

LAWRENCE COUNTY COMMISSIONERS MEETING – October 24, 2023 page-1

Chairman Robert Ewing called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on October 24, 2023 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Brandon Flanagan, Randy Deibert, Richard Sleep and Eric Jennings.

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

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

DECLARE CONFLICTS: Commissioner Ewing declared a conflict with the 9:00 a.m. agenda item: Conditional Use Permit #487/Larson Family, LLP.

MINUTES: Moved-Seconded (Deibert-Sleep) to approve the minutes of October 10, 2023 County Commission meeting. Motion Carried.

PERSONNEL:

AUDITOR: Moved-Seconded (Flanagan-Jennings) to approve the step raise for Krystal Stulken as a full-time permanent CE 3 G2 at a base rate of \$23.07 per hour, effective October 22, 2023. Motion Carried.

TREASURER: Moved-Seconded (Deibert-Flanagan) to approve the new hire for Shanon M. Lupica as a full-time permanent CE 1 G1 at a base rate of \$19.69 per hour, effective October 30, 2023. Motion Carried.

EMERGENCY MANAGEMENT: Moved-Seconded (Deibert-Ewing) to approve out of class pay for Barb Baker as a full-time permanent CE 4 G2 at a base rate of \$24.72 effective November 19, 2023 until such a time that Paul Thomson returns to full time duty. Motion Carried.

SHERIFF: Moved-Seconded (Deibert-Jennings) to approve the new hire for Colin M. Simpson as a full-time permanent Deputy II G3 at a base rate of \$29.98 per hour, effective October 24, 2023. Motion Carried.

Moved-Seconded (Flanagan-Ewing) to approve the new hire for Bryce Mitchell as a full-time permanent Correctional Officer I G1 at a base rate of \$21.23 per hour, effective October 24, 2023. Motion Carried.

Moved-Seconded (Deibert-Jennings) to approve the new hire for Heather Clark as a full-time permanent Correctional Officer II G1 at a base rate of \$22.53 per hour, effective October 24, 2023. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the step raise for Zachary Wachsmuth as a full-time permanent Correctional Officer I G3 at a base rate of \$22.09 per hour, effective October 22, 2023. Aye-Flanagan, Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve the step raise for Chantal Lewis as a full-time permanent Correctional Officer II G2 at a base rate of \$23.00 per hour, effective October 22, 2023. Aye-Flanagan, Deibert, Jennings and Ewing. Nay-Sleep. Motion Carried.

CANCELED CHECK RESOLUTION #2023-21: Moved-Seconded (Sleep-Jennings) to approve and authorize the Chairman to sign Resolution #2023-21. Motion Carried. LAWRENCE COUNTY RESOLUTION # 2023-21 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 lists are attached hereto marked as Exhibit "A", Exhibit "B" and Exhibit "C" and made a part hereof as though set forth fully herein, and WHEREAS each of the checks listed on Exhibit "A" has not been presented for payment within one hundred and eighty (180) days of the date upon which the check was issued, and WHEREAS each of the checks listed on Exhibit "B" and Exhibit "C" has not been presented for payment within ninety (90) days of the date upon which the check was issued, and WHEREAS, there are (68) checks totaling \$1,988.75 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", "B" and "C" be

and are hereby canceled and that the Lawrence County Auditor note such cancellation in the check register. DATED this 24th day of October, 2023. FOR THE BOARD: Robert Ewing, Chairperson
ATTEST: Brenda McGruder, Auditor.

EMPLOYEE INSURANCE 2024: Brenda McGruder, Auditor, spoke on behalf of the Insurance Committee. McGruder discussed the health insurance quotes received for 2024 and stated the Insurance Committee recommended the County remain with Wellmark which offered a 0% increase for insurance premiums in 2024.

Moved-Seconded (Sleep-Flanagan) to approve and authorize the Chairman to sign the contract with Wellmark for 2024 with the County paying 100% of the single policy and 80% of the Employee/Spouse, Employee/Children and Family policy. Motion Carried.

AMBULANCE AGREEMENT: Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the 2024 Spearfish Ambulance Agreement. Motion Carried.

Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the 2024 Monument Health Lead-Deadwood Hospital Ambulance Agreement. Motion Carried.

2024 COUNTY COMMISSION SCHEDULE: Moved-Seconded (Jennings-Sleep) to approve the 2024 County Commissioners meeting dates as follows: January 2 & 23, February 13 & 27, March 12 & 26, April 9 & 23, May 14 & 28, June 6, 11 & 25, July 9 & 23, August 13 & 27, September 3 & 24, October 8 & 22, November 7, 12 & 26, December 17 & 31. Motion Carried.

VICTORIA LANE ROAD DISTRICT: Moved-Seconded (Deibert-Flanagan) to approve and authorize the Chairman to sign the following Order Declaring Area Incorporated and Subject to Vote for Victoria Lane Road District. Motion Carried. ORDER DECLARING AREA INCORPORATED AND SUBJECT TO VOTE VICTORIA LANE ROAD DISTRICT A Petition and Application for Incorporation having been filed with the Lawrence County Board of Commissioners requesting 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: Victoria Lane Road District The legal description of the area to be included in the proposed district is: HOMESTAKE/ FOREST SERVICE LOTS 20 & 23 CONSISTING OF LOT 20A & 23A AND LOTS 20B & 23B, BEING A PORTION OF TRACT 3 OF THE SPEARFISH PLACER, M.S. 439, LOTS 2, 3, 4 AND 12 OF PLAT NO. 1 OF THE SUBDIVISION OF A PORTION OF M.S. 1887, LOTS 1, 5, 6, 7, 8, 10, 11 and 15 OF PLAT NO. 2, VICTORIA VALLEY ESTATES, A SUBDIVISION OF PART OF M.S. 1887, LOT 13R OF VICTORIA VALLEY ESTATES, BEING ALL OF LOT 13 & LOT 14 OF PLAT NO. 1 OF THE SUBDIVISION OF A PORTION OF M.S. 1887, LOT 9R & LOT 23R OF VICTORIA VALLEY ESTATES, BEING ALL OF LOT 9, LOT 16, LOT 23 & LOT 24 OF PLAT NO. 2, VICTORIA VALLEY ESTATES, A SUBDIVISION OF PART OF M.S. 1887, SPEARFISH CANYON LOT 130, BEING A PORTION OF THE SPEARFISH PLACER M.S. 439, LOT 22, ALL IN SECTION 17, T5N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA SHALL, with the assent of the Voters, as specified in SDCL 6-16, in an election as provided in SDCL 6-16 be an incorporated road district by the name of Victoria Lane Road District. DATED this 24th day of October, 2023. Robert Ewing, Chairperson ATTEST:
Brenda McGruder, Auditor.

SURPLUS: Moved-Seconded (Jennings-Sleep) to declare surplus and destroy L3 video car system s/n FB034314, item is no longer serviceable. Motion Carried.

AUTOMATIC SUPPLEMENT:

COURTS/TEEN COURT BUDGET: Moved-Seconded (Flanagan-Sleep) to approve the automatic supplement of \$8,750.00 to the Courts-Teen Court budget for participation in the Diversion Fiscal Incentive Program. Motion Carried.

RAFFLE REQUEST:

NORTHERN HILLS AMATEUR HOCKEY ASSOCIATION: Moved-Seconded (Flanagan-Deibert) to not object to the request to conduct a raffle by Northern Hills Amateur Hockey Association, with the drawing taking place November 22, 2023 thru December 31, 2023 on Tuesdays between 5:00 & 6:00 p.m. Motion Carried.

NORTHERN HILLS MILITIAMEN VETERANS: Moved-Seconded (Flanagan-Deibert) to not object to the request to conduct a raffle by Northern Hills Militiamen Veterans, with the drawing taking place each month of the year for 2024. Motion Carried.

SHERIFF:

PUBLIC SAFETY & SERVICES CENTER: Brian Dean, Sheriff, gave a progress report on the Public Safety and Services Center. Dean also advised the Board of upcoming soft cost purchases to include: IT infrastructure equipment, dispatch consoles, kitchen small wares and metal detectors.

Moved-Seconded (Flanagan-Deibert) to proceed with the purchase of the soft cost to include: IT infrastructure equipment, dispatch consoles, kitchen small wares and metal detectors. Motion Carried.

ASSIGNMENT OF FUNDS: Brenda McGruder, Auditor, reported on the 2023 unassigned fund balance. McGruder stated that the County received Local Assistance and Tribal Consistency Funds from the US Department of Treasury in the amount of \$892,319.92 and recommended that the funds be assigned to the Public Safety & Services Center project. McGruder added that the funds can be used for governmental service but may not be used for lobbying.

Moved-Seconded (Deibert-Flanagan) to follow the recommendation of Brenda McGruder, Auditor, and assign \$892,318.92 to the Public Safety and Services Center project fund. Motion Carried.

SHERIFF'S REPORT: Brian Dean, Sheriff, reported on his current Jail Board of Prisoner and Jail Medical Budget and potential shortfall. Dean also reported on the revenues received from the Federal Jail Board of Prisoners and the use of the funds for soft cost purchases.

SUPPLEMENTAL BUDGET: A Public Hearing was held on Resolution #2023-20 for a Supplemental Budget: General Fund Postage-\$10,000.00 Court Appointed Attorney-\$100,000.00. No public input was voiced and the hearing was closed. Moved-Seconded (Jennings-Ewing) to approve and adopt the following Resolution #2023-20 for a Supplemental Budget. Motion Carried. RESOLUTION #2023-20 TO ADOPT A SUPPLEMENTAL BUDGET WHEREAS, the County Budget for Lawrence County, South Dakota, for the fiscal year 2023, 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 2023, and that in said budget there will be and is hereby appropriated the following sum of money, to-wit: GENERAL FUND POSTAGE-\$10,000.00 COURT APPOINTED ATTORNEY-\$100,000.00 The funds for the above amounts are to be provided from unappropriated cash balances and estimated revenue in the designated fund. BE IT FURTHER RESOLVED that a hearing was held on the 24th day of October, 2023 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 24th day of October, 2023. FOR THE BOARD OF COUNTY COMMISSIONERS Robert Ewing, Chairman ATTEST: Brenda McGruder Lawrence County Auditor.

HIGHWAY:

FUEL QUOTES: The following fuel quote was submitted as of October 16, 2023: **Spearfish Diesel #2 (dyed) 2000 gallons:** (prices per gallon) CBH Cooperative – \$3.775**; Olson Fuels – \$3.85; MG Oil – \$3.851. **Spearfish Unleaded 950 gallons:** (prices per gallon) CBH Cooperative – \$2.843**; Olson Fuels – \$2.98; MG Oil –\$3.142. **Represents accepted quote.

PROJECT UPDATES: Bruce Outka, Deputy State's Attorney, gave an update on the 2024-2028 County Highway and Bridge Improvement Plan approval, St. Onge Bridge #41-163-053, St. Onge Bridge \$41-165-066 and Pre-Construction meeting for the Whitewood Service Road Bridge #41-214-100.

REGISTER OF DEEDS:

U.S. IMAGING AGREEMENT: Davida Hansen, Register of Deeds, explained an upcoming project and agreement with U.S. Imaging, Inc. in reference to Grantor/Grantee and Legal Description indexing. Hansen stated that the expenditure would come out of the Modernization and Preservation fund.

The Modernization and Preservation fund currently has \$118,131.14 as of September 30, 2023.

Commissioner Deibert stated that it makes sense to do the \$173,493.00 in 2024 using the funds that are currently available and supplementing the rest.

Moved-Seconded (Deibert-Flanagan) to approve and authorize Davida Hansen, Register of Deeds, to sign the agreement between U.S. Imaging, Inc. and Lawrence County in the amount of \$173,493.00 for the 2024 budget year. Motion Carried.

PLANNING & ZONING:

9:02 a.m. Commissioner Ewing left the table and turned the meeting over to Vice-Chairman Brandon Flanagan.

CONDITIONAL USE PERMIT #487/LARSON FAMILY, LLP.: Conditional Use Permit #487 OWNER/APPLICANT: Larson Family, LLP. LEGAL DESCRIPTION: S½ SE¼ of Section 35, T7B, R1E and NE¼ of Section 2, T6N, R1E VICINITY LOCATION: Spearfish/Homestake Road SUMMARY: Small Scale Gravel Pit ZONING: A-1 ACREAGE: 101.63 acres ACTION REQUIRED: Approval of Haul Road Agreement, Dust Control Plan, Drivers' Safety Training Plan and final version of Findings of Fact and Conclusions of Law (Con't from August 22, 2023 ~ Public Hearing (Closed), September 5, 2023 and September 26, 2023)

Amber Vogt, Planning & Zoning Administrator, presented her staff report.

Moved-Seconded (Jennings-Deibert) to approve Conditional Use Permit #487 OWNER/APPLICANT: Larson Family, LLP. to include the Haul Road and Operating Agreement including Exhibit 2-Dust Control Plan and Exhibit 3 Hazard Training For Surface Mining Locations, and allow the Vice-Chairman to sign the final version of Findings and Facts and Conclusions of Law LEGAL DESCRIPTION: S½ SE¼ of Section 35, T7B, R1E and NE¼ of Section 2, T6N, R1E VICINITY LOCATION: Spearfish/Homestake Road SUMMARY: Small Scale Gravel Pit ZONING: A-1 ACREAGE: 101.63 acres. Motion Carried.

9:11 a.m. Commissioner Ewing returned to the table and took over the meeting.

TEMPORARY USE PERMIT #23-03/KELLEY: Temporary Use Permit #23-03 OWNERS/APPLICANTS: Scott & Marcie Kelley LOCATION: 20771 Maitland Road SUMMARY: Request for a Temporary Use pursuant to Section 10.007 to allow an existing mobile home to be used until the new stick built residence is built; and, a request for a waiver of the \$250 application fee.

Amber Vogt, Planning & Zoning Administrator, presented her staff report.

The Board discussed possible changes to this process.

Moved-Seconded (Flanagan-Deibert) to approve the Temporary Use Permit #23-03 as submitted for OWNERS/APPLICANTS: Scott & Marcie Kelley LOCATION: 20771 Maitland Road with a 24 month construction time, 6 month removal of mobile home once occupancy permit is issued and to waive the \$250.00 application fee and as long as the property is timely removed and noting the structure cannot be used as a storage shed. Motion Carried.

TEMPORARY USE PERMIT #23-04/POLO CREEK LANE: Temporary Use Permit #23-04 OWNER/APPLICANT: Polo Creek Properties, LLC LOCATION: 20431 Polo Creek Land and 20445 Polo Creek Lane SUMMARY: Request for a Temporary Use pursuant to Section 10.007 to allow 2 existing structures to remain onsite until the new residence is built with both homes to be removed prior to issuance of an occupancy permit; and, request for a waiver of the \$250 application fee.

Amber Vogt, Planning & Zoning Administrator, presented her staff report.

Moved-Seconded (Jennings-Ewing) to approve the Temporary Use Permit #23-04 as submitted for OWNER/APPLICANT: Polo Creek Properties, LLC LOCATION: 20431 Polo Creek Land and 20445 Polo Creek Lane with a 24 month construction time, 6 month removal of homes once occupancy permit is issued and to waive the \$250.00 application fee. Motion Carried.

ANNUAL REVIEWS:

CONDITIONAL USE PERMIT #329-12/GILLES: An annual review was conducted on CUP #329-12, Cindy-Gilles - 2nd Residence. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #373/HURM PIT: An annual review was conducted on CUP #373, Hurm Pit-Gravel Pit (operated by Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #400/EVANS PIT: An annual review was conducted on CUP #400, Evans Pit – Gravel Pit (operated by Johner & Sons). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #429-22/BONICELLI: An annual review was conducted on CUP #429-22, Bonicelli - Specialty Resort. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #435/CANYON ROCK: An annual review was conducted on #435, Canyon Rock - Gravel Pit (operated by Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #443/AUER: An annual review was conducted on CUP #443, Auer - 2nd Residence. No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #456/EATON PIT: An annual review was conducted on CUP #456, Eaton Pit – Gravel Pit (operated by Johner Gravel, Inc.). No violations were found and will be reviewed in one year.

CONDITIONAL USE PERMIT #481/WILLIAMS: An annual review was conducted on CUP #481, Williams - Campground (extension request) Moved-Seconded (Flanagan-Sleep) to grant a one year extension. Motion Carried.

SAFETY COMMITTEE/NEW POLICY:

Bruce Outka, Deputy State's Attorney, gave an report on the loss control survey for Lawrence County in regards to your SDPAA/SDML WC Fund (South Dakota Public Assurance Alliance/South Dakota Municipal League Work Comp Fund) coverage. Outka presented three policies that were recommended by the survey to include: Non-Employee Passenger Waiver, Media Policy and Accident/Incident Investigation Procedures. Outka added that the Safety Committee recommended approval of all of these policies.

NON-EMPLOYEE PASSENGER WAIVER: Moved-Seconded (Flanagan-Johnson) to adopt Lawrence County Resolution 2023-23 A resolution adopting a County Passenger Release, Waiver and Hold Harmless agreement. Motion Carried.

MEDIA POLICY: Moved-Seconded (Flanagan-Johnson) to adopt Lawrence County Resolution 2023-24 A Resolution adopting a County Media Policy. Motion Carried.

ACCIDENT/INCIDENT INVESTIGATION PROCEDURE: Moved-Seconded (Flanagan-Johnson) to adopt the Accident/Incident Investigation Procedures. Motion Carried.

PLANNING & ZONING:

CONDITIONAL USE PERMIT #116, #125 and #202: Mark Tieszen, Homestake/Richmond Hill Environmental Manager was present to provide information regarding the changes to the conditions for Richmond Hill Mine CUP #116, #125 and #202.

Moved-Seconded (Flanagan-Ewing) to approve the transfer of Conditional Use Permit #116, #125 and #202 from St. Joe Gold Corporation and LAC Minerals (USA), Inc., and to substitute the names of St. Joe Gold Corporation and LAC Minerals (USA), Inc., to Homestake Mining Company of California - once the completed transfer documents are submitted to the Lawrence County Planning & Zoning office proving that all properties are owned by Homestake Mining Company of California – with all conditions continued under their current respective statuses. Motion Carried.

Moved-Seconded (Flanagan-Jennings) to accept the document prepared by Homestake Mining Company of California with the heading “Homestake Mining Company of California Richmond Hill Mine for Conditional Use Permit #116, #125 and #202 updated conditions October 24, 2023” as an addendum to the transfer of Conditional Use Permit #116, #125 and #202, respectively. Motion Carried.

EXECUTIVE SESSION PERSONNEL: 10:03 a.m. Moved-Seconded (Sleep-Jennings) to go into executive session pursuant to SDCL 1-25-2(1) for discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor. Motion Carried. 10:19 a.m. The Board opened for regular business with no action taken.

SHERIFF: Moved-Seconded (Flanagan-Deibert) to approve the classification change for Sue Kellogg as a full-time permanent Correctional Officer (Cook) II G3 at a base rate of \$23.46 per hour, effective October 24, 2023. Motion Carried.

Moved-Seconded (Flanagan-Deibert) to allow Brian Dean, Sheriff, to advertise for a Case Manager at an equivalent to a Lieutenant-pay scale G1-\$33.10 G2-\$33.75 G3-\$34.43. Motion Carried.

PUBLIC SAFETY & SERVICES CENTER PROPERTY:

Bruce Outka, Deputy State’s Attorney, gave an update on the Public Safety & Services Center property. Outka stated the county has been approached by interested parties interested in purchasing a portion of the 70.1 acres that is unusable for future county uses. Outka asked for the appointment of two commissioners to investigate the potential use of the remaining acres of the property and report back to the commission with appropriate recommendations.

Moved-Seconded (Flanagan-Ewing) to appoint Commissioner Deibert and Jennings and alternate Commissioner Sleep to investigate and identify any portion of the parcel not needed for future county purposes and eligible for potential sale or transfer. Motion Carried.

ITEMS FROM THE PUBLIC:

Ron Moeller, 11221 Sheeptail Gulch Road, informed the board of the Northern Hills Veterans’ Appreciation Fair being held on Saturday, November 4, 2023 from 11:00 a.m. to 2:00 p.m. at the Sturgis Community Center.

ITEMS FROM THE COMMISSIONERS:

FOREST SERVICE NEWS RELEASE:

Commissioner Deibert commented on the Black Hills National Forest seeking members for the National Forest Advisory Board. Deibert stated the county needs to look at who it would like to serve on this advisory board for the South Dakota County or local-elected official and South Dakota State-elected office. Commissioner Jennings commented that it is hard to find a member to serve in this capacity as it is an advisory board providing information to an entity that does not want advice.

LETTER OF RESIGNATION/COMMISSIONER DEIBERT:

Chairman Ewing read a letter from Commissioner Deibert submitting his letter for resignation effective immediately (10:31 a.m.).

The Board thanked Commissioner Deibert for his years of service to the citizens of Lawrence County.

Commissioner Deibert stated that when it is appropriate he would like to be appointed to the Natural Resources Committee and would also serve as a volunteer on the investigation of the Public Safety & Services Center property.

Bruce Outka, Deputy State’s Attorney, read SDCL 3-4-4. Filling vacancies in board of county commissioners. When a vacancy occurs in the board of county commissioners, it shall be the duty of the remaining member or members of such board to appoint immediately some suitable person to fill such vacancy from the district where the vacancy occurs. If there be an even number of county commissioners remaining on the board of county commissioners, the county auditor shall be called in and shall act as a member of such board to fill such vacancy.

Commissioner Flanagan nominated Richard “Rick” Tysdal. Commissioner Sleep nominated Mike Whalen. Commissioner Ewing nominated Ron Moeller.

Moved-Seconded (Flanagan-Jennings) to cease nominations. Motion Carried.

Commissioner Sleep stated he felt Rick Tysdal would be better served as a City Councilman and felt there was already enough representation from the Spearfish area.

Commissioner Flanagan stated that Rick Tysdal is a lifelong resident of the area and raised his family here and has been on the Planning & Zoning board since 2004.

Commissioner Ewing stated that this puts him in a tough position as he knows each nominee personally.

Moved-Seconded (Flanagan-Ewing) to appoint Rick Tysdal to fill out the remainder of the term created by the resignation of Commissioner Deibert. Aye-Flanagan, McGruder and Ewing. Nay-Sleep and Jennings. Motion Carried.

Commissioner Ewing resigned from the Planning & Zoning Board as the Commissioner representative.

Outka read the bylaws for the Planning & Zoning Board in reference to County Commissioner’s serving on the Board noting that at least one member shall be a member of the Lawrence County Commission.

Commissioner Ewing rescinded his resignation from the Planning & Zoning Board as the Commissioner.

FOREST SERVICE:

Senator Deibert gave an update on the meetings held last week in Rapid City, SD with the Forest Service.

TEMPORARY USE PERMIT: The board continued discussion on updating the process for requests for a temporary use pursuant to Section 10.007 to allow existing residence(s) to remain in place until a new residence is built with the older residence to be removed prior to issuance of an occupancy permit for the replacement residence.

BILLS (APPROVED DURING GENERAL BUSINESS AT 8:00 A.M.):

Commissioner Deibert noted for the record that the CAA fees are at \$28,945.61.

Moved-Seconded (Deibert-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 contingent upon the approval of the supplemental budget hearing for the Court Appointed Attorney budget. Motion Carried.

Payroll: Comm-\$7,842.51; Aud-\$13,629.76; Treas-\$15,100.45; States Atty-\$16,053.90; Pub Def-\$11,961.48; Gen Govt Bldg-\$11,865.30; Equal-\$19,250.57; Rod-\$10,973.44; Vso-\$2,011.40; Ist-\$8,928.43; Sher-\$55,025.62; Jail-\$39,997.87; Coroner-\$2,374.04; 24/7-\$581.55; Emerg Mgnt-\$5,082.53; E911-\$18,137.65; Highway-\$54,307.48; Weed-\$4,644.90; P&Z-\$8,933.17; **Bills:** Stulken, Krystal-\$60.00; Atkins, Kimberly-\$60.00; Schroeder, Krista-\$60.00; A To Z Shredding-\$13.00; A&B Business, Inc Solutions-\$849.38; A&I Distributors-\$5,922.45; A&J Supply-\$7.84; Air Connection-\$278.63; Alpine Impressions-\$327.00; Apex Software-\$1,200.00; Barnaud Law Firm Prof-\$2,719.71; Birmingham & Cwach Law Office-\$370.45; Black Hills Chemical-\$1,983.09; Black Hills Energy-\$1,432.37; Black Hills Pure-\$38.00; Blackstrap-\$24,041.27; Bluepeak-\$1,841.41; Bob Barker Company-\$177.09; Bomgaars Supply-\$287.64; Bruemmer, Lynnel-\$20.80; Butler Machinery Co-\$245.58; Butte Electric Coop-\$348.30; Cbh Cooperative-\$13,931.68; Cdw Government-\$2,823.84; Centurylink-\$347.91; Charm-Tex-\$2,445.06; City Of Rapid City-\$1,120.00; Clubhouse Hotel & Suites Pierr-\$1,175.60; Corr Construction Services-\$66,955.22; Croell-\$5,019.50; Dakota Equip Rental/Chain Saw-\$496.00; Deadwood Mountain Grand-\$108.00; Dept Of Hlth Lab Services-\$1,955.00; Dept Of The Treasury-\$70,634.74; Dustbusters-\$49,074.72; Emergency Services Marketing-\$3,240.00; Federal Express Corp-\$17.68; Floyd's Truck Center-\$305.73; Fox Law Firm-\$162.88; Galls-\$250.00; Gene's Lock Shop-\$680.69; Godfrey's Brake Serv-\$238.00; Government Forms & Supplies-\$278.09; Great Western

Tire-\$8,806.85; H&S Sand & Gravel-\$125,629.35; Heisler Hardware-\$3.79; Hilpert & Hale Prof-\$1,402.56; Interstate Engineering-\$2,262.36; Janke, Wendy-\$300.00; Jerry Greer's Engineering-\$108.93; Johner Paving-\$232.70; Jt Ventures-\$314.25; Juneks' Chrysler/Dodge-\$2,259.80; Karen Paige Hunt-\$5,063.90; Katterhagen, Mark-\$15.00; Kinney Law-\$5,970.01; Knecht Home Center-\$201.46; Koala Electric-\$662.14; Kosel, Joseph-\$3,706.56; Language Line Services-\$93.94; Larson, Val-\$27.00; Lawson Products-\$184.21; Lead, City Of-\$85.97; Lewis & Clark-\$426.00; Lewno, Lucy-\$132.25; Mabey, Brooke-\$420.00; Mcleod's Office Supply-\$349.25; Medical Waste Transport-\$125.10; Midcontinent Communications-\$154.74; Montana Dakota Utilities-\$85.92; Monument Health Network-\$4,412.52; Nalco Company-\$360.99; Newman Signs-\$4,532.70; Novus-\$344.00; Odp Business Solutions-\$137.53; Office Of Child Support-\$615.66; Overhead Door Company Of Rapid-\$1,715.49; Pcsa Addiction Treatment Serv-\$452.00; Percy, Melissa-\$180.00; Pheasantland Industries-\$1,651.65; Phoenix Investigations-\$691.36; Quill-\$31.99; RC Journal-\$594.99; Radiology Associates-\$467.45; Ramkota Inn Pierre-\$328.00; Rfcc-\$3,620.93; Sanford Health Occupational-\$140.00; Schaefer, Bill-\$12.00; Schlimgen Law Firm-\$6,563.51; Schneider Geospatial-\$7,755.00; Sd Assn Of Co Comm-\$8,923.19; Sd Dept Of Transportation-\$279.02; Sd Municipal League-\$160,086.00; Sdrs Supplemental Retirement-\$3,942.50; Servall Towel & Linen-\$346.09; Silverado-\$1,266.11; Simon North Region Sd-\$180,091.41; Spearfish Auto Supply-\$178.59; Spearfish City Of-\$106.45; Spearfish Police Dept-\$10,983.82; Staples/Advantage-\$559.99; Sturdevant's Auto Parts-\$205.28; Sturgis Responder Supply-\$352.63; Sunset Law Enforcement-\$385.00; Sysco Montana-\$3,534.09; Tnf Properties And Storage-\$800.00; Top Quality Mfg-\$402.30; Transource Truck & Equip-\$2,446.31; Turnkey Corrections-\$23.94; Twin City Hardware & Lumber-\$155.89; Us Bank St Paul-\$1,972,681.30; Verizon Wireless-\$107.52; Victims Of Violence-\$3,345.00; Waeckerle Law-\$2,828.00; Washington State Support-\$115.38; Waste Connections-\$1,430.02; Wells Fargo Banks-\$141.23; Western Sd Juvenile Serv-\$450.00; White Drug-\$1,931.42; Yankton County-\$259.30.

ADJOURN: 11:00 a.m. There being no further business, Chairman Ewing adjourned the meeting.

Date Approved

Robert Ewing, Chairperson

ATTEST:

Brenda McGruder, Auditor