

April 12, 2005

The Lincoln County Board of Commissioners met at 8:30 A.M. on April 12, 2005 with members Burdell Coplan, Jim Schmidt, Michael Poppens, Otto Hagedorn and Dennis Weeldreyer present. The meeting was called to order with the Pledge of Allegiance to the Flag. The Auditor was clerk of the Board.

A motion by Coplan and seconded by Hagedorn that the minutes of April 5, 2005 be approved. Motion carried.

The Register of Deeds Statement of Fees for the month of March 2005 in the amount of \$59,912.20 was presented.

Mike Nadolski met with the Board regarding disclaimers for easements for the Lewis and Clark Rural Water System.

Motion by Coplan and seconded by Poppens to table the decision on the disclaimers until more information is provided by the attorney for Lewis and Clark Rural Water System. Motion carried.

Harry Hybertson met with the Board and presented information regarding the sale of land at the Lincoln County Marv Skie Airport.

Motion by Coplan and seconded by Weeldreyer that the following township bonds be approved: Lynn Township Treasurer's Bond, Canton Township Clerk's Bond, Highland Township Clerk's Bond, Dayton Township Clerk's and Treasurer's Bond. Motion carried.

RESOLUTION: BE IT RESOLVED to appoint June Nusz to the Planning and Zoning Board District 3. Motion by Poppens and seconded by Weeldreyer. All Commissioners voted "Aye".

The Sheriff's mileage report for the month of March 2005 was presented.

Motion by Coplan and seconded by Poppens to approve an abatement for Parcel No. 240.71.01.006A in the amount of \$2187.92 as the property was sold to the City of Tea on February 3, 2004. Motion carried.

Motion by Weeldreyer and seconded by Hagedorn to take off the table the proposed amendment to the Lincoln County zoning ordinance to provide for public utility facilities. Motion carried.

Motion by Coplan to table the decision on the proposed amendment to the Lincoln County zoning ordinance to provide for public utility facilities. Motion withdrawn.

RESOLUTION: BE IT ORDAINED BY LINCOLN COUNTY THAT THE 1995 REVISED ZONING ORDINANCE OF LINCOLN COUNTY, SOUTH DAKOTA BE AMENDED AS FOLLOWS: ARTICLE 3, Section 301 – Definitions be amended to read as follows: Neighborhood Utility Facility. Telephone, electric and cable television lines, poles and equipment; water or gas pipes, mains and valves; sewer pipes, valves, and lift stations; telephone exchanges and repeaters; and all other facilities and equipment necessary for conducting a utility service by a governmental subdivision or entity, a public utility, a rural water system, a nonprofit rural water system, a nonprofit water system, a water user district, a sanitary sewer district, or any entity that provides utility service directly or indirectly to the members of the public. This definition excludes: (i) buildings having a roof area of more than 120 square feet, and (ii) electrical substations. ARTICLE 3, Section 301 – Definitions be amended to add the following: Public Utility Facility. The definition is the same as Neighborhood Utility Facility (See Neighborhood Utility Facility) except that buildings exceeding 120 square feet in roof area are allowable. ARTICLE 4: Regulations for the "A" Agriculture – Public Use District, Section 402 Permissive Uses, subsection (E) be amended to read Neighborhood Utility Facility. ARTICLE 4: Regulations for the "A" Agriculture – Public Use District, Section 404 Conditional Uses, subsection (Z) be added and read as Public Utility Facility. ARTICLE 4: Regulations for the "A" Agriculture – Public Use District, Section 404 Conditional Uses, subsection (AA) be added and read as Electrical Substation. ARTICLE 5: Regulations for the "C" Commercial – Service District, Section 502 Permissive Uses, subsection (H) be added and read as Neighborhood Utility Facility. ARTICLE 5: Regulations for the "C" Commercial – Service District, Section 504 Conditional Uses, subsection (X) be added and read as Public Utility Facility. ARTICLE 6: Regulations for the "I" Industrial District, Section 602 Permissive Uses, subsection (C) be amended to read Neighborhood Utility Facility. ARTICLE 6: Regulations for the "I" Industrial District, Section 604 Conditional Uses, subsection (K) be added and read as Public Utility Facility. ARTICLE 6: Regulations for the "I" Industrial District, Section 604 Conditional Uses, subsection (L) be added and read as Electrical Substation. ARTICLE 8: Regulations for the "R" Rural Residential District, Section 802 Permissive Uses, subsection (C) be amended to read Neighborhood Utility Facility. Motion by Hagedorn and seconded by Coplan. All Commissioners voted "Aye".

RESOLUTION: BE IT ORDAINED BY LINCOLN COUNTY, SD: Section 1. That 35 acres adjacent to the south boundary that is un-platted in the Northeast Quarter (NE 1/4) of Section Thirty-Three (33), Township One-Hundred (100) North, Range Fifty-One (51) West of the 5th P.M., in Lincoln County, South Dakota is hereby rezoned from the "A" Agricultural – Public Use District to the "R" Rural Residential District and the official zoning map of Lincoln County is amended to include the rezoning. Motion by Coplan and seconded by Hagedorn. Commissioners Coplan, Weeldreyer, Hagedorn and Schmidt voted "Aye", Commissioner Poppens voted "Nay". Motion carried.

Motion by Poppens and seconded by Coplan to recess and convene as the Lincoln County Board of Equalization. Motion carried.

The Board reconvened as the Lincoln County Board of Commissioners.

Allan Bonnema met with the Board and presented the report of highway expenditures for the month of March 2005.

RESOLUTION: BE IT RESOLVED that the expenditures be transferred from the Road Budget as follows: Planning & Zoning \$406.36, Sheriff \$4,732.63, Courthouse Maintenance \$163.79, Equalization \$684.34, Emergency Management \$623.21, Global Information Systems \$25.68. BE IT FURTHER RESOLVED to transfer wheel tax allocation of 10% \$9,857.68 to Townships and 10% \$9,857.68 to Cities for a total of \$19,715.36. Motion by Hagedorn and seconded by Coplan. All Commissioners voted "Aye".

Motion by Hagedorn and seconded by Weeldreyer to approve the application for a utility permit made by Lewis and Clark Rural Water System to locate in the right of way of Lincoln County Highway 272nd St. NW1/4 Section 34, Township 100N, Range 51W, Lincoln County, South Dakota. Motion carried.

Motion by Coplan and seconded by Weeldreyer to approve the application from Qwest Corporation for a cable occupancy of County Highway No. 106 in Section 19, Township 100N, Range 50W in Lincoln County, South Dakota. Motion carried.

Motion by Hagedorn and seconded by Coplan to take off the table the bids for the Lincoln County Asphalt Paving Project.

RESOLUTION: WHEREAS the lowest responsible bid of Brower Construction Co. of \$1,563,525.16 for the 2005 Lincoln County Paving Project exceeded the final estimated project cost by ten percent or less, and WHEREAS SDCL 5-18-9 allows the County to negotiate with the low bidder for the construction of a public improvement and WHEREAS Lincoln County has removed two miles from the paving project on Lincoln County Highway 117 and negotiated with Brower Construction Co., the lowest responsible bidder, NOW THEREFORE BE IT RESOLVED to accept the low negotiated bid of Brower Construction Co. of \$1,294,313.22 for the 2005 Lincoln County Paving Project. Motion by Coplan and seconded by Hagedorn. All Commissioners voted "Aye".

The following claims were approved:

General Fund: Witnesses & Jurors, mileage & fee Teresa Anderson \$138.90; Jennifer Benson \$22.80; Rex Bishman \$138.90; Julie Burke-Bowen \$115.36; Janell Christenson \$22.80; Elizabeth Christjansen \$132; Patti Clark \$112.80; Jon Coyne \$138.40; Doug Denotter \$17.68; Laura Donat \$15.76; Marcia Donnelly \$132; Sara Doyle \$115.76; Michael Emerson \$24.08; Paula Gardner \$27.68; Paul Geppert \$24.72; Christopher Gregory \$23.44; Travis Hansen \$112.80; Randall Hardie \$102.56; Jeremy Hirsch \$10; Karen Hochstein \$22.80; Dustin Hoffman \$22.80; Deidra Huntley \$28.56; Lorraine Imes \$92; Scott Jaacks \$24.72; Alahna Johnson \$158; Jarrod Johnson \$19.60; Emily Kienholz \$26; Machelle Kocer \$26; Tamara Labore \$163.76; Mary Lahn \$138.40; Angeline Larson \$105.12; Danielle Liesinger \$26; Ryan Ling \$26; Amy Lundquist \$22.80; Michelle McClure \$27.92; Sheryl Messler \$132; Rita Myers \$57.68; James Nolet \$101.28; Thomas Norris \$26; Melanie Olson \$111.92; Cindy Oppold \$119.20; Roger Oppold \$10; Lyle Orstad \$10.64; Jean Osthus \$138.80; Denise Peterson \$22; Jean Phillippe \$26; Wayne Rager \$10.64; Daniel Schluttner \$132; Christel Schmidt \$132; Carol Scott \$10.64; Rhonda Sherman \$167.60; Constance Shotkoski \$125.60; Lori Stearns \$26; Jamie Steele \$22.80; Matt Stensland \$101.28; Beverly Stoeckmann \$125.60; Rose Strubbe \$16.40; Gordon Sweeter \$121.76; Joel Sylvester \$26; Francis Tebben \$62.80; Michael Teske \$29.60; Sharon Tysdal \$115.36; Brent Vandergriend \$22.80; Jan Warren \$20.88; Renae Weber \$22.80; Christine Westerman \$22.80; Sarah Woods \$101.28; Carol Wulf \$148.40. 4-H Club Leaders, storage rent \$252; Abe's Brake Center \$164; Active Data Systems, maint agreement \$650; Alcester Hudson School District, drug awareness program \$500; Alco, supplies \$99.40; Armor Holding Forensics, crime scene supplies \$120.10; Chad Baker, supplies \$24.11; Beresford Republic, publishing \$927.65; Beresford School District, drug awareness program \$500; Brown & Saenger, supplies \$445.21; Bubba's Quality Auto Parts, parts \$13.49; Jason Burns, gas \$7; City of Canton, utilities \$132.30; Canton Food Center, supplies \$646.89; Canton School District, drug awareness

program \$1000; Canton Motor Co, service vehicle \$10.63; CDW-G Inc, antivirus software \$673.38; Centerville Police Dept, serve papers \$5; Centerville School District, drug awareness program \$500; Century Business Products, copier maint \$83.95; Chase Card Services; gas, travel expense \$418.48; Chemco, supplies \$314.28; Courtney Electric, electrical labor \$266.04; CSD-Communications, interpreter \$157.30; Culligan Water Conditioning, cooler rent/water \$26.10; Dakota Security Systems, vault door repairs \$137.76; Dakotabilities, 2<sup>nd</sup> qtr \$1260; Donna Dietrich, mi evaluation \$278.14; Steve Dresbach, mi evaluation \$112.50; Marv Ekern, mi evaluation \$30; Eric Eneboe, mileage/travel expense \$1,407.64; Robert Evanson, mileage \$9.60; Express Attorney Service, serve papers \$127.70; Paula Feucht, mileage/software \$164.25; Dick Fossum, mileage \$8; Fox, Youngberg & Lewno PC, crt appt atty \$174.70; Frieberg, Zimmer, Duncan & Nelson, crt appt atty \$432.13; G & D Viking Glass, install door/sidelights \$10,240; William Golden Law Office, public defender fee \$7194.90; Great Plains Psychological, crt appt expert witness \$600; Crissy Hanson, blood alcohol draw \$40; Harrisburg High School, drug awareness program \$1000; City of Harrisburg, lease equip \$350; Heart Hospital of SD, blood alcohol draws \$87; Marie Heimdal, court reporter \$176.40; Harvey Hoffman, mileage \$9.60; Incode-CMS, programming \$560; Iowa Office Supply, supplies \$550.78; Jensen Ins Agency, notary bonds \$150; John Ramm, mileage \$9.28; KB's True Value, supplies \$111.23; Renee Kennedy, mi hearing \$24; Kettering Law Office, mi hearing \$132.70; Nelva Kooistra, mi evaluation \$30; Kruse Building Center, materials \$929.50; Kerry Lange, court reporter \$267.35; Lennox Independent, publishing \$920.46; Lennox Nutrition Center, budget allocation \$1000; Lennox Show Print, envelopes \$501.50; Lewis Drug, prisoner meds \$223.29; Carla Limoges, renew notary \$25; Loren Long, mileage \$10.88; Jeff Lounsbery, travel expense \$255.68; Lynn Peavey Co, crime scene supplies \$53.70; Lyon Co Sheriff's Office, serve papers \$32.82; McLeod's, supplies \$116.94; Menards, supplies \$48.99; MidAmerican Energy, county assistance \$163.09; Minnehaha Co Auditor, mi evaluation \$112.50; Minnehaha Co Regional JDC, child care \$720; Minnehaha Co Treasurer, prisoner contract \$65,700; Office of Attorney General, opinions report \$30; OfficeMax, supplies \$98.18; Pa Pa's, room rent \$51; Paragon Press, publishing \$143.50; PBR Inc/dba Med Equip, supplies \$6; Henry Pecheny, interpreter \$460.50; Pederson Machines, service & repairs \$620.08; Pennington County Jail, prisoner transport \$336.39; Jon Peters, antivirus software \$34.95; Phillip Peterson Law Firm, public defender fee \$1000; Pitney Bowes, qrtly chrg \$525; Pizza Ranch, grand jury & weed board meals \$306.69; Ron Poppens, mileage \$10.88; Prairie Publications, publishing \$303.62; PrairieWave, utilities \$1,834.74; Quill, supplies \$321.88; Maxine Risty, court reporter \$319; Mark Rowen, travel expense \$131.20; Rural Route 1 Service, rug cleaning \$34.89; Scantron Service Group, update maint contract \$32.77; Schoeneman Bros, materials \$9.38; SD State Treasurer, mentally handicapped, alcohol/drug tests, soil tests \$1,543; SDACO, website billing \$30; Kenneth Shaffer DVM, k-9 care \$23.99; Sioux Falls School District, drug awareness program \$500; Sioux Valley News, publishing \$955.98; Southeastern Electric Co, county assistance \$199.74; Staples Credit Plan, supplies \$88.81; Sterling Carpets, carpet/vinyl installation \$221; Sunny Side Laundromat, clean mop heads \$18; Tea Area School District, drug awareness program \$1000; Gregg Thompson, travel expense \$67; Thyssenkrupp Elevator, maint agreement \$123.70; Deb Turner, mileage \$15.04; Herb Ulrikson, mileage \$3.20; Van's Rubbish, garbage/recycling \$115; Vantek Communications, pager/upgrade \$236.20; Velvet Uniforms, badges \$565.20; Verizon Wireless, cell phone usage \$1,230.46; Volunteers of America, shelter care beds \$2,790; Dennis Weeldreyer, travel expense \$395.47; Xcel Energy, utilities \$325.95; Yankton Co Sheriff's Dept, serve papers \$66; Yankton Co Treasurer, mi hearing \$371.70; Zomer Plumbing & Heating, plumbing repairs \$61.71.

Road Fund: Beresford Republic, publishing \$65.60; Best Western Ramkota Inn, room charge \$148; Allen Bonnema, travel expense \$94; Bubba's Quality Auto Part, parts \$11.62; City of Canton, utilities \$97.70; Chemco, supplies \$25; Concreter Materials, washed chips \$17,482.55; Dakota Filter Services, clean filters \$48; Eastern Farmers Co-op, diesel \$1,242.55; Great Plains Int'l, repairs \$293.21; Holiday Inn-Mitchell, travel expense \$110; J D Evans Equip, supplies \$2.41; Marlyn Jacobson, travel expense \$56.50; Johnson Feed, tire repairs \$88.50; KB's True Value, supplies \$21.60; L & L Motor Supply, parts \$507.04; MidAmerican Energy, utilities \$507.04; Keith Myers, travel expense \$24; Northern Truck Equip, repairs \$256.86; Paragon Press, ads \$40.25; Prairie Publications, ads \$19.84; PrairieWave, utilities \$172.35; Sanitation Products, filters \$425.45; Servall Towel & Linen, towel service \$18.36; Sioux Falls Auto Trim & Upholstery, upholstery work \$237; Sioux Falls Postal Customer Council, classes \$40; Stern Oil Co, diesel \$12,268.80; Verizon Wireless, cell phone usage \$75.84; Xcel Energy, utilities \$300.33.

Communications Fund: CDW-G Inc, antivirus software \$120; Eco/Lindsay Water Conditioning, water supplies/cooler rent \$82; Iowa Office Supply, supplies \$19.99; Lennox Independent, ads \$46.20; Prairie

Publications, ads \$45; PrairieWave, utilities \$1,288.63; Sioux Valley New, ads \$45.20; Verizon Wireless, cell phone usage \$37.92.

Emergency Management Fund: Calhoun Communications, security system \$6,938.35; Canton-Inwood Ambulance, defibs/monitor \$10,000; Ed M Feld Equip, upgrade SCBA equip \$4,230; Gall's Inc, gear bag, rope bag \$173.95; Heart Hospital of SD, DTB systems \$10,000; OfficeMax, printer, shredder, digital projector \$2,552.93; PrairieWave, utilities \$60.51; Verizon Wireless, cell phone usage \$37.92.

Solid Waste Fund: Farm Gas Co-op, propane \$224; Lennox Equip, mower supplies \$78.01; Lennox True Value, paint \$6.98; OfficeMax, supplies \$145.88; PrairieWave, utilities \$57.25; South Lincoln Rural Water, utilities \$32.50; Southeastern Electric, utilities \$447.95; Sturdevants, oil \$95.10; Verizon Wireless, cell phone usage \$37.92.

Airport Fund: Scott Heim, manager fee \$1400; J&J McNeil, snow removal \$1,525; Southeastern Electric, utilities \$207.79.

The Board adjourned until 8:30 A.M. on April 19, 2005.

Lincoln County Board of Commissioners

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Jim Schmidt, Chairman

Attest: \_\_\_\_\_

Paula Feucht, Auditor

Approved \_\_\_\_\_