

August 12, 2008

The Lincoln County Board of Commissioners met at 8:30 A.M. on August 12, 2008 with members Jim Schmidt, Dale Long, Dennis Weeldreyer and Burdell Coplan present. Otto Hagedorn was absent. The meeting was called to order with the Pledge of Allegiance to the Flag by Vice Chairman Long. The Deputy Auditor was clerk of the Board.

A motion by Coplan and seconded by Weeldreyer that the minutes of August 5, 2008 be approved. Motion carried.

The Auditor's Account with the County Treasurer as of July 31, 2008 was presented as follows: Total amount of deposits in banks \$1,520,431.55, Total amount of actual cash \$3,799.24, total amount of checks and drafts in treasurer's possession not exceeding three days \$62,955.44, total cash items \$1,092.01, Funds invested \$8,015,322.98, Total cash \$9,603,601.22.

The Register of Deeds Statement of Fees in the amount of \$61,539.30 was presented for the month of July 2008.

Mileage logs were approved for the month of July.

Human Services Statistical report was approved for the month of July.

Richard Ostrem met with the board on a traffic issue.

Rani Yovetich discussed the upcoming Cornerstone Dedication. The date of September 21, 2008 at 1:30pm was set. A Committee will be formed to assist Rani.

Motion by Weeldreyer and seconded by Coplan to authorize the chairman to execute the amended Becky Drive Road District Certification. Motion carried.

RESOLUTION: WHEREAS, the Lincoln County Board of County Commissioners has received a recommendation from the Lincoln County Planning Board that the creation of a tax increment district within Lincoln County, South Dakota, is appropriate; and WHEREAS, the property within the district meets the qualifications and criteria set forth in SDCL Chapter 11-9; and WHEREAS, the Lincoln County Board of County Commissioners finds that the aggregate assessed value of the taxable property in this district plus all other existing districts does not exceed 10% of the total assessed value of the taxable property in Lincoln County, South Dakota; and WHEREAS, the Lincoln County Board of County Commissioners finds that: (1) Not less than 25%, by area, of real property in the district is a blighted area as defined by SDCL 11-9-9 through 11-9-11; and (2) That the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district; and (3) That there is a reasonable likelihood that there will be one or more businesses engaged in manufacturing or in the transportation, storage, processing or sale of agricultural products located within the district; NOW, THEREFORE, be it resolved by the Board of County Commissioners in and for Lincoln County, South Dakota, as follows: That all lands within the following boundaries shall be and are hereby designated as the Lincoln County Tax Increment District #6: Tracts One (1) and Two (2) of SELC Addition in the Southwest Quarter (SW¼) of Section Twenty-four (24), Township Ninety-six (96) North, Range Forty-eight (48) West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota; and Hulshof's Addition in the East Half (E½) of Section Twenty-four (24), Township Ninety-six (96) North, Range Forty-eight (48) West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota. Motion by Weeldreyer and seconded by Coplan. All Commissioners present voted "Aye". Motion carried.

The first reading and hearing was held on the petition to rezone from the "A" Agricultural and Public Use District to the "C" Commercial Service District the property described as follows: approximately three (3) acres to be platted and known as Tract one (1) of BHI Addition in the Northwest Quarter (NW1/4) of Section 35, Township 100, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota.

The first reading and hearing was held on the petition to rezone from the "A" Agricultural and Public Use District to the "R" Rural Residential District the property described as follows: approximately six (6) acres platted and known as Lot C, Tschetter's Subdivision of Part of Tracts One (1) and Two (2) in the Northeast Quarter (NE1/4) of Section 25, Township 100N, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota.

RESOLUTION; BE IT ORDAINED BY LINCOLN COUNTY, SD : WHEREAS, the Board of County Commissioners adopted revisions to its Comprehensive Plan on December 6, 2005; and WHEREAS, the Board is desirous of updating the subdivision regulations; and WHEREAS, the 2008 Revised Subdivision Ordinance for Lincoln County has been developed in accordance with the Comprehensive Plan and in conformance with the purposes as set forth in SDCL 11-2; and WHEREAS, the Board of County Commissioners has conducted at least one noticed public hearing on the 2008 Revised Subdivision Ordinance for Lincoln County; NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that the 2008 Revised Subdivision Ordinance for Lincoln County is hereby adopted; BE

IT FURTHER ORDAINED that the 1995 Revised Subdivision Ordinance of Lincoln County, South Dakota (LC-0-95-02) is hereby repealed, and that all ordinances, resolutions, rules and regulations in conflict with the 2008 Revised Subdivision Ordinance are hereby repealed; BE IT FURTHER ORDAINED that copies of the 2008 Revised Subdivision Ordinance shall be filed with the County Auditor and Register of Deeds. Motion by Schmidt and seconded by Weeldreyer. All Commissioners present voted "Aye". Motion carried.

RESOLUTION: Whereas, Initiated Measure #10 would prohibit any county from paying dues to any association that lobbies; Whereas, it is far more efficient and cost effective to join together with our fellow counties through the South Dakota Association of County Commissioners for coordinated communication with the Legislature than to have each county stand alone; Whereas, the costs to the taxpayers of having each county monitor, report, and travel to Pierre to participate in the Legislative Session would be much greater than any dues to the South Dakota Association of County Commissioners; Whereas, coordinated communication with Legislators leads to more efficiency in the Legislative process and has saved millions of dollars in taxpayer funds; Whereas, restricting the ability of South Dakotans to support candidates and communicate with their elected public officials is a violation of their right to freedom of speech; Whereas, the measure will be challenged in court and will most likely be found to be unconstitutional, costing millions of dollars in taxpayer money; Whereas, Initiated Measure #10 does not limit State government-paid lobbyists, out-of-state lobbyists, or corporate lobbyists, but only stifles coordinated voices for local control; Whereas, Lincoln County finds that county officials throughout South Dakota are dedicated, honest and ethical people with the best interests of their counties in mind and that counties take great pride in providing open, honest government to our citizens; Whereas, the thousands and thousands of South Dakotans who do business with the State, Cities, Counties, and other governmental entities should not be penalized for providing such services;

Whereas, civic groups who work to better their community, and often require local funding to provide their services should not be prohibited from communicating their needs to local public servants; Whereas, the forces supporting Initiated Measure #10 will not reveal the source of their funding, leaving the reasonable assumption that out of state special interests are once again attempting to hijack the South Dakota ballot and abuse our initiative process; Now, therefore let it be resolved, that Lincoln County strongly opposes Initiated Measure #10 and urges the citizens of South Dakota to vote "NO" on the measure. Motion by Schmidt and seconded by Weeldreyer. All Commissioners present voted "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED that the following county property be hereby declared surplus to be destroyed: Item #1456, VCR and #1927 Toshiba camera. Motion by Coplan and seconded by Schmidt. All Commissioners present voted "Aye". Motion carried.

Out of county travel for the month of August 2008 was approved for Mark Rowen and Jeff Lounsbery.

RESOLUTION: WHEREAS, a petition was submitted to the Board of Commissioners of Lincoln County, and WHEREAS, an Election was held on the 17<sup>th</sup> day of July, 2008 on the petition "Shall the North Half (N1/2) of the Northwest Quarter (NW1/4) of Section 26, Township 100 North, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota be incorporated as a Road District Pursuant to SDCL 31-12A, Same to be Known as the Springdale Estates Road District", and WHEREAS, the canvas and statement of precinct officials has majority approval for Incorporation as the Springdale Estates Road District in accordance to SDCL 31-12A, NOW THEREFORE BE IT RESOLVED that the Incorporation of Springdale Estates Road District be approved. Motion by Schmidt and seconded by Coplan. All Commissioners present voted "Aye". Motion carried.

An alternative date for the September 23, 2008 meeting was set for September 16, 2008.

Mike Nadolski presented to the board a building project issue in the boiler room. The board agreed to follow the building plans.

Motion by Schmidt and seconded by Coplan to enter executive session on a legal matter. Motion carried

Motion by Coplan and seconded by Weeldreyer to end executive session. Motion carried.

Motion by Coplan and seconded by Weeldreyer to instruct Mike Nadolski to negotiate the lease agreement with Quest Aviation, assisted by Schmidt and Hagedorn. Motion carried.

Motion by Coplan and seconded by Weeldreyer to approve the Application to Locate in the County Right of Way of Lincoln County Highway #140 submitted by Southeastern Electric. Motion carried.

Allan Bonnema reported to the Board on a meeting he attended with Harrisburg High School Superintendent, Jim Holbeck, Harrisburg City maintenance manager, Jim Fink and project manager for the school, Jason Crain. The School is requesting County Road #110 in front of the new high school turn into a four lane road with two of those lanes being turning lanes. The Commissioners instructed Bonnema to schedule a meeting with the entities along with Commissioners Long and Schmidt to discuss

who will be responsible for paying for the improvements. The speed limit on that stretch of road was also a concern.

Kevin Goff of Clark Engineering reported the design for the new parking lot is not going to work out as planned. He presented the board with two new designs. The Commissioners agreed on Option B, with 32 parking stalls.

RESOLUTION, BE IT RESOLVED that the following Lincoln County property is hereby declared surplus: approximately 20 loads of dirt removed from the parking lot located west of the Courthouse. BE IT FURTHER RESOLVED that the loads be appraised by Jim Elling, Chuck Molstad and Steve Frislie. Motion by Weeldreyer and seconded by Schmidt. All Commissioners present voted "Aye". Motion carried.

Mark Schroeder presented some airport signs to be installed on County Road #106.

Board recessed for lunch.

Jon Peters and Paul Aslesen presented the Board with a draft of a Drainage Plan and Ordinance.

The following claims were approved:

General Fund: 4-H & Open Class, judging fees Anderson, Barbara \$50; Anderson, Norma \$75; Andrews, Michelle \$50; Baldwin, Jan \$25; Bly, Anthony \$50; Bruns, Sharon \$50; Christensen, Amanda \$50; Coggins, Dawn \$50; DeJong, Jan \$50; Ende, Norma \$50; Fillingsness, Edna \$50; Fossum, Erma \$50; Gesick, Martha \$50; Hagedorn, Linda \$150; Hentges, Arlis \$50; Johnson, Jeanne \$25; Johnson, Mark \$25; Johnson, Wyn \$150; Jungemann, Melissa \$50; Kasten, Arlene \$50; Kern, Tracy \$50; Knutson, Audrey \$50; Koerner, Gregg \$25; Loewe, Paula \$50; Lowe, Joni \$50; Lynde, Sarah \$50; Manning, Mary Ellen \$50; McGregor, Jim \$175; Renken, Shirley \$50; Scheichel, Steve \$150; Schelske, Gary \$150; Schoenwald, Jay \$50; Seely, Ann \$50; Sherard, Sherrie \$50; Shields, Arden \$50; Shields, June \$100; Shubeck, Carol \$100; Starkenburg, Ken \$100; Stratmeyer, Joyce \$50; Sweeter, Marlene \$50; Sweeter, Wendy \$50; Thaden, Ron \$50; Tipton, Jan \$50; Tisher, Wendell \$300; Tornberg, Kit \$25; VanderLaan, Carol \$50; Verhey, Dorothy \$50; Westra, Katie \$50; Wiebers, Gladys \$50; Winterboer, Bev \$50; Winterboer, Brad \$50; Wirt, Adam \$150. A to Z Properties, county assistance \$500; American Stamp & Marking, supplies \$185.34; Argus Leader, notices \$5,409.08; Arrowhead Scientific, supplies \$49.38; Avera McKennan Hospital, mentally ill \$400; prisoner care \$1,397.66; Avera Midwest Psychiatric, mentally ill \$70.17; Avera University Psychiatry, mentally ill \$270; Becky Mathiesen, mileage \$19.61; Best Business Products, copier lease/maint \$670.27; Brevik Law Office, mentally ill \$272.35; Brown & Saenger, supplies \$163.61; Builders Supply Co, keys \$15; CDW-G, cables/hard drive \$244.47; Century Business Products, copier lease/maint \$162.53; Chemco, supplies \$81.77; City of Canton, utilities \$823.78; Dave's Service & Repair, repairs/towing \$363.25; Dick's E 10th St Vacuum, supplies \$66.60; Dietrich, Donna, mentally ill \$384.34; Dresbach, Steve, mentally ill \$675; Election Systems & Software, booths/ballots/supplies \$2,239.11; Eneboe, Eric, mileage \$438.45; Erpenbach, John, mentally ill \$157.50; Express Attorney Services, serve papers \$100; Farm Mutual Ins, food stand ins premium \$50; Garden of Eat'n, meals \$37.35; Golden Law Office, public def contract \$15,000; Hagedorn, Otto, mileage \$236.80; Heimdal, Marie, transcripts \$201.40; Highpointe Townhomes, county assistance \$500; Hoffman Oil, repairs \$12.50; Hoffman, Harvey, mileage \$11.10; Home Federal Bank, rent \$105; Hunters Gate/Southridge Apts, county assistance \$1,000; Interstate Office Pro, storage cabinets \$1,093.50; IOS Office Solutions, copier maint \$89.89; KB's True Value, supplies \$394.96; Kennedy Rokahr Pier & Knoff, mentally ill \$172; Knock, Kelley, mileage \$7.40; Knology, phone usage \$1,435.20; Kooistra, Nelva, mentally ill \$60; Lennox Independent, publishing \$461.88; Lewis Drugs, prisoner meds \$1,185.44; Lincoln Co Open Class, dues/repairs \$269.68; Long, Dale, mileage \$704.85; Lounsbery, Jeff, mileage/registration \$472.85; Mathison Company, laminating/pencils \$13.28; McHale Institute, county assistance \$93.73; McLeod's Printing, work cards \$415.04; Medical X-Ray Center, prisoner care \$26.44; Minnehaha Co Auditor, mentally ill \$90; Minnehaha Co Regional JDC, child care \$9,360; Minnehaha Co Sheriff, excess prisoners \$22,190; Ness, Irene, mileage/supplies \$29.34; Nusz, June, mileage \$22.20; Officemax, supplies \$43.38; Orthopedic Institute, prisoner care \$127.63; Palmer, Barbara, mentally ill \$2,452.50; Paul's Auto Repair, repairs \$1,159.62; Paulson, Clarice, supplies \$4; Peltier's Collision Ctr, repairs/service \$528.80; Pennington County Jail, prisoner transports \$536.10; Peters, Scott, mentally ill \$276; Peterson Law Firm, public def contract \$3,120; Pitney Bowes, check signer \$271; postage \$4,000; postage supplies \$189.46; Portz, Richard, mileage \$17.76; Pump'n Pak, gas \$72.50; Quill, supplies \$460.93; Rehfuss, Cathy, mentally ill \$60; Rowen, Mark, travel exp/supplies \$320.09; Rural Route 1 Service, mats \$196.90; Schoeneman Bros, materials \$388.72; Schultz, Donald, supplies \$85.82; SD State Treasurer, mentally ill \$2,075.30; SDACC, CLERP \$6,020.77; SECOG, parcel maint \$2,791; services \$1,725; Sign-A-Rama, window lettering \$40.38; Sioux Falls Music, rental \$250; Sioux Valley

News, publishing/supplies \$511.38; Sogn, Darrel, mileage \$11.10; Star Publishing, publishing \$812.51; Steve's Auto Repair, repairs \$705.83; Sturdevant's Auto Parts, supplies \$172.97; Sunshine Foods, supplies \$389.54; Sweeter, Helen, supplies \$13.72; Sweeter, Jared, mileage \$99.16; The Mobile Storage Group, containers \$270; The Sanborn Map Co, services \$69,842.96; Turner County Fair, entry tags \$30; Twedt, Bridget, mileage \$99.16; United Rentals, rent fees \$183.16; Van's Rubbish Removal, garbage/recycling \$187.09; Vantek Communications, antenna whip \$38.05; Verizon Wireless, cell phone usage \$1,340; VFW Post 3164, rent \$50; Volunteers Of America, shelter care beds \$500; Walt's Auto, 03 Dodge Durango \$7,735; Weeldreyer, Dennis, mileage \$14.43; Xcel Energy, county assistance \$173.18; utilities \$943.39; X-Ray Express, prisoner care \$50; Yankton Co Sheriff, serve papers \$25; Zomer Plumbing & Heating, A/C repair \$239.55.

Road Fund: Allied Oil & Supply, tires \$316; Bierschbach Equip, supplies \$130.05; Boyer Trucks, repairs \$1,626.66; Brown & Saenger, supplies \$23.57; Bubba's Quality Auto Parts, supplies \$108.73; Butler Machinery, supplies \$35.10; City of Canton, water/sewer \$182.96; Concrete Materials, hotmix \$26,705.63; Farm Gas Co-Op, propane \$76.25; G & K Supreme Auto Sales, windshield/chips \$300; Great Plains Int'l, repairs \$272.06; Hoffman Oil, repairs \$39.95; Howard R Green Co, traffic study \$3,125.20; JD Evans Equipment, repairs \$206.93; Jebro Inc, freight \$1,518.63; road oil \$99,939.19; Johnson Feed, repairs \$71.29; KB's True Value, supplies \$3.99; Knife River Midwest, hotmix \$8,100.81; Knology, phone usage \$138.22; L G Everist, rock chips \$2,133.23; Lawson Products, parts 282.78; Menards, supplies \$21.85; MidAmerican Energy, monthly gas usage \$8; Sturdevant's Auto Parts, supplies \$156.29; Sunshine Foods, supplies \$21.23; Verizon Wireless, cell phone usage \$120.33; Xcel Energy, utilities \$287.53.

E-911 Communications Fund: Ecowater, water/supplies/rent \$55.85; Knology, phone usage \$203.20; special circuit \$727.80; tower rent \$106; Menards, TV wall mount \$119.90; Qwest, tower rent \$98.62; Sam's Club, 47" Phillips monitor \$1,475.22; State Radio Communications, TTY rental \$1,800; Verizon Wireless, cell phone usage \$41.15; Xcel Energy, utilities \$9.86.

Emergency Management Fund: Breathing Air Systems Div, air test kit \$115; City of Lennox, ambulance funding contribution \$25,000; Dave's Service & Repair, gas \$61.65; Interstate Power Systems, generator maint \$184.93; Knology, phone usage \$116.44; Stratmeyer, Ron, upgrade radios \$1,225; Timmerman, Harold, gas \$75.57; Verizon Wireless, cell phone usage \$88.61.

WIC Fund: Henke, Janet, mileage \$18.50;

Solid Waste Fund: Knology, telephone service/ internet \$19.22; South Lincoln Rural Water, water usage \$33; Sturdevant's Auto Parts, supplies \$30.91; Southeastern Electric, electricity \$205.70; KB's True Value, supplies \$16.78; Verizon Wireless, cell phone usage \$48.65; Steever Country Welding, repairs \$320.55.

Airport Fund: Argus Leader, notice \$79.94; Knology, internet \$1.61; Pfeifer's Implement, mower blades \$47.97; Sinclair Oil Corp, gas \$161.90; Sioux Valley News, notice \$17.28; Southeastern Electric, electricity \$179.48; Steve's Auto Repair, repairs \$903.81; Verizon Wireless, cell phone usage \$39.85.

Courthouse Building Fund: Hoogendoorn Construction, pmt app #20 & #2 reroof \$121,947.96; The Winkles Group, project mgmt services \$3,520; Workplace Technology, consulting/project time \$4,275.

Law Library Fund: West Group Payment Center, publishing \$417.50.

The Board adjourned until 8:30 A.M. on August 26, 2008.

Lincoln County Board of Commissioners

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Dale Long – Vice Chairman

Attest: \_\_\_\_\_  
Kathy Bonnema, Deputy Auditor

Approved \_\_\_\_\_