

June 23, 2009

The Lincoln County Board of Commissioners met at 8:30 A.M. on June 23, 2009 with members Jason Melcher, David Gillespie, Dale Long, Jim Schmidt 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 Gillespie and seconded by Weeldreyer that the minutes of June 9, 2009 be approved. Motion carried.

The Sheriff's May 2009 civil fee mileage report was presented.

The Clerk of Courts Report of Disbursement of Funds for mid-month ending June 15, 2009 was presented as follows: State Fines \$14,394.28, State Costs \$725.11, State Forfeitures \$150.00, Cash Fees \$1,160.20, Law Library \$203.00, Petty Offense \$525.00, Court Appointed Attorney Repayments \$1,655.16, and Divorce Fees \$350.00.

The Register of Deeds Statement of Fees for the month of May 2009 was presented in the amount of \$63,937.50.

Motion by Schmidt and seconded by Gillespie to authorize the Chairman to sign the application letters for the EECBG Program Grant. Motion carried.

Motion by Melcher and seconded by Schmidt to authorize the partial payment of taxes on parcel #240.72.08.00A in the amount of \$1,575.41 for 2007 taxes payable 2008 and 2008 taxes payable 2009 further authorizing the County Treasurer to stop any further interest and penalty on the portion of the parcel that includes Lots 4 and 5 of the North 295' of Block 8 Spencer Heights Addition, Lincoln County, South Dakota. Motion carried.

Motion by Weeldreyer and seconded by Gillespie to enter executive session to discuss pending litigation. Motion carried.

Motion by Schmidt and seconded by Melcher to end executive session. Motion carried.

Motion by Weeldreyer and seconded by Gillespie to authorize Mike Nadolski to settle Med Case #92 for the DRG amount in addition to what was previously authorized. Motion carried.

Motion by Schmidt and seconded by Melcher to set the first reading on an appeal of Conditional Use Permit #09 -013 for July 14, 2009 at 11:00 a.m. Motion to include time limits of 5 minutes set for speakers. Motion carried.

Motion by Weeldreyer and seconded by Melcher to remove from the table an appeal on a Conditional Use Permit on property located at a legal description described as follows: Lot 1A of Tr 1 of VanBeek's Addition in the East Half of the Northeast Quarter (E1/2NE1/4) of Section 31, Township 97 North, Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota.

Leonard Decker presented photos of the site plan and answered questions from the Board on the appeal on a Conditional Use Permit on property located at a legal description described as follows: Lot 1A of Tr 1 of VanBeek's Addition in the East Half of the Northeast Quarter (E1/2NE1/4) of Section 31, Township 97 North, Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota. Richard Fossum spoke in favor of the appeal.

Motion by Schmidt and seconded by Gillespie to approve the 200' X 100' addition for storage only, with an annual inspection and report from Planning & Zoning, on the property located on Lot1A of Tr 1 of VanBeek's Addition in the East Half of the Northeast Quarter (E1/2NE1/4) of Section 31, Township 97 North Range 49 West of the 5<sup>th</sup> P.M. Lincoln County, South Dakota. Roll call vote: Schmidt, Aye; Melcher, Nay; Long, Aye; Gillespie, Aye and Weeldreyer, Aye. Motion carried.

Motion by Schmidt and seconded by Weeldreyer to declare the Eureka Vacuum Cleaner #2390 surplus to be disposed of. Motion carried.

Motion by Gillespie and seconded by Schmidt to authorize the Chairman to execute the Application, Affidavit for Replacement Warrant submitted by Craig Runge of Triple R Paving Inc. to replace warrant number 19934 issued May 22, 2009 in the amount of \$45.00 as the original warrant has been lost. Motion carried.

Motion by Weeldreyer and seconded by Gillespie to abate taxes on parcel no. 280.87.07.000 for tax years 2003 through 2008 as the property has been taken for tax deed. Motion carried.

RESOLUTION: BE IT RESOLVED that the plat of Tract 3 of Merkle's Addition in the Northeast Quarter (NE1/4) of Section 8, Township 99 North, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota was duly submitted to the Board of County Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Gillespie and seconded by Weeldreyer. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the County Auditor is hereby authorized and directed to publish "Notice of Hearing" on proposed amendments to the 2009 Revised Zoning Ordinance for Lincoln County and the 2008 Revised Lincoln County Subdivision Ordinance for increases in fees. Said Hearing to be held on July 14, 2009 at 9:00 am. Motion by Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Ground Lease Agreement by and between Lincoln County and Arlen L. Hauge Living Trust for Lease Site R4 at the Marv Skie Airport. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the perpetual Easement transferring and conveying unto Lincoln County Rural Water System, Inc. the land described as Lot GP-1, a Subdivision of Tract 38, Lot GP-2, a Subdivision of Tract 39, and Airport Tract No. 1A, all in Sky Haven Heights in the Northwest Quarter (NW1/4) of Section 30, Township 100 North, Range 50 West, Lincoln County, South Dakota. Motion by Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Auditor is hereby authorized and directed to advertise "Notice to Accept Sealed Bids" on the courthouse annex building located at 200 East 5<sup>th</sup> Street, Canton, SD, legally described as: The West 41.5' of Lots 7 and 10, Block 15, Canton Original Addition to the City of Canton, Lincoln County, South Dakota. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

Bids were presented as published for the 2009 Lincoln County 106 Asphalt Overlay Project. Myrl & Roy's Paving, Inc. of Sioux Falls, SD \$796,340.40; ASCO of Sioux Falls, SD \$891,419.40; McLaughlin & Schulz, Inc. of Marshall, MN \$897,970.20; Duinick Bros. Inc. of Prinsburg, MN \$920,593.67 and Double H Paving, Inc. of Tea, SD \$974,474.50.

RESOLUTION: BE IT RESOLVED to accept the low bid of Myrl & Roy's Paving Inc. of Sioux Falls for the 2009 Lincoln County 106 Asphalt Overlay Project in the amount of \$796,340.40. Motion by Gillespie and seconded by Schmidt. All Commissioners voted "Aye".

Motion by Weeldreyer and seconded by Melcher to approve the Applications for Entrance From a Lincoln County Highway submitted by Pete Hoogendoorn for an entrance onto Lincoln County Highway No. 143 and Joel VanDenTop for an entrance onto Lincoln County Highway No. 143. Motion carried.

Motion by Gillespie and seconded by Melcher to approve the Applications for Permit for a permit to locate across the right of way of Lincoln County Highway No. 110 and Lincoln County Highway No. 146 submitted by Southeastern Electric. Motion carried.

Motion by Schmidt and seconded by Weeldreyer to approve the Application for Utility Permit submitted by Lewis & Clark Regional Water System Inc. for a permit to locate across the right-of-way of Lincoln County Highway No. 135. Motion carried.

Motion by Weeldreyer seconded by Melcher to approve the Applications for Utility Permit submitted by SDN Communications for permit to locate in the right-of-way of Lincoln County Highway No. 106. Motion carried.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Cooperative Action Agreement for the Installation and Maintenance of a Four Phase Traffic Signal by and between Lincoln County and the City of Harrisburg. BE IT FURTHER RESOLVED to accept the proposal of Action Electric in the amount of \$23,658.00 to furnish and install the four phase traffic signal at the intersection of Harrisburg High School and Lincoln County Highway 110. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

Motion by Gillespie and seconded by Melcher to declare the following items surplus to be sold at public auction: 1 – 500 gallon fiberglass tank with saddle #451; 1 – 150 gallon fiberglass tank with saddle; 1 – 50 gallon plastic tank; 3 – handgun hose reels; 1 – 5HP Briggs & Stratton Motor with pump; 1 – backpack sprayer #904. Motion carried.

The following full-time payroll claims were approved: The following full-time payroll claims were approved: General Fund: Auditor's Office Payroll \$18,718.21; Treasurer's Office Payroll \$25,951.87; Computer/Data Processing Payroll \$3,628.93; Equalization Office Payroll \$25,375.58; Veteran's Service Office Payroll \$1,458.33; States Attorney Office Payroll \$41,908.08; Register of Deeds Office Payroll \$9,952.01; GIS Office Payroll \$3,757.74; Custodians Payroll \$17,208.61; Sheriff's Office Payroll \$58,331.90; Extension Office Payroll \$4,921.26; Weed Control Payroll \$9,484.99; Planning & Zoning Office Payroll \$6,358.57; FICA Match \$13,393.52; Medicare Match \$3,095.67; SDRS Match \$14,524.77; Group Health Insurance Match \$15,783.80. Road Fund: Payroll \$58,380.73; FICA Match \$3,185.76; Medicare Match \$745.04; SDRS Match \$2,864.22; Group Health Insurance Match \$5,426.51; Communications Fund: Payroll \$28,698.35; FICA Match \$1,649.49; Medicare Match \$385.76; SDRS Match \$1,721.90; Group Health Insurance Match \$1,873.27; Emergency Management Fund: Payroll \$3,827.24; FICA Match \$211.56; Medicare Match \$49.48; SDRS Match \$229.63; Group Health Insurance Match \$464.33. Solid Waste Fund: Payroll \$6,419.36; FICA Match \$376.43; Medicare Match \$88.04; SDRS Match \$385.16; Group Health Insurance Match \$210.16; Airport Fund: Payroll \$3,617.32; FICA Match \$200.57; Medicare Match \$46.91; SDRS Match \$217.04; Group Health Insurance Match \$430.39.

The following claims were approved: General Fund: Action Electric, lights \$1,026.97; Active Data Systems, microfilm/printers \$1,761.71; Craig Andersen, mileage \$48.10; Athey Court Reporting Serv, transcripts \$111.60; Avera McKennan Hospital, blood draw \$52; MI hold \$1,696; prisoner care \$217.60; witness \$115.55; Avera University Psychiatry, MI hospital admits \$1,143.64; Brown & Saenger, supplies \$93.76; Campbell Supply, supplies \$21.21; Canton Transit, 2009 budget allocation \$2,500; Cedar Shore Resort, lodging \$365.85; Century

Business Products, copier lease \$53.99; Chemco, supplies \$363; Clark Engineering, professional services \$483.50; Don Cole, mowing \$150; Janice Debuhr, mileage \$77.70; Sue Doherty, mileage & parking \$62.47; John Erpenbach RN/CNP, MI evals \$202.50; Paula Feucht, mileage \$19.61; Fox Youngberg & Lewno, crt appt counsel \$376.64; John Frislie, mileage \$18.50; GIS Workshop, annual maint \$360; Marie Heimdal, transcripts \$978.60; Help Line Center, 2009 allocation \$4,000; Highpointe Townhomes, county assistance \$1,000; Hunters Gate/Southridge Apts, county assistance \$495; Interstate Office Products, supplies \$199.82; Jensen Ins Agency, vehicle ins \$424; Jerry's Pit Stop, service vehicle \$32.75; Johnson Controls, service agreement \$8,696.91; Lab Safety Supply, supplies \$512.01; Lennox School District, 2009 drug free donation \$1,000; Lewis and Clark BHS, MI evals \$284; Lewis Drugs, prisoner meds \$516.29; LexisNexis, online charges \$712; Lincoln Financial Group, employee life ins \$249.56; Louisville Courier-Journal, public notice \$1,077.54; Michael McGrath PH D, MI evals \$162; McLeod's Printing, supplies \$125.96; Jason Melcher, mileage \$17.02; Menards, supplies \$142.44; Metro Communications, tape request \$30; MidAmerican Energy, county assistance \$338.73; utilities \$430.15; Minnehaha Co Human Services, poor relief \$28,560.84; Minnehaha Co Regional JDC, child care \$9,990; Monroe Systems for Business, supplies \$48.77; Myrabo Law Office, MI board expenses \$12,270.61; Chad Nelson, mileage \$14.06; June Nusz, mileage \$11.10; Office Elements, copier maint \$96.88; Barbara Palmer QMHP, MI evals \$1,035; Paul's Auto Repair, vehicle repairs \$221.35; Pennington County Jail, prisoner transport \$268.80; Pitney Bowes, quarterly charges \$579; rental & supplies \$127.68; Pizza Ranch, grand jury meals \$120.80; Richard Portz, mileage \$17.76; Qwest, courthouse sensor \$80; Rosecrest Townhomes, county assistance \$500; Rural Route 1 Service, mats \$76.50; Sheldon Schelling QMHP, MI evals \$112.50; Sioux Empire Automotive Serv, service & repairs \$2,740.88; Sioux Falls Two-Way Radio, install radio \$335.93; Darrel Sogn, mileage \$33.30; Sturdevant's Auto Parts, supplies \$6.01; Marlene Sweeter, mileage \$122.10; Tea H.R.C. Townhomes, county assistance \$500; Tea Partnership, county assistance \$334; The Compass Center, crt ordered therapy 300; Doug or Kay Thormodsgard, county assistance \$250; Tyler Tech, training \$2,173.80; Wal-Mart West, county assistance \$4; West Payment Center, publications \$207.50; Workplace Technology Center, MSP mail services \$64.75; Ross Wright, mileage \$25.90; Xcel Energy, county assistance \$204.81; Yankton Co Sheriff's Dept, serve papers \$25; Yankton Co Treasurer, MI hearings \$207.50; Zomer Plumbing & Heating, A/C repairs \$101.90.

Road Fund: Avera Queen of Peace, drug & alcohol tests \$328.50; Bierschbach Equip, supplies \$345; Allan Bonnema, registration & mileage \$82; Boyer Trucks, repairs \$230.41; Clark Engineering, inspection \$5,078.93; Concrete Materials, washed chips \$6,054.26; Diamond Mowers, supplies/repairs \$314.11; Diesel Machinery, rent broom \$2,350; G & K Supreme Auto Sales, repairs \$275; JD Evans Equipment, repairs \$76.77; Lincoln Financial Group, employee life ins \$52.95; Lite Electric, repairs \$46.26; MidAmerican Energy, utilities \$26.59; Pump'n Pak, fuel \$12.78; Quill, supplies \$313.97; Servall Towel & Linen, towel service \$28.91; Sioux Equipment, repairs \$235.03; Stern Oil, diesel fuel \$13,187.30; Xcel Energy, utilities \$26.81; Zee Medical Service, first aid supplies \$124.60.

E-911 Communication Fund: Brown & Saenger, supplies \$48.18; Cartridge World, supplies \$91.15; Knology, tower rent \$100; Lincoln Financial Group, employee life ins \$28.24; Qwest, tower rent \$1,684.09; Sioux Falls Two-Way Radio, repairs \$402.

Rural Fire Protection Fund: 2009 Rural Fire Allocation, Alcester Rural Fire Assoc \$1,750; Beresford Rural Fire Assoc \$3,500; Canton Rural Fire Assoc \$3,500; Centerville Rural Fire Assoc \$1,750; Fairview Rural Fire Assoc \$3,500; Hudson Rural Fire Assoc \$3,500; Harrisburg Rural Fire Assoc \$3,500; Lennox Rural Fire Assoc \$3,500; Tea Rural Fire Assoc \$3,500; Worthing Rural Fire Assoc \$3,500.

Emergency Management Fund: Billion, vehicle repairs \$33.63; Cartridge World, supplies \$111.91; Dave's Service & Repair, fuel \$47; Lincoln Financial Group, employee life ins \$3.53; Harold Timmerman, fuel \$54.35.

Solid Waste Fund: Argus Leader, free drop off day ad \$74.16; Countryside Convenience, fuel \$96.01; Eastern Farmers, supplies/fuel \$305.78; Lincoln Financial Group, employee life ins \$7.06; Premier Electric, repair switch box \$178.47; City of Sioux Falls, tipping fees \$14,111.46; Southeastern Electric, utilities \$207.82.

Airport Fund: EAA Chapter 289, rent \$268.17; Knology, internet service \$52.95; Lincoln Co Rural Water, utilities \$37.50; Lincoln Financial Group, employee life ins \$3.53; Sinclair Oil, fuel \$89.99; Southeastern Electric, utilities \$245.49.

24/7 Sobriety Fund: Pharm Chem Inc, sweat patch analysis \$320.

Law Library Fund: West Payment Center, publications \$355.

Employee Group Health Fund: Wellmark Blue Cross/Blue Shield, employee health ins \$42,579.68.

The Board adjourned until 8:30 A.M. on July 7, 2009.

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Dale Long, Chairman

Attest: \_\_\_\_\_  
Paula Feucht, Auditor

Approved \_\_\_\_\_