPOSING A COUNTY WHEEL TAX AND PROVIDING FOR THE ADMINISTRATION AND COLLECTION THEREOF** WHEREAS, the State of South Dakota has statutorily required the adoption of a wheel tax in

order for the County to be eligible for receiving funding from the State's Local Bridge Improvement Grant for the construction and maintenance of highways and bridges; and WHEREAS, pursuant to SDCL, Chapter 32-5A, Lawrence County has the authority to impose a wheel tax on all motor vehicles, as defined in SDCL 32-3-1, registered in the County; now therefore, BE IT ORDAINED BY THE LAWRENCE COUNTY BOARD OF COMMISSIONERS that a wheel tax is imposed in and for Lawrence County, South Dakota as follows: Section 1. Pursuant to SDCL Chapter 32-5, a wheel tax is hereby imposed upon all motor vehicles as defined by SDCL 32-3-1 registered in the County at the rate of two dollars (\$2.00) per wheel with the total wheel tax not to exceed 12 wheels or twentyfour (\$24.00) per vehicle. Section 2. Pursuant to SDCL 32-5A-2, the proceeds from such wheel tax shall be retained by the County, deposited in the County Road and Bridge Fund, and the revenue shall be used only for highway and bridge maintenance and construction. The Board of County Commissioners shall by resolution establish a means of distributing the revenue generated among the county and the municipalities and townships located within the County. Section 3. Pursuant to SDCL 32-5A-7, if a motor vehicle is licensed for a period of time of less than twelve months, any wheel tax imposed on such motor vehicle pursuant to this Ordinance shall be prorated on a monthly basis. Section 4. Pursuant to SDCL 32-5A-3, upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this Ordinance shall prevent an automobile dealer from licensing the vehicles on their lot without paying any taxes created by this Ordinance. Section 5. This Ordinance shall become effective December 11, 2015. Such wheel tax shall be collected by the County commencing on March 1, 2016 with all registrations and renewals herein and for all subsequent months thereafter. Dated this 10th day of November, 2015. LAWRENCE COUNTY BOARD OF COMMISSIONERS: Terry W. Weisenberg, Chairman. ATTEST: Connie Atkinson, Lawrence County Auditor. First Reading: October 27, 2015. Second Reading: November 10, 2015. First Publication: November 14, 2015. Second Publication: November 21, 2015. Effective Date: December 11, 2015. Implementation and Collection Date: March 1, 2016. Note: Pursuant to SDCL 32-5A-1.1 a statement is hereby provided of the right to refer the decision of the Lawrence County Commission to a vote of the people as provided in chapter 7-18A, and further notification is provided that a referendum petition form, prepared by Lawrence County and ready for circulation, for such ordinance may be obtained from the office of the Lawrence County Auditor.

**WHARF RESOURCES / PETITION TO VACATE PLATS:** A public hearing was held on a Petition to Vacate Plats from Warf Resources, location: Old Town of Trojan/Current Mine Permit Area. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Sleep) to approve and authorize the Chairman to sign the following Resolution #15-26. Motion Carried.

**RESOLUTION #15-26 RESOLUTION & ORDER VACATING A PORTION OF A PLAT:** WHEREAS, a petition was presented to the Board of County Commissioners of Lawrence

County, South Dakota, by Wharf Resources (USA) Inc., requesting for the Vacation of Plat Book 6 Page 85; Plat Book 6 Page 52; Plat Book 5 Page 288; Plat Book 7 Page 31; Plat Book 7 Page 32; Plat Document 81-1630; Plat Book 5 Page 208; Plat Book 5 Page 209; Plat Book 5 Page 220; Plat Book 5 Page 276; Plat Book 6 Page 1; Plat Book 6 Page 182; Plat Book 6 Page 2; Plat Book

6 Page 84; Plat Book 7 Page 26; Plat Book 7 age 28; Plat Book 7 Page 29; Plat Book 7 Page 33; Plat Book 7 Page 34; Plat Book 7 Page 35; Plat Book 7 Page 36; Plat Book 7 Page 37; Plat Book 7 age 38; Plat Book 7 Page 39; Plat Book 7 Page 65; Plat Document 82-662; Plat Document 78-4745; Plat Document 78-1827; Plat Document 77-4258; Plat Document 85-2535; Plat Document 76-2439; Plat Document 83-5704; Plat Document 83-5227; Plat Document 78-1828; Plat Document 77-4259; Plat Document 79-1160; Plat Document 79-2868; Plat Document 84-1062; Plat Document 78-1826, See attached exhibit A, pursuant to SDCL 11-3-21.1 et seq., and WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the B.H. Pioneer once each week for two consecutive weeks prior to the date of hearing and WHEREAS, the Board of County Commissioners having acted as a committee of the whole concerning said vacation, and WHEREAS, the legal description is as follows: Lot 45-B, Lot 48-B Revision 2, Lot 54 Revised, Lot 57, Lot 58, Lot 59, Plat of Trojan Commercial Area, located in Sec. 2, T4N, R2E, B.H.M., as shown in Plat Book 6 Page 85; Lot 58 and Lot 48-B Revised of the Trojan Commercial Area, located in Sec. 2, T4N, R2E, B.H.M., as shown in Plat Book 6 Page 52; Lot A of the subdivision of the Folger, M.S. 356, Perseverance, M.S. 358 and Trojan, M.S. 361, located in Secs. 1 and 2, T4N, R2E, B.H.M., as shown in Plat Book 5 Page 288; Lot C, subdivision of the Austin, M.S. 1226, located in Sec. 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 31; Lot A, subdivision of the Austin Fraction, M.S. 1226, located in Sec. 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 32; Lots V, W, X, Y and Z, subdivision of the Ofer and Reindeer, M.S. 945 and the Mark Twain, M.S. 378, located in Sec. 2, T4N, R2E, B.H.M., as shown on Plat Document 81-1630; Lot C-3, portions of Confidence, M.S. 1955, located in Sec. 35, T5N, R2E, B.H.M., as shown in Plat Book 5 Page 208; Lot E-1, a portion of Elizabeth, M.S. 1955 and Lot A-3, a portion of Arizona, M.S. 1955, located in Sec. 35, T5N, R3E, B.H.M., as shown in Plat Book 5 Page 209; Lot A-4, a subdivision of Arizona, M.S. 1955, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 5 Page 220; Lot A, Lot B Revised, Lot B1, subdivision of Austin and Huxley, M.S. 1226, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 5 Page 276; Lot A, Lots 1, 2, 9, 12, 32, 33, 34-1, 34-2, 35, 54, and 65, "Plat of a portion of the Trojan Commercial Area", being a subdivision of M.S. 357, 378, 915, 916, 945, 979, 1041 and 2021, located in Section 2, T4N, R2E, B.H.M., as shown in Plat Book 6 Page 1; Skisider Lot 1, being a subdivision of the Little Barefoot, M.S. 2021, located in Section 2, T4N, R2E, B.H.M., as shown in Plat Book 6 Page 182; Lot 67, "Trojan Ball Park Area", a subdivision of the Costello and Dolphin, M.S. 1189, located in Section 2, T4N, R2E, B.H.M., as shown in Plat Book 6 Page 2; Lot A, subdivision of the Austin and Halford, M.S. 1226, Beaver Fraction, M.S. 978 and North, M.S. 914, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 6 Page 84; Lot R, subdivision of Elizabeth, M.S. 1955, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 26; Lot A, a subdivision of the Rutland, M.S. 1226, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 age 28; Lot A, a subdivision of Confidence, M.S. 1955, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 29; Lot A, a subdivision of Vickter, M.S. 1795, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 33; Lot A, a subdivision of the Point, M.S. 1795, located in Sections 26 & 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 34; Lot A, a subdivision of the Halford, M.S. 1226, located in Section 2, T4N, R2E, and Section 35, T5N, R2E, as shown in Plat Book 7 Page 35; Lot A, a subdivision of the January, M.S. 1970, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 36; Lot A, a subdivision of the Mound, M.S. 472, located in Section

35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 37; Lot A, a subdivision of the Tacqua, M.S. 1226, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 age 38; Lot R, subdivision of the Link, M.S. 2029, located in Section 35, T5N, R2E, B.H.M., as shown in Plat Book 7 Page 39; Lots B & C, a subdivision of the Reindeer and Monday, M.S. 945 and the Jessie and Leopard, M.S. 916, located in Section 2, T4N, R2E, B.H.M., as shown in Plat Book 7 Page 65; Lots 1, 2, 3, 4 and 5, November Heights Subdivision of November, M.S. 1970, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 82-662; Lot C1-B, a replat of Lots C1, C2, C1-A, a portion of the Confidence, M.S. 1955 and Huxley Fraction, M.S. 2027, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 78-4745; Lot B, subdivision of Vickter, M.S. 1795, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 78-1827; Lot A-6 Revised, Lot A-7, Lot A-8, Lot A-9, Lot A-10, Lot A-11 and Lot A-12, subdivision of Arizona and Water, M.S. 1955, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 77-4258; Lot A-6, Lot E-2, Lot E-3, Lot J-2 and Lot J-3, subdivision of Arizona and Elizabeth, M.S. 1955 and January, M.S. 1970, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 77-107; Tract No. 1, subdivision of Prolific, M.S. 1955, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 85-2535; Lots KA and KL, of K subdivision of Deadwood, M.S. 1740, located in Section 34, T5N, R2E, B.H.M., as shown on Plat Document 76-2439; Lot A-5 Amended, Lot A-5B, Lot A-5C, Lot A-14, Lot A-15, Lot A-16, Lot A-17, Lot A-18, Lot A-19 and Lot A-20, North Trojan Subdivision of Arizona, M.S. 1955, located in Sections 35 and 36, T5N, R2E, as shown on Plat Document 83-5704; Valentine Tract and Lot C-5 Amended, a subdivision of Huxley, Austin, Austin Fraction, M.S. 1226, Confidence and Elizabeth, M.S. 1955 and Huxley Fraction, M.S. 2027, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 83-5227; Lot A, subdivision of Lillie M., M.S. 2074, located in Sections 25 & 36, T5N, R2E, B.H.M., as shown on Plat Document 78-1828; Lot 3, Block 5, a subdivision of Huxley, M.S. 1226, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 77-4259; Lot D-1, Lot D-2, Lot D-3, a subdivision of LaSalle, LaSalle Fraction, Rutland, Halford, Austin and Huxley, M.S. 1226, located in Section 35, T5N, R2E, B.H.M., as shown on Plat Document 79-1160; Lot 1 of Paystreak No. 3, Lot 1 of Paystreak, Lot 1 of Paystreak No. 2, Lot 1 and Lot 2 of Burlap, Lot A of Paystreak No. 2 and Paystreak, all a subdivision of M.S. 1419, located in Sections 35 & 36, T5N, R2E, B.H.M., as shown on Plat Document 79-2868; Tract No. 1 and Tract No. 2, subdivision of Dasie Fraction, M.S. 1567, located in Section 3, T4N, R2E, B.H.M., as shown on Plat Document 84-1062; Lot A, a subdivision of the Acme, M.S. 1786, located in Sections 25 & 36, T5N, R3E, B.H.M., as shown on Plat Document 78-1826, and WHEREAS, There are no names of legal voters residing upon land depicted in the plats, and WHEREAS, the character and use of the plat is as follows: The plats were created by previous owners to subdivide Mineral Surveys described in Exhibit A into different parcels, and WHEREAS, There are no public highways within the plats. WHEREAS, Vacation of these plats will greatly reduce the number of tax parcels owned by Wharf Resources (USA), Inc. The land will then be described by the original legal description or mineral survey lode. These subdivided lots are located within the Wharf mine permit boundary and have been disturbed by active mining or are in close proximity to the active mine, WHEREAS, the granting of the petition will not abridge or destroy any of the rights and privileges of other proprietors of such plat and will not authorize the closing or obstruction of any public highway laid out according to law, it may vacate the plat specified in the petition. All property taxes on such plat shall be paid before it may be vacated, BE IT RESOLVED by the Lawrence County Board of Commissioners to hereby vacate a Portion of Plat: Plat Book 6 Page

85; Plat Book 6 Page 52; Plat Book 5 Page 288; Plat Book 7 Page 31; Plat Book 7 Page 32; Plat Document 81-1630; Plat Book 5 Page 208; Plat Book 5 Page 209; Plat Book 5 Page 220; Plat Book 5 Page 276; Plat Book 6 Page 1; Plat Book 6 Page 182; Plat Book 6 Page 2; Plat Book 6 Page 84; Plat Book 7 Page 26; Plat Book 7 Page 28; Plat Book 7 Page 29; Plat Book 7 Page 33; Plat Book 7 Page 34; Plat Book 7 Page 35; Plat Book 7 Page 36; Plat Book 7 Page 37; Plat Book 7 Page 38; Plat Book 7 Page 39; Plat Book 7 Page 65; Plat Document 82-662; Plat Document 78-4745; Plat Document 78-1827; Plat Document 77-4258; Plat Document 85-2535; Plat Document 76-2439; Plat Document 83-5704; Plat Document 83-5227; Plat Document 78-1828; Plat Document 77-4259; Plat Document 79-1160; Plat Document 79-2868; Plat Document 84-1062; Plat Document 78-1826. Dated this 10th day of November, 2015. Terry Weisenberg, Chairperson, Lawrence County Commissioner. ATTEST: Connie Atkinson, Auditor.

### **WEB-BASED GIS:**

Tim Hodson and Brett Runge were present from the Director of Equalization Office to discuss a Web-Based GIS that would be available to the public at the cost of \$4,000 initially and a \$3,000 subscription fee a year after that. This would be providing an additional public service to the citizens. Greg Dias, Information System and Technology was in support of the service and stated it is a good option to supply the information to the public with a minimal impact on the County. Moved-Seconded (Flanagan-Johnson) To approve and authorize the Chairman to sign the two year agreement with GIS Solutions upon review by legal council. Motion Carried.

**ABATEMENT / RATH:** The Board discussed a possible application for Abatement for Jamie Rath because of damage due to a fire. The Board was not in support of the possible abatement.

### **EXIT 10 LAND OWNERSHIP**

EXECUTIVE SESSION: 9:33 a.m. Moved-Seconded (Flanagan-Rosenau) to go into executive session pursuant SDCL 1-25-2(3)(4). Motion Carried. 10:04 a.m. The Board opened for regular business with no action taken

### **PLANNING & ZONING:**

#### **PRELIMINARY PLAT / WHITEWOOD CREEK RANCHES LLC / BOB JOHNSON:**

Amber Vogt, Planning and Zoning Director presented the plat of Lots 1 & 2, being a sub of the NE 1/4 SW 1/4 of Section 11, T6N, R4E, located off Whitewood Valley Road on Crackerjack Road. This plat is to allow 5 acres to be given to a Grandson, the remainder of the lot had to be platted as well. A fire mitigation plan has been prepared. A building permit can be issued on the entire acreage, and when the fire plan is completed on the 5 acres, a final plat can be approved.

Moved-Seconded (Sleep-Rosenau) to approve the following Planning and Zoning and Staff recommendation and approve the Preliminary Plat of Lots 1 & 2, being a sub of the NE 1/4 SW 1/4 of Section 11, T6N, R4E. Located off Whitewood Valley Road on Crackerjack Road. Motion Carried.

### **BILLS:**

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

**Payroll:** Comm-\$5,985.28; Aud-\$8,826.81; Treas-\$10,828.56; Comp-\$8,435.73; States Atty-\$13,627.43; Pub Def-\$8,859.02; Gen Govt Bldg-\$8,510.64; Equal-\$12,723.84; Rod-\$7,960.48; Vso-\$1,305.21; Disp-\$11,311.06; Sher-\$37,086.68; Jail-\$19,216.73; Coroner-\$265.05; 24/7-\$191.62; Emerg Mgnt-\$3,890.28; E911-\$1,812.80; Highway-\$40,823.13; Air-\$1,102.20; Weed-\$4,304.65; Pz-\$5,095.09; **Bills:** Kellogg,Susan-\$32.00; Dragoo,Shelley-\$32.00; Rakow,Julie-\$32.00; A To Z Shredding-\$32.85; A&B Business,Inc Solutions-\$933.83; A&B Welding Supply-\$20.40; A&I Distributors-\$126.45; Abc Business Supply-\$175.67; Armstrong Extinguish-\$150.00; At&T Mobility-\$974.56; BH Counseling Service-\$292.50; BH Federal Credit Union-\$6,823.76; BH Pioneer-\$731.50; BH Power-\$1,121.53; BH Truck And Trailer-\$170.69; Baczwaski Law Office-\$234.00; Barnaud Law Firm-\$1,010.49; Black Hills Pure-\$17.50 ; Bob Barker Company-\$30.31; Butler Machinery Co-\$295.19; Butte Electric Coop-\$389.73; Century Business Products-\$121.74; Centurylink-\$105.48; Childrens Home Society-\$30.00; City/County Alcohol&Drug-\$2,778.00; Clauser Machine Works-\$625.00; Cna Surety-\$50.00; Cody,Denise-\$18.00; Commercial Kitchen Products-\$277.87; Dakota Equipment Rental-\$1,090.56; DC Cabin Care-\$5,100.00; Deadwood,City Of-\$870.03; Dept Of The Treasury-\$52,144.48; Diversified Collections-\$100.00; Ellingson,Joseph-\$242.24; Fastenal-\$26.90; Fidler-Isburg Funeral Chapel-\$1,170.00; Heartland Paper Co-\$253.99; Hersruds Of Sturgis-\$8.42; High Plains Business Forms-\$81.18; Hills Material Comp-\$19,253.62; Hilt Construction-\$250.00; Janke,Wendy-\$1,378.00; John W Hey&Company-\$4,350.00; Kimbell's Auto Repair-\$286.12; Kinney,Matthew-\$3,000.76; Kosel,Joseph-\$912.43; Lead,City Of-\$56.95; Lead-Deadwood Regional Hospital-\$631.05; Lead-Deadwood Sanitary-\$424.82; Lewis&Clark Bhs-\$160.00; Lewno,Lucy-\$159.49; Lexisnexis Risk Data Mgnt-\$77.00; Loren's Windsheild Repair-\$47.50; McClure,Susan-\$350.00; Mcgas Propane-\$120.12; Mcpherson Propane-\$119.00; Mid Dakota Vegetation Management-\$23,040.00; Midcontinent Communications-\$36.19; Montana Dakota Utilities-\$1,823.50; Ms Mail-\$225.00; Nelson,Christy-\$250.00; Nelson,Tonya-\$300.00; North Central-\$5,800.00; Office Of Child Support-\$398.31; Quill Corporation-\$255.92; Rabe Elevator-\$4,545.77; Rapid Delivery-\$13.23; Rasmussen Mechanical Serv-\$206.73; Rocket Lube-\$49.99; Royal Electric-\$456.92; SD Sheriff's Association-\$1,072.91; SD State Treasurer-\$2,471.63; Sdrs Supplemental Retirement-\$2,469.00; Servall Towel&Linen-\$547.13; Sharkey Plumbing&Heating-\$208.52; Spearfish Auto Supply-\$486.76; Sterna,Laura-\$400.00; Stretch's Glass&Mirror-\$804.36; Sturdevant's Auto Parts-\$1,595.28; Super 8-Spearfish-\$57.00; Swanda,Karen-\$18.00; Sysco Montana-\$2,071.85; Top Quality Glove-\$455.00; Twin City Hardware&Lumber-\$165.85; Vast Broadband-\$321.49; Victims Of Violence-\$945.00; Waste Connections-\$712.06; Watertree-\$65.95; Western Communication-\$30.00; Western Detention-\$404.50; Western Sd Juvenile Serv-\$655.00; Wex Bank-\$368.94; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Brunns,B-\$62.60; Eastman,J-\$59.24; Erion,M-\$60.08; Ludens,D-\$62.60; Mackey,J-\$52.52; Norris,J-\$52.52; Peterson,F-\$50.84; Stephens,J-\$75.20; Weiler,A-\$63.44

**ADJOURN:** 10:16 a.m. Moved-Seconded (Sleep-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Terry Weisenberg, Chairman

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – November 24, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on November 24, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Johnson-Rosenau) to approve the minutes of November 10<sup>th</sup> County Commission meeting. Motion Carried.

### **PERSONNEL:**

**SHERIFF:** Moved-Seconded (Rosenau-Flanagan) to approve the classification change for Clayton Schleusner as a Fill-in Part-Time (under 20) Correctional Officer 1 G2 at the base rate of \$15.54 an hour, effective November 23, 2015. Motion Carried.

**PLANNING & ZONING:** Amber Vogt informed the Board that Sherryl Schulz will be retiring next spring and she will be advertising for the position sometime in January.

**2016 FAA GRANT PRE-APPLICATION:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the 2016 FAA Grant Pre-Application Checklist. Motion Carried.

**PROPOSED SHOOTING RANGE:** The Board received documents to review on the proposed shooting range.

**MALT BEVERAGE LICENSE TRANSFER:** A public hearing was held on Transfer of Retail (On-Off Sale) Malt Beverage License PREVIOUS LICENSE: Trailshedd Lodge, Inc.(LEGAL DESCRIPTION: Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3 R1) TRANSFER TO: Trailshedd Lodge (LEGAL DESCRIPTION: Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3 R1) No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Sleep) to approve the Transfer of Retail (On-Off Sale) Malt Beverage License PREVIOUS LICENSE: Trailshedd Lodge, Inc.(LEGAL DESCRIPTION: Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3 R1) TRANSFER TO: Trailshedd Lodge (LEGAL DESCRIPTION: Lot 4 Revised O'Neill Pass Ranchettes S/D of HES 617 Section 20 T3 R1). Motion Carried.

**HIGHWAY BUSINESS:**

**GRAVEL SURFACING AGGREGATE BID:** Allan Bonnema, Highway Superintendent reviewed the cost analysis for each of the five roads showing what the cost would be for hauling from each of the three bidders proposed pit locations because of the posted bridges in the area. Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Highway Superintendent and rescind the Bid for Gravel Surfacing Aggregate accepted at the November 10, 2015 meeting to Hills Material for \$284,150 because of the error made in calculating the cost of trucking, load limits on bridges, and the increased cost to the taxpayers. Motion Carried. Sleep stated this is bad business practice and expressed concerns that this was overlooked.

Moved-Seconded (Flanagan-Weisenberg) to reject all bids for the Gravel Surfacing Aggregate bid. Motion Carried.

Moved-Seconded (Flanagan-Weisenberg) to set a bid opening for December 29<sup>th</sup>, 2015 for Gravel Surfacing Aggregate. Motion Carried.

**LAWRENCE COUNTY 5 – YEAR PLAN ROAD & BRIDGE PLAN:** Allan Bonnema discussed the proposed Lawrence County 5-Year Road Plan. Moved-Seconded (Johnson-Weisenberg) to approve the Preliminary Lawrence County 5-Year Plan as presented by Allan Bonnema, Highway Superintendent, allow the Chairman to sign the plan, and submit it to the State. Motion Carried. A public meeting on the 5-Year Road & Bridge Plan will be held at the next meeting.

**ROAD & BRIDGE EQUIPMENT:** The Board discussed the pros and cons of leasing two truck tractors in lieu of purchasing the vehicles. The Board asked Bonnema to do a cost analysis between the options.

**TRI-CITY RUBBLE SITE:** Ron Green, Deadwood Public Works Director was present to discuss the County contribution for the Tri-City Rubble Site Operation. Green gave background on the Tri-City Rubble Site and stated they are looking at a vendor to manage the rubble site. They are currently looking at contracting with Chad Adams to manage the site. The cost to the County would be \$3,276.00.

**EXECUTIVE SESSION:** 9:48 a.m. Moved-Seconded (Flanagan-Rosenau) to go into executive session pursuant SDCL 1-25-2(3)(4). Motion Carried. 10:22 a.m. The Board opened for regular business with no action taken

**PLANNING & ZONING:**

**CONDITIONAL USE PERMIT #433 / TODD / HIDE AND SOUL LEATHERWORKS:** A public hearing was held on CUP # 433 APPLICANTS: Rick & Jennifer Todd dba Hide and Soul

Leatherworks SUMMARY: Use existing garage as a leatherworks business LOCATION: Adjacent to Boondocks along Hwy 385. No public input was voiced and the hearing was closed. Moved-Seconded (Johnson-Sleep) to follow Planning and Zoning and Staff recommendation and approve CUP # 433 APPLICANTS: Rick & Jennifer Todd dba Hide and Soul Leatherworks. Motion Carried.

**P&Z UPDATES:** Amber Vogt updated the Board on the 3 Mile Platting Jurisdiction, Hwy 85 Corridor Study Review, and a Guest House Ordinance. The Board was in support of the County starting the process for a Guest House Ordinance.

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

**Payroll:** Comm-\$5,988.48; Aud-\$8,826.80; Treas-\$10,828.56; Comp-\$8,435.73; States Atty-\$13,587.44; Pub Def-\$11,019.19; Gen Govt Bldg-\$8,487.65; Equal-\$12,847.84; Rod-\$7,960.47; Vso-\$1,305.21; Disp-\$13,682.64; Sher-\$37,087.51; Jail-\$23,019.04; Coroner-\$465.05; 24/7-\$156.78; Emerg Mgnt-\$3,935.04; E911-\$1,812.80; Highway-\$40,526.93; Air-\$1,407.58; Weed-\$3,327.85; Pz-\$5,167.59; **Bills:** Atkinson,Connie-\$62.00; Mcgruder,Brenda-\$62.00; Larson,Rene-\$22.00; Lucero,Robin-\$62.00; A&B Business,Inc Solutions-\$429.67; A&I Distributors-\$3,446.65; A&J Supply-\$16.48; Abc Business Supply-\$17.97; Allied Oil&Tire Company-\$14,347.36; American Family Life-\$3,126.05; AT&T-\$15.70; BH Federal Credit Union-\$6,823.76; BH Pest Control-\$190.00; BH Pioneer-\$152.00; BH Power-\$11,414.79; Baczwaski Law Office-\$576.00; Best Western Ramkota Hotel-\$446.97; Bi Geo Group Co-\$165.60; Big Sky Communications-\$378.00; Bob Barker Company-\$35.53; Bruemmer,Lynnel-\$68.40; Central Restaurant Products-\$374.99; Century Business Products-\$260.28; Centurylink-\$2,262.41; Claggett&Dill, Prof-\$339.30; Cody,Denise-\$15.00; Community Health Services-\$1,400.00; Deadwood Recreation Center-\$659.00; Dean Schaefer Court Reporting-\$66.00; Delta Dental Of South Dakota-\$6,847.28; Dept Of Hlth Lab Services-\$590.00; Dept Of The Treasury-\$54,475.39; Diversified Collections-\$100.00; Ecolab-\$139.73; Ellingson,Joseph-\$718.33; Esri-\$2,100.00; Fastenal-\$189.93; Hartford-Priority Accounts-\$1,768.08; Heartland Paper Co-\$839.19; High Plains Business Forms-\$1,084.65; Hills Material Comp-\$4,055.84; James&Larson Law-\$236.25; Kadrmas, Lee And Jackson-\$13,717.26; Kinney,Matthew-\$3,533.51; Kosel,Joseph-\$6,782.36; Lee,James-\$15.00; Lewno, Lucy-\$150.49; Lynn's Dakotamart-\$42.07; Midwest Alarm-\$91.20; Montana Dakota Utilities-\$90.44; Morris,Cindy-\$261.76; Neve's Uniforms-\$139.96; Northern Hills Rec Center-\$164.00; Office Of Child Support-\$398.31; Patino,Dora-\$150.00; Pennington Co Jail-\$1,429.25; Quill Corporation-\$201.74; RC Finance Office-\$875.00; RC Regional Hospital-\$916.22; Rabe Elevator-\$972.27; Radiology Associates-\$148.60; Rapid Transcript Co-\$276.00; Rasmussen Mechanical Serv-\$3,701.21; Redwood Toxicology Lab-\$302.50; Regional Health-\$582.79; Regional Health Physicians-\$25.00; Rocket Lube-\$185.46; SD Aao-\$330.00; SD Building Officials Assoc-\$50.00; SD Continuing Legal Education-\$200.00; SD Dept Of Transportation-\$44,474.69; SD Retirement System-\$53,852.38; Sand Creek Printing-\$519.00; Sdrs Supplemental Retirement-\$2,469.00; Servall Towel & Linen-\$547.13; Sheehan Mack Sales&Equip-\$93.86; Spearfish

Police Dept-\$11,320.59; Strand Diagnostics-\$830.00; Subway-\$12.00; Swanda,Karen-\$15.00; Sysco Montana-\$1,142.24; Thomson Reuters-West-\$166.64; Tigerdirect-\$366.10; Triple K Tire&Repair-\$817.52; Trugreen Chemlawn-\$56.75; Turnkey Corrections-\$8.68; Twin City Hardware&Lumber-\$83.88; Vast Broadband-\$1,255.39; Verizon Wireless-\$105.13; Wellmark Blue Cross-\$72,524.30; Wells Fargo Business Card-\$6,557.70; Western Communication-\$25,817.50; White Drug-\$1,602.40; Wimactel-\$60.00; Yankton Co Sheriff-\$50.00; Yankton County-\$122.75; **Witness & Jurors:** Emme,D-\$71.84; Braun,M-\$66.80; Cowen,M-\$57.56; Dvorak,D-\$61.76; Ferrell,C-\$62.60; Magnusson,B-\$62.60; Morrison,K-\$65.12; Brueckner,D-\$29.66; Engle,N-\$35.12; Folk,B-\$35.12; Hengstler,J-\$57.80; Jenkins,J-\$35.12; Jenkins,S-\$35.12; Whitmore,A-\$57.80

**ADJOURN:** 10:30 a.m. Moved-Seconded (Rosenau-Weisenberg) there being no further business the meeting was adjourned. Motion Carried.

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 8, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 8, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Sleep-Rosenau) to approve the minutes of November 24, 2015 County Commission meeting. Motion Carried.

### **PERSONNEL:**

**EQUALIZATION:** Moved-Seconded (Johnson-Flanagan) to approve the step raise for Louise Hohn as an Appraiser IV G1 at the base rate of \$19.35 an hour, effective December 14, 2015. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to approve the step raise for Jason Fisher as an Appraiser IV G1 at the base rate of \$19.35 an hour, effective December 14, 2015. Motion Carried.

**SHERIFF:** Moved-Seconded (Rosenau-Weisenberg) to approve the position of Full-Time Temporary Correctional Officer II with benefits in the Sheriff's Office. Motion Carried.

Moved-Seconded (Rosenau-Flanagan) to approve the classification change for Jolene Wetz as a Full-Time Temporary Correctional Officer II G1 at \$17.49 an hour with benefits, effective December 7, 2015. Motion Carried.

**AUDITOR'S ACCOUNT WITH TREASURER REPORT:** Moved-Seconded (Johnson-Sleep) to accept the Auditor's Account with the County Treasurer. Motion Carried. As of November 30, 2015 showed the following: Total amount of actual cash-\$1,350.00; Total amount of Checks and drafts in Treasurer's possession not exceeding three days (check deposit in transit)-\$185,457.82; Total amount of cash in transit in Treasurer's possession (cash deposit in transit)-\$22,494.10; petty Cash-\$1,860.00; Total amount of deposits in bank include: CD's-\$3,100,000; Bank Balance \$4,044,882.63, Money Market \$5,743,476.65; Savings-\$10,157,687.52; Total \$23,257,208.72.

**AUTOMATIC SUPPLEMENTS:** Moved-Seconded (Rosenau-Flanagan) to approve the automatic supplement of \$35,771.73 for Invasive Species Management – Supplies for funds received from the US Forest Service. Motion Carried.

**AMBULANCE AGREEMENTS 2016:** Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Lead/Deadwood and Spearfish Ambulance Service Ambulance Agreement for 2016. Motion Carried

**PROPOSED SHOOTING RANGE:** The Board discussed the proposed shooting range and the requirements that would be needed to go forward. The Range Source Book was referenced. Bruce Outka stated the County would need to hire experts and appoint a team to go forward. Costs, liability, environmental assessments on the property, and the current snowmobile trail were discussed. Moved-Seconded (Sleep-Weisenberg) to thank the Bureau of Land Management for the opportunity, however, the County will not accept the proposed donation of property from the BLM because it is too cost prohibitive for the County. Motion Carried.

**ABATEMENTS:**

**HOMESTAKE MINING COMPANY:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for State of South Dakota on parcel #26280-00439-000-22 because it is now tax exempt. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for the City of Spearfish on parcel #21000-00603-171-10 because it is now tax exempt. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Flanagan-Rosenau) to approve the abatement for the City of Spearfish on parcel #21000-00603-174-25 because it is now tax exempt. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Flanagan-Rosenau) to approve the abatement for the City of Spearfish on parcel #21000-00603-174-10 because it is now tax exempt. Motion Carried.

**CITY OF SPEARFISH:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for the City of Spearfish on parcel #21000-00603-171-10 because it is now tax exempt. Motion Carried.

**NOTHDURFT:** Moved-Seconded (Johnson-Flanagan) to approve the abatement for Steven & Cheryl Nothdurft on parcel #26720-01748-000-04 because the garage was assessed on wrong parcel. Motion Carried.

**PDM PLAN GRANT:** Paul Thomson, Emergency Management Director updated the Board on the three quotes received for the Pre-disaster Mitigation Plan. The quotes were as follows: Rob Mattox \$18,375; Fred Wells - \$15,000. (Mr. Wells stated if B.H. Land Analysis is doing he would step back because he is very busy.) BH Council of Local Government - \$12,000. Thomson stated if Rob Mattox does the plan we are able to use match funds. Thomson informed the Board that he asked the state why he needed to get quotes if you don't have to take low quote. The State said they just want to monitor the costs to make sure it isn't out of line. Thomson recommended awarding the project to Rob Mattox because of his knowledge with the

County and the last plan he did for the County was excellent. The County will also be allowed to do matching funds of \$6,000.

Moved-Seconded (Rosenau-Weisenberg) to approve the contracting with Rob Mattox, B.H. Land Analysis to do the Pre-Disaster Mitigation Plan, to submit and apply for the Pre-disaster Mitigation Plan, and to approve and authorize the Chairman to sign the Pre-disaster Mitigation Plan Grant. Motion Carried. \_

**SPEARFISH FIRE DEPARTMENT:** Randall Rosenau updated the Board on the meetings with the City of Spearfish and taskforce recommendation in regards to the Fire Department. Rosenau stated the recommendation at this time is to create the Spearfish Fire Department, which would be a distinct City Department and the City should continue to provide fire protection services to rural areas outside the city limits for a reasonable time.

**SHERIFF BUSINESS:**

**2016 VEHICLE BID OPENING:** Moved-Seconded (Flanagan-Weisenberg) to set the bid opening for three vehicles consisting of one-half ton SUV 4 door, all wheel drive for January 19, 2016 at 8:15 a.m and to declare the 2011 Chevy Tahoe VIN#1GNSK2E7BR264409, 2010 Chevy Tahoe VIN#1GNUKAE02AR169340, and 2009 Ford F150 VIN#1FTPW14V09FA11695 surplus and allow them to be traded in. Motion Carried.

**SUPPLEMENTAL BUDGET:** A public hearing was held for a supplemental budget for **GENERAL FUND / INSURANCE** \$120,000. No public input was voiced and the hearing was closed. Moved-Seconded (Flanagan-Johnson) to approve and authorize the Chairman to sign the following Resolution #2015-28. Motion Carried. **RESOLUTION #15-28 TO ADOPT A SUPPLEMENTAL BUDGET: WHEREAS**, the County Budget for Lawrence County, South Dakota, for the fiscal year 2015, 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 2015, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: **GENERAL FUND / INSURANCE** \$120,000: 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 8<sup>th</sup> day of December, 2015 at the hour of 8:25 a.m. in the Commissioners' Room in the Administrative Office Building at 90 Sherman Street, Deadwood, Lawrence County, South Dakota, and that said Notice of Hearing was posted according to law, SDCL 7-21-22. **IN WITNESS WHEREOF**, we have hereunto set our hands and official seal of Lawrence County, this 8<sup>th</sup> day of December, 2015. **FOR THE BOARD OF COUNTY COMMISSIONERS** Terry Weisenberg, Chairman. **ATTEST:** Connie Atkinson Lawrence County Auditor

**HIGHWAY BUSINESS:**

**MDU UTILITY PERMIT:** Moved-Seconded (Sleep-Johnson) to approve the utility permit for Montana Dakota Utilities on Hillsview Rd and Fox Run Ln for construction of a gas line in Section 6 T6N, R2E. Motion Carried.

**BLACK HILLS POWER:** Moved-Seconded (Rosenau-Johnson) to approve the utility permit for Black Hills Power on Hillsview Rd and Fox Run Ln for construction of a power line in Section 6 T6N, R2E. Motion Carried.

**VEHICLE BID OPENING:** Moved-Seconded (Flanagan-Rosenau) to set the bid opening for the purchase of 2 New Semi-Truck Tractors for January 19, 2016 at 8:15 a.m. Motion Carried.

**FUEL QUOTES:** The following fuel quotes were submitted as of December 1, 2015:  
Deadwood Diesel Blended 50/50 6500 gallons: (prices per gallon) CBH Cooperative - \$1.807, South Side - \$1.77\*, MG Oil-\$no bid; Deadwood Unleaded 6800 gallons: (prices per gallon) CBH Cooperative - \$1.98, South Side - \$1.96\*, MG Oil-\$no bid. Spearfish Diesel#2 3200 gallons: (prices per gallon) CBH Cooperative - \$1.643\*, South Side - \$1.89, MG Oil-\$1.659; Spearfish Unleaded 600 gallons: (prices per gallon) CBH Cooperative - \$2.02, South Side - \$2.04, MG Oil - \$1.849\*; Whitewood Diesel#1 400 gallons: (prices per gallon) CBH Cooperative - \$1.99, South Side - \$2.09, MG Oil-\$1.949\*; \*Represents lowest quote awarded. No bids received from Harms Oil Co.

#### **EXIT 10 LAND OWNERSHIP**

**EXECUTIVE SESSION:** 8:46 a.m. Moved-Seconded (Rosenau-Flanagan) to go into executive session pursuant SDCL 1-25-2(3)(4). Motion Carried. 9:03 a.m. The Board opened for regular business.

**MINERAL SEVERANCE TAX FUNDS:** The Board stated the County's goal for 2016 will be to loan out the approximate \$200,000 from the Lawrence County Revolving Loan Account and the \$1,300,000 from the Lawrence County Severance Tax funds for economic development. The Board stated they encourage all applicants that meet the appropriate requirements with the proper business plans for economic development to apply.

**LAWRENCE COUNTY 5 – YEAR ROAD PLAN:** Allan Bonnema presented the proposed Lawrence County 5 Year Road Plan. Jaci Pearson, Black Hills Pioneer and Paul Thomson, Emergency Management Director were present. The Board reviewed and discussed the plan. The Board commended Allan Bonnema on a well developed Lawrence County 5 Year Road Plan. Moved-Seconded (Rosenau-Sleep) to approve and adopt the Lawrence County 5 Year Road Plan as presented and allow the County Commission to sign the County Transportation Plan Certification. Motion Carried. Moved-Seconded (Sleep-Weisenberg) to approve and adopt the Lawrence County 10 Year Gravel Plan as presented. Motion Carried.

**INFORMATION SYSTEMS TECHNOLOGY:** Greg Dias, Information Systems & Technology Director was present to discuss IT upgrades. Dias stated he had budgeted \$12,000 for 2015 for camera upgrades in the Annex Building but would like to wait on the upgrades until 2016 to incorporate upgrades to the Public Safety Building. Dias stated the money will not be spent in 2015 and would like the Board to consider supplementing in 2016 if the plan is finalized for the upgrades. The Board was in support of the proposal.

**PLANNING & ZONING:**

**PRELIMINARY & FINAL PLAT / 4 BEARS IN THE HILLS LLC:** Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and Staff recommendation and approve the Preliminary Plat for 4 Bears in the Hills LLC, Utility Lot 1 of Apple Springs Tract located in SW 1/4 of NE 1/4 of Section 14, T5N, R4E. off Boulder Canyon Highway to allow the platting of the sewer treatment area, with the condition the two easements be recorded at the same time of the plat. Motion Carried.

Moved-Seconded (Flanagan-Rosenau) to follow Planning and Zoning and Staff recommendation and approve the Final Plat for 4 Bears in the Hills LLC, Utility Lot 1 of Apple Springs Tract located in SW 1/4 of NE 1/4 of Section 14, T5N, R4E. off Boulder Canyon Highway to allow the platting of the sewer treatment area, with the condition the two easements be recorded at the same time of the plat. Motion Carried.

**C.U.P. #395 / SNOWMOBILE RENTALS:** Moved-Seconded (Johnson-Weisenberg) to follow Planning and Zoning Staff recommendation and approve the Request to Cancel C.U.P. #395 PURPOSE: Snowmobile Rentals PERMITTEE: Black Hills Off-Road Rentals) LOCATION: Mystic Hills Hideaway SUMMARY: Move Operation to Steel Wheel Campground (Zoned Commercial). Motion Carried.

**DEADWOOD ANNEXATION:** The Board acknowledged the receipt of the notice Resolution of Intent to Annex (Voluntary) Real Territory Lying Contiguous to the City of Deadwood (Pursuant to SDCL 9-4-4.3).

**ITEMS FROM COMMISSIONERS:**

**AUTO SALVAGE / OLD HWY 14A:** The Board discussed the parking on the Road and in the Road Right of Way from the Auto Salvage business. The Board will look into options the County could use for enforcement.

**BILLS:**

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

**Payroll:** Comm-\$5,988.48; Aud-\$8,826.80; Treas-\$10,828.57; Comp-\$8,442.14; States Atty-\$13,707.44; Pub Def-\$11,019.20; Govt Gen Bldg-\$8,562.55; Equal-\$12,847.82; Rod-\$7,960.48; Vso-\$1,305.21; Disp-\$15,115.78; Sher-\$41,419.71; Jail-\$24,682.37; Coroner-\$265.05; 24/7-\$139.36; Emerg Mgnt-\$3,901.28; E911-\$1,812.80; Highway-\$41,762.75; Air-\$1,432.92; Mh Serv-\$1,260.00; Weed-\$4,136.76; Pz-\$5,095.09; **Bills:** Dias, Gregory-\$25.20; Lopez, Amber-\$660.20; A To Z Shredding-\$73.35; A&B Business, Inc Solutions-\$1,117.88; A&B Welding Supply-\$21.39; Abc Business Supply Corp-\$528.40; Alpine Impressions-\$20.00; Anagnopoulos, Cheryl Phd-\$631.00; Arrowhead Scientific-\$285.90; At&T Mobility-\$1,094.56; Audra Malcomb Consulting-\$1,052.53; BH Chemical Company-\$190.40; BH Federal Credit Union-\$6,823.76; BH Pest Control-\$190.00; BH Pioneer-\$986.60; BH Power-\$1,241.82; Baczwaski Law Office-\$477.00; Bruemmer, Lynnel-\$6.80; Butte County-\$37,300.00; Butte Electric Coop-\$507.62; Cbh Cooperative-\$5,257.60; Cedar Shore-\$101.95; Century Business Products-\$206.65; Centurylink-\$105.48; Cody, Denise-\$7.50; Credit Collections Bureau-\$50.00; Dakota Equipment Rental-\$1,209.21; Dale's Tire&Retread-\$3,835.52; Deadwood, City Of-\$4,103.12; Dept Of The Treasury-\$62,749.23; Diversified Collections-\$100.00; Ed Roehr Safety Products-\$2,513.60; Facilitydude.Com-\$7,300.00; Federal Express Corp-\$40.77; Fidler-Isburg Funeral Chapel-\$2,020.00; Forte-\$264.00; Hamilton Excavation-\$450.00; Heartland Paper Co-\$806.61; Hp Inc-\$7,249.76; Interstate Engineering-\$43,323.74; Johner Gravel-\$21,702.07; Kimball-Midwest Co-\$295.13; Knowbe4-\$1,856.25; Kosel, Joseph-\$916.70; Lawson Products-\$115.79; Lead, City Of-\$45.75; Lead-Deadwood Regional Hospital-\$94.10; Lead-Deadwood Sanitary-\$387.04; Lee, James-\$15.00; Lewis&Clark Bhs-\$480.00; Lewno, Lucy-\$126.49; Lynn's Dakotamart-\$25.79; Maplogic Corporation-\$250.00; Marshall& Swift/Boeckh-\$8,375.65; McClure, Susan-\$300.00; Mcleod's Office Supply-\$599.80; Mg Oil Company-\$1,704.10; Microfilm Imaging Systems-\$2,850.00; Midcontinent Communications-\$35.63; Montana Dakota Utilities-\$2,488.18; National Assoc Legal Assistant-\$140.00; Nelson, Christy-\$100.00; Nelson, Tonya-\$450.00; Neve's Uniforms-\$104.97; North Central-\$2,900.00; Northern Truck Equip Corp-\$33,190.00; Office Of Child Support-\$398.31; Outdoor Motor Sports-\$269.99; Pennington County Sts Attny-\$215.00; Quill Corporation-\$299.23; RC Journal-\$288.60; RC Regional Hospital-\$421.06; Radiology Associates-\$60.66; Rasmussen Mechanical Serv-\$3,704.00; Reliance Telephone-\$1,035.30; Rocket Lube-\$61.98; SD Assoc Code Enforcement-\$40.00; SD Dept Of Public Safety-\$180.00; SD State Treasurer-\$1,367.65; Secretary Of State-\$30.00; Servall Towel&Linen-\$584.67; Southside Oil-\$24,833.00; Spearfish Auto Supply-\$1,105.84; State Bar Of South Dakota-\$2,780.00; Sturdevant's Auto Parts-\$734.19; Swanda, Karen-\$7.50; Sysco Montana-\$3,485.84; Thomson Reuters-West-\$736.50; Tigerdirect-\$1,529.72; Triple K Tire&Repair-\$2,197.94; Twilight First Aid&Safety-\$120.55; Twin City Hardware&Lumber-\$1,343.94; Vast Broadband-\$332.66; Victims Of Violence-\$370.00; Waste Connections-\$712.06; Watertree-\$31.90; Western Communication-\$437.75; Wex Bank-\$596.55; White's Canyon Motors-\$332.26; Yankton Co Sheriff-\$25.00; **Witness & Jurors:** Bruns, B-\$62.60; Eastman, J-\$59.24; Mackey, J-\$52.52; Norris, J-\$52.52; Peterson, F-\$50.84; Stephens, J-\$75.20; Weiler, A-\$63.44; Gabeline, H-\$56.96; Powles, J-\$32.60;

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

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Date Approved

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Terry Weisenberg, Chairman

ATTEST:

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Connie Atkinson, Auditor

## **LAWRENCE COUNTY COMMISSIONERS MEETING – December 29, 2015**

Chairman Terry Weisenberg called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on December 29, 2015 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Daryl Johnson, Brandon Flanagan, Richard Sleep, and Randall Rosenau present.

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

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

**MINUTES:** Moved-Seconded (Johnson-Sleep) to approve the minutes of December 8, 2015 County Commission meeting. Motion Carried.

### **TRAVEL REQUESTS:**

**HIGHWAY:** Moved-Seconded (Johnson-Rosenau) to approve the travel request for Allan Bonnema to attend the annual NACE meeting and technical conference in Tacoma, WA on April 23-28, 2016. Motion Carried.

**EQUALIZATION:** Moved-Seconded (Flanagan-Sleep) to approve the travel request for Brett Runge to attend the Pictometry meeting in Scottsbluff, NE on January 25-26, 2016. Motion Carried.

**2016 STATE / COUNTY COMMUNITY HEALTH NURSE AGREEMENT:** Moved-Seconded (Johnson-Rosenau) to approve and authorize the Chairman to sign the 2016 State/County Community Health Nurse Agreement. Motion Carried.

**2016 FAIR AGREEMENT:** Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the 2016 Fair Agreement with Butte County. Motion Carried.

**RESOLUTION #15-27 A RESOLUTION PROVIDING FOR A FULL-TIME STATE'S ATTORNEY FOR LAWRENCE COUNTY:** Moved-Seconded (Johnson-Weisenberg) to approve and authorize the Chairman to sign the following Resolution #15-27 A Resolution Providing For A Full-Time State's Attorney For Lawrence County. Motion Carried. WHEREAS, the Lawrence County Commission adopted a full-time State's Attorney for Lawrence County in December of 1982 as provided in SDCL 7-7-12 and; WHEREAS, the Lawrence County Commission deems it necessary and appropriate for the need of Lawrence County that the position of State's Attorney be a full-time position as provided by SDCL 7-7-12; NOW,

THEREFORE, BE IT RESOLVED that the Lawrence County Commission does hereby designate the position of Lawrence County State's Attorney as a full-time position for the term of office to be elected in 2016 and commencing on or about January 1, 2017. DATED THIS 29th DAY OF DECEMBER, 2015. Terry Weisenberg, Chairman. ATTEST: Connie Atkinson, Auditor

**ABATEMENTS:**

**REILING:** Moved-Seconded (Rosenau-Flanagan) to approve the abatement for June Reiling on Parcel #31425-00300-006-02 because the property was destroyed by fire in October, 2015. Motion Carried.

**CITY OF LEAD / VANTASSEL:** Moved-Seconded (Rosenau-Sleep) to approve the abatement on Parcel #31390-00200-050-14 City of Lead / Jeremy & Sarah VanTassel because the City of Lead took ownership in April of 2015. Motion Carried.

**AIRPORT:**

**CITY OF SPEARFISH AIRPORT LEASES:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Assignment of Airport Ground Leases to the City of Spearfish. Motion Carried.

**CITY OF SPEARFISH AVIGATION EASEMENTS:** Moved-Seconded (Flanagan-Weisenberg) to approve and authorize the Chairman to sign the Assignment of Avigation Easements to the City of Spearfish. Motion Carried. Aye-Johnson, Flanagan, Rosenau and Weisenberg. Nay-Sleep.

**SHERIFF BUSINESS:**

**EXECUTIVE SESSION:** 8:29 a.m. Moved-Seconded (Rosenau-Johnson) to go into executive session for personnel pursuant SDCL 1-25-2(1). Motion Carried. 8:40 a.m. The Board opened for regular business with no action taken

Moved-Seconded – (Johnson-Rosenau) to approve the hiring of a Permanent Full Time Corrections Officer. Motion Carried.

**HIGHWAY BUSINESS:**

**GRAVEL SURFACING AGGREGATE BID:** The following bids were received for Gravel Surfacing Aggregate: Hills Material-\$281,600; Western Construction-\$279,500 (Bestgen Pit); and Rogers Construction-\$247,500 (Bestgen Pit). The Board questioned what pit Hills Material Bid. Moved-Seconded (Johnson-Sleep) to table all bids received until they could determine where the Hills Material pit is located. Motion Carried. Moved-Seconded (Johnson-Sleep) to remove from the table bids received for Gravel Surfacing Aggregate. Motion Carried. Bonnema reported that Hills Material was bidding from the Bestgen Pit. Moved-Seconded (Sleep-Rosenau) to follow Allan Bonnema's recommendation and accept the lowest responsible bid

from Rogers Construction-\$247,500 (Bestgen Pit) and to waive any irregularities. Motion Carried

AINSWORTH BENNING UTILITY PERMIT: Moved-Seconded (Flanagan-Sleep) to follow the recommendation of the Highway Superintendent and approve the utility permit for Ainsworth-Benning on the McGuigan Road for construction of fire hydrant and water services located 280' S of I90 on/off ramp on the south side. Motion Carried.

SPEARFISH FIRE DEPARTMENT: Joe Neeb, Spearfish City Administrator and Eric Davis, City Attorney were present to discuss the recommendations from the task force on providing fire protection services in the Spearfish Fire Protection area and the proposed Joint Powers Agreement for Fire Protection Services. Davis stated this agreement would cover the City of Spearfish providing fire protection services for the rural areas for about three years. Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the Joint Powers Agreement with the City of Spearfish for Fire Protection Services after receiving approval from the County's Insurance Carrier. Motion Carried.

SAFETY SYNOPSIS: Rene Larson, Emergency Management was present to update the Board on the Elected Officials Briefing for Emergency Management and the 2015 Safety Synopsis. The Board stated it was significant that the County has received the Platinum award and this saves the County thousands in insurance premiums.

#### PLANNING & ZONING:

CHANGE OF ZONING #311 / WIKA & HUSE-WIKA: A public hearing and 1st Reading was held on COZ # 311 Kathy Wika and Courtney Huse-Wika To allow these existing non-conforming lots to be brought into compliance with a re-zone. This will allow any additions to be made without asking for a variance, located at the base of Spearfish Canyon. No public input was voiced and the hearing was closed. Jim Wika stated future plans are to build on to the structures. The 2nd Reading will be January 5, 2016.

CONDITIONAL USE PERMIT # 434 / TRIPLE H HILLS: A public hearing was held on CUP #434 Triple H Hills/Michael Herrick to allow a CUP for operation of an ATV and Snowmobile Rental. located off of Hwy 385, Custer Peak Road. Section 1, T3N, R3E. No public input was voiced and the hearing was closed. Discussion followed on ATV's running in the ditch which is against state law.

Moved-Seconded (Flanagan-Rosenau) to follow the recommendation of approval contained in the Planning and Zoning staff report for the reasons set forth therein and approve with conditions as on file in the Planning and Zoning Office, CUP#434 Triple H Hills/Michael Herrick To allow a CUP for operation of a ATV and Snowmobile Rental. Located off of Hwy 385, Custer Peak Road. Section 1, T3N, R3E. Motion Carried.

## ITEMS FROM COMMISSIONERS:

**BOILER PROJECT:** The Board was in support of returning the performance bond on the Boiler Project.

## BILLS:

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

Payroll: Comm-\$5,988.48; Aud-\$8,826.80; Treas-\$10,805.33; Comp-\$8,442.13; States Atty-\$13,717.44; Pub Def-\$11,019.20; Gen Govt Bldg-\$8,299.70; Equal-\$12,847.83; Rod-\$7,966.88; Disp-\$11,448.92; Sher-\$39,621.33; Jail-\$18,689.44; Coroner-\$565.05; 24/7-\$156.78; Emerg Mgmt-\$3,887.40; E911-\$1,812.80; Highway-\$41,258.71; Air-\$1,120.08; Mh Ser-\$810.00; Weed-\$4,182.55; Pz-\$5,335.09; Bills: Locken,William-\$210.00; Tysdal,Richard-\$53.76; Brady,Thomas-\$67.20; Coburn,William-\$40.32; Mickelson,Craig-\$67.20; Sleep,Richard-\$15.80; Lantis,Travis-\$94.80; Johnson,Daryl-\$53.76; Rath,Michael-\$120.00; Ridley, Clint-\$17.38; Deibert,Randy-\$83.70; Whalen,Michael-\$165.75; Hauge,John-\$73.44; Schenk,Travis-\$26.88; Vavruska,Kyle-\$20.88; Seward,James-\$107.40; Stone,Julie-\$13.86; A To Z Shredding-\$88.95; A&B Business,Inc Solutions-\$1,109.53; A&B Welding Supply-\$134.00; Abc Business Supply-\$219.89; Aberdeen Llc-\$22,657.00; Andersen,Norma-\$6.00; Applied Concepts-\$2,950.80; At&T-\$73.26; Audra Malcomb Consulting-\$145.08; BH Chemical Company-\$19.75; BH Federal Credit Union-\$6,823.76; BH Land Analysis-\$1,170.00; BH Pioneer-\$499.58; BH Power-\$12,958.71; BH Wilbert Vault Co-\$450.00; Baczwaski Law Office-\$828.00; Barnaud Law Firm-\$2,067.65; Bi Geo Group Co-\$23.00; Black Hills Disposal-\$87.00; Black Hills Pure-\$23.50; Black Hills Urgent Care-\$160.76; Bomgaars Supply-\$67.41; Brown&Saenger-\$97.50; Bruemmer,Lynnel-\$285.00; Butler Machinery Co-\$12,051.73; Cdw Government-\$17,796.26; Centurylink-\$2,262.26; Chemsearch-\$451.56; Chris Supply Co-\$740.62; Clinical Lab Of BH-\$3,788.00; Clubhouse Hotel&Suites Pierr-\$112.00; Credit Collections Bureau-\$50.00; Crescent Memorial-\$546.50; Crop Production Services-\$32,288.65; Dakota Security Systems-\$6,774.30; Dept Of Hlth Lab Services-\$68.00; Dept Of The Treasury-\$53,817.65; Diversified Collections-\$100.00; Ellingson,Joseph-\$529.12; Equipment Blades-\$2,868.31; Evident Crime Scene Products-\$536.36; Fastenal-\$326.20; First Western Ins Deadwood-\$50.00; Godfrey's Brake Serv-\$100.56; Goodie's Uniforms-\$434.70; Heartland Paper Co-\$798.53; Hp-\$10,305.40; Jacobs Precision Welding-\$556.99; Kofoed,Lial-\$9,600.00; LC Treasurer-\$9.00; Lead City Of-\$61.15; Lead-Deadwood Regional Hospital-\$846.63; Lewno, Lucy-\$102.25; Lexisnexis Risk Data Mgmt-\$75.00; Megas Propane-\$458.39; Microfilm Imaging Systems-\$580.00; Montana Dakota Utilities-\$4,988.86; Moore Medical-\$117.99; Moss,William Psy-\$500.00; Ms Mail-\$275.00; Nasppg Insurance Services-\$2,636.69; Neve's Uniforms-\$259.56; Northern Hills Business Center-\$169.99; Northern Truck Equip-\$192.00; Office Of Child Support-\$398.31; Olson,Carolyn-\$163.80; Patino,Dora-\$500.00; Pcm Sales-\$1,927.94; Pennington Co Jail-\$1,859.55; Pitney Bowes-\$1,078.65; Plumbmaster-\$769.23; Powerplan-\$92.39; Quill Corporation-\$692.67; RC Regional Hospital-\$499.88; Radiology Associates-\$60.75; Rapid Transcript-\$345.00; Redwood Toxicology Lab-\$145.94; Regional Health-\$381.32; Reliance Telephone-\$540.00; Rena M Hymans-\$738.64; Rocket Lube-\$129.46; SD Emergency Mngt Association-\$225.00; SD Municipal League-\$114,149.00; SD Planners Association-\$25.00;

Sada Systems-\$5,920.00; SD States Attorney Assoc-\$1,373.00; Sdrs Supplemental Retirement-\$2,481.50; Servall Towel&Linen-\$418.42; Sheehan Mack Sales&Equip-\$57.81; Spearfish Auto Supply-\$636.00; Spearfish City Of-\$17,297.32; Spearfish Police Dept-\$10,794.25; Sterna,Laura-\$150.00; Sturdevant's Auto Parts-\$19.68; Superior Sanitation-\$900.00; Susteen-\$4,999.00; Swanda,Karen-\$6.00; Sysco Montana-\$2,281.26; The Glory House-\$124.72; Thompson Information Services-\$858.00; Thomson Reuters-West-\$905.48; Tigerdirect-\$127.51; Triple K Tire&Repair-\$1,708.56; Turnkey Corrections-\$22.72; Twin City Hardware&Lumber-\$341.79; Vast Broadband-\$3,222.26; Verizon Wireless-\$105.13; We Know Security-\$2,550.00; Wells Fargo Business Card-\$7,702.85; Western Communication-\$623.00; Western Sd Juvenile Serv-\$5,310.00; White Drug-\$1,210.76; Wimactel-\$60.00; Yankton County-\$205.00; Witness & Jurors: Ballert,T-\$52.52; Cowen,M-\$57.56; Dvorak,D-\$61.76; Eastman,J-\$59.24; Magnusson,B-\$62.60; Norris,J-\$52.52; Stephens,J-\$75.20; Ennis,B-\$32.60; Feiler,C-\$32.60; Gullia,J-\$32.60; Raad,M-\$35.12; White,K-\$21.26

ADJOURN: 9:40 a.m. There being no further business the Chairman adjourned the meeting.  
Motion Carried.

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Date Approved

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Chairman

ATTEST:

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Connie Atkinson, Auditor