

July 13, 2010

The Lincoln County Board of Commissioners met at 8:30 A.M. on July 13, 2010 with members Jason Melcher, David Gillespie, Jim Schmidt, Dennis Weeldreyer and Dale Long 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 Long and seconded by Weeldreyer that the minutes of July 6, 2010 be approved. Motion carried.

Mileage logs for county vehicles were presented for June, 2010.

The Sheriff's Mileage report for the month of June 2010 was presented.

Motion by Weeldreyer and seconded by Long to authorize the 911 Coordinator to replace the repeater in Fairview. Motion carried.

Motion by Gillespie and seconded by Weeldreyer to approve out of county travel for Jessica Sommervold to travel to Sioux Falls, SD for a Wage-Hour and FMLA Seminar for SD Public Agencies on August 19, 2010. Motion carried.

RESOLUTION: BE IT RESOLVED that the Lincoln County Board of County Commissioners do hereby support the Vietnam Memorial Education Center. Motion by Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: WHEREAS the Notice of Hearing was published for the transfer of Retail on-sale Liquor License from Truck Towne, Carlson Tract 2, South Half of the Southwest Quarter (S1/2SW1/4) of Section 31, Township 96, North, Lincoln County, SD to Smitty's Pub, Carlson Tract 2, South Half of the Southwest Quarter (S1/2SW1/4) of Section 31, Township 96, North, Lincoln County, SD, NOW THEREFORE BE IT RESOLVED that the transfer be approved for the 2010 license period and BE IT FURTHER RESOLVED that Sunday sales be authorized. Motion by Gillespie and seconded by Long. All Commissioners voted "Aye".

Motion by Long and seconded by Gillespie to issue a letter of support to the South Dakota Association of County Commissioners for the 911 Surcharge Resolution passed by the Bennett County Board of Commissioners to temporarily increase the 911 surcharge to help defray the cost of 911 PSAP and 911 responder costs until the State makes a final decision on a permanent funding protocol. Motion and second were withdrawn.

Motion by Melcher and seconded by Weeldreyer to authorize the Chairman to execute the POD grant application by and between Lincoln County and the South Dakota Department of Health. Motion carried.

Motion by Long and seconded by Melcher to authorize the Chairman to execute the Business Associate Agreement by and between Lincoln County and Total Administrative Services Corporation. Motion carried.

Motion by Long and seconded by Weeldreyer that Lincoln County draft and sponsor a resolution to be presented to the SDACC rules committee to authorize counties to perform short term borrowing when grant funds will be received as reimbursement for the payment of the loan. Motion carried.

Motion by Weeldreyer and seconded by Gillespie to authorize the County Treasurer to accept partial payment of taxes in the amount of \$44.43 by July 31, 2010 on parcel no. 210.10.32.003A and the sum of \$100.00 per month toward parcel no. 210.20.31.010 which payment shall be due on the 30th day of each month beginning August 31, 2010 and continuing on the same day of each month thereafter until the balance due and owing Lincoln County, together with the accrued interest, is paid in full. Motion carried.

RESOLUTION: An ordinance to provide for the recovery of costs associated with development and maintenance of Lincoln County's Geographic Information System and the provision of this data to members of the public and for setting forth the terms and conditions by which users of the Geographic Information Systems Data will be bound.

WHEREAS, the County of Lincoln has incurred costs to establish a Geographic Information System (GIS) which serves as the foundation for all mapping and GIS application development performed by the County; and

WHEREAS, members of the public often request copies of maps and/or other compilations of GIS data created for governmental purposes; and

WHEREAS, the County incurs certain costs for searching, producing and delivering GIS data to frequent users of the GIS data; and

WHEREAS, the County desires to implement measures to protect the GIS data from improper use or dissemination by members of the public, as well as to protect the County from liability for any errors or discrepancies that may be contained in the GIS data; and

WHEREAS, the County has determined that its interests are best served by the enactment of an ordinance providing for licensed use of the GIS data which will further provide that members of the public must comply with certain restrictions on the use and dissemination of the GIS data as a condition of its use;

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF LINCOLN COUNTY:

SECTION 1. Geographic Information System

1. Geographic Information System Data.

(a) The Geographic Information Services Department shall implement and maintain a Geographic Information System (GIS) primarily for the use of the various agencies of Lincoln County and, as authorized by the County Commissioners herein, for the limited use of other persons or entities. The GIS or the GIS data may be further defined in writing by the GIS Coordinator and shall be made up of digital data (GIS data) electronically created, collected, formatted, manipulated or otherwise maintained by the Lincoln County Geographic Information Services Department.

(b) License Agreement is required.

1. It shall be a Class 2 misdemeanor for any person or entity, to acquire, maintain, or use for any application the GIS data without first authorizing a License Agreement issued by and upon such form as designated by the Lincoln County Geographic Information Services Department.

2. The individual or entity that has obtained licensed use of the GIS data from Lincoln County shall not sublicense, assign, lease, post on the internet, transfer, sell, abuse or intend to abuse as to commit harm, allow the use of, permit access to, distribute, allow interactive rights to, or otherwise make the GIS data available to any other person or entity.

3. The Lincoln County Board of Commissioners may grant to other government/ public entities, institutions, organizations or individuals, access to the GIS data in exchange for desired like valued data or at no cost to the government entities, institutions, organizations or individual

4. Any GIS data user will have an ongoing and continual duty to notify any employees, agents, contractors or other individuals having access to the GIS data as a part of the authorized use of the GIS data, of the restrictions set forth in this section and to ensure that the employees, agents, contractors or other individuals comply with the same;

5. All licensed users and the public acknowledge and understand that the *GIS data is not a legally recorded map, survey, or legal document and that the GIS data may contain errors; the GIS data is for reference only and may not be used or relied upon in any other way;*

6. All licensed users and the public acknowledge and understand that Lincoln County has provided the GIS data on an “**as is**” basis and makes no representations, guarantees or warranties regarding the GIS data whatsoever, including but not limited to representations, guarantees or warranties that the GIS data is fit for any purpose, or is accurate, complete or correct; and further that Lincoln County expressly disclaims any and all liability of any nature whatsoever arising out of any use of the GIS data by any person or entity;

7. All licensed GIS data users and the public shall defend, release, indemnify and save and hold harmless Lincoln County and its officers, agents and employees from any and all claims, damages, demands, liabilities, losses, actions, suits, costs, expenses, legal fees, judgments, causes of action, or other legal, equitable or administrative proceedings of any kind whatsoever, of or by anyone whomsoever, regardless of the legal theory(ies) upon which premised, which in any way result from, are connected with, or arise out of, directly or indirectly, the actions or omissions of any person or entity in connection with any use of the GIS data obtained by any person or entity from Lincoln County, whether such use is authorized or unauthorized, by any person or entity, including actions or omissions of any person or entity, officers, employees, agents, representatives, invitees, subscription holders, data users, sub-consultants, or any other individual obtaining access to the GIS data provided by Lincoln County;

8. All licensed GIS data users shall, upon request from Lincoln County, use its best efforts to assist Lincoln County in identifying any unauthorized use of the GIS data by any person or entity that may have gained possession of the GIS data provided by the Lincoln County;

9. All licensed GIS data users acknowledge and understand that any use it makes of the GIS data that is not in compliance with this section or provided for by written permission from Lincoln County will cause irreparable harm and significant injury to Lincoln County and that Lincoln County may seek and obtain injunctive relief against the subscription holders, data requestors, or any person or entity, for acting or threatening to engage in or facilitate the unauthorized use of the GIS data, in addition to any other equitable or legal remedies that may be available to Lincoln County.

10. Fees for GIS data. The GIS data shall be available in such formats or products and for such costs and fees as are set forth in the Lincoln County, South Dakota Spatial Data Products and Services Order Form and may be adjusted as necessary, by resolution of the Lincoln County Board of Commissioners

SECTION 2. Severability and Separability

Should any Section, Sub-section or Provision of these GIS Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the GIS Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional. Motion by Melcher and seconded by Weeldreyer. All Commissioners voted “Aye”.

Motion by Long and seconded by Melcher to authorize the Chairman to execute the Termination of Ground Lease Agreement by Mutual Consent for Lease Site K, Unit 6 by and between Lincoln County and the Vanguard Squadron Inc., Lease Site P, Unit 3 by and between Lincoln County and Kim Kusch and Lease Site Q, Unit 1, by and between Lincoln County and David and Ryan Good. Motion carried.

The following claims were approved:

General Fund: Jurors, fees & mileage Ahrendt, Valorie \$129.60; Almond, Roger \$26.28; Alsobrook, Jolene \$21.10; Anacker, Debbie \$176.60; Becker, Megan \$54.04; Bendt, Lisa \$24.80; Benson, Kristiana \$164.40; Black, Nelan \$62.58; Blanchard, Joel \$194; Blankespoor, Brenda \$259.20; Boyum, Thomas \$13.70; Brandes, Karen \$81.44; Breske, Calvin \$57; Brown, Jenny \$114; Bruns, Sharon \$23.32; Buchholz, Jeanne 124.80; Chambers, Caryla 24.80; Damron, Sally \$264.40; Demore, Andrew 61.10; Dickerson, Ian \$433.20; Donley, William \$189.96; Drew, Brian \$132.56; Eichacker, Daniel \$35.90; Ekle, Betty \$50.74; Elliott, Kimberly \$51.08; Faber, Larry \$17.40; Falkingham, Austin \$25.54; Fodness, Mackenzie \$39.24; Foss, Jeremy \$97; Freiberg, Lisa \$63.32; Fritz, Pamela \$72.20; Gass, Kimberly \$135.52; Gilbertson, Curtis \$19.62; Green, Ronda \$28.50; Haar, Joshua \$32.20; Hanson, Brenda \$152.22; Harris, Ryan \$24.80; Harris, Sara \$24.80; Hastings, Eric \$21.48; Henderson, Bruce \$23.32; Hildebrand, Julie \$137; Hoffmann, Gina \$26.28; Hostetler, Shane \$28.50; Jensen, LaJean \$132.56; Johnson, Gary \$15.18; Jones, Marilyn \$128.12; Jongeling, Ryan \$25.54; Jorgensen, Anna \$59.62; Kautz, Dennis \$69.98; Klemisch, Abigail \$137; Klinger, Sara \$64.80; Klinghagen, Brian \$24.80; Koch, Amy \$25.54; Kruse, Eugene \$24.80; Kruse, Steven \$24.80; Larson, Jeremy \$64.80; Larson, Mark \$17.40; Legg, Casey \$101.48; Leloux, Marcus \$25.54; Ling, Ryan \$24.80; Lundquist, Kenneth \$92.56; Luther, Joshua \$64.80; Mason, Scott \$137; Matzen, Mary \$28.50; McKee, Angela \$72.20; Mendelson, Gale \$24.80; Miss, Anita \$27.02; Morck, Roger \$21.48; Mulder, Terry \$28.50; Muller, Kimberly \$23.32; Munro, Abigail \$21.10; Neiman, Larissa \$24.80; Nelson, Mindy \$21.10; O'Brien, Cherylann \$24.80; Ochsner, Greg \$57; Pederson, Eric \$69.98; Petersen, Jeffrey \$89.60; Peterson, Mark \$49.60; Plucker, Donna \$101.48; Poole, Diane \$28.50; Posegate, Darrel \$32.20; Quartier, Lisa \$30.72; Radel, Sarah \$24.80; Rasmussen, Randall \$52.56; Reit, Jerilyn \$42.20; Rhode, Timothy \$34.80; Rolfing, Margie \$32.20; Roti, Carol \$113.32; Rucker, Karen \$24.44; Ruiz, Colleen \$119.24; Schaaf, Sarah \$29.98; Schnabel, Cyndi \$24.80; Schneider, Francis \$137; Schouten, Danyel \$59.96; Shemon, Kimberly \$64.80; Short, Kasey \$14.44; Slack, Brian \$64.40; Springer, Eric \$50.74; Stansbury, Erin \$27.02; Sterrett, Thomas \$69.98; Stoffers, Laura \$119.24; Streifel, Lynne \$28.50; Streifel, Thomas \$194.40; Stucky, Jamie \$77.76; Thompson, Craig \$21.48; Tripp, Douglas \$24.80; Vanbruggen, Marlys \$64.06; Vanderstouwe, Teresa \$154.40; VanEgdom, Jacob \$129.60; Vaske, Maren \$183.30; Versteeg, Lawrence \$49.60; Wiebe, Diana \$28.88; Wiebers, Lynn \$64.40; Wiczorek, Kenneth \$108.88; Wilken, Nikki \$100.37; Williams, Cheryl \$23.32; Wilson, Maxine \$60.36; Woitzel, Troy \$58.48. A & B Pure Water Online, water/coffee \$57.65; Alco, supplies \$4.79; Craig Andersen, mileage \$18.50; Automated Security, fire alarm repairs \$1,570; Avera McKennan Hospital, med records \$44.10; mental health holds \$1,383.38; prisoner care \$939.70; Avera University Psychiatry, MI evals/hosp admits \$825.64; David L Bergendahl, grand jury transcripts \$168; Berreau Law Office, pub def contract/fees \$20,686.92; Best Business Products, copier maint contract \$118.08; Breyfogle's Plumbing/Heating, parts & repairs \$1,400.51; Brown & Saenger, supplies \$176.58; Bubba's Quality Auto Parts, parts \$60.64; Builders Supply, keys \$12.78; City of Canton, utilities \$707.63; CDW-G Inc, supplies \$72.39; Century Business Products, copier lease/maint \$233.68; Doug Chaulk, mileage \$192.03; Chemco, supplies \$43.20; Clark Engineering Corp, plat reviews \$1,757.50; Don Cole, mowing \$75; Community Health Clinic, prisoner care \$65; Countryside Convenience, fuel \$154.59; Culligan Water Conditioning, softener tank service \$21.25; Dakotabilities, 6 clients \$1,080; Election Systems & Software, maint/support \$234; Empire Business Systems, checks \$1,009.50; Eric Eneboe, mileage \$317.83; John Erpenbach QMHP, MI evals \$202.50; Express Attorney Services, serve papers \$54.50; Farmers State Bank, coin sets \$291.25; David Gillespie, mileage \$137.48; Great Plains Psychological, psych eval \$2,170; Sandra Guzman, interpreter \$75; Haisch Pharmacy, supplies \$70.70; Harmelink, Fox & Ravensborg, MI hearing \$172; Independent Publishing, publishing \$695.63; Interstate Office Products, supplies \$363.67; Johnson Controls, maint agreement \$9,136.98; KB's True Value, supplies \$101.07; Knology, phone usage \$1,323.53; Kelley Kruger, mileage \$61.42; Ronald Larson, mileage \$3.70; Lincoln Co Conservation District, 1st half allocation \$10,000; Lincoln Co Open Class, annual fee \$65; Lincoln Co Rural Water, county assistance \$78.70; Lutheran Social Services, interpreter \$88.10; MCPC Inc, supplies \$205.32; Medical X-Ray Center, county assistance \$2,452.88; Med-Tech Resource, supplies \$119.03; Jason Melcher, mileage \$17.02; Menards, supplies \$13.31; Metro Communications, tape requests \$30; MidAmerican Energy, utilities \$352.09; Minnehaha Co Human Services, monthly poor relief \$5,098; Minnehaha Co Regional JDC, child care \$3,220; Minnehaha Co Trs, blood draws \$550; boarding fees \$31,755; NACO, registration \$930; National Notary Assoc, notary renewal \$71; Chad Nelson, mileage \$14.06; Irene Ness, folding chairs \$999.26; Novak Sanitary Service, garbage & recycling \$136.67; June Nusz, mileage \$11.10; Ophthalmology Ltd, prisoner care \$107.81; Orthopedic Institute, county assistance \$1,148.37; Otis Elevator, service agreement \$204; Pedersen Machines, vehicle maint \$55.98; Scott

Peters, MI board \$402; Peterson, Stuart & Rumpca, pub def contract \$8,000; Pioneer Drug, jail meds \$958.17; Pizza Ranch, jury meals \$53.45; Postmaster, postage due trust \$25; Pump'n Pak, fuel \$65.83; Quill, supplies \$217.50; Ron's Classic, vehicle repairs \$191.51; Mark Rowen, supplies/mileage \$219.38; Rural Route 1 Services, mats \$84.45; Tammy Schanche, horse judge \$200; SD Dept of Public Safety, boiler inspection \$120; SD State Trs, alcohol/drug tests \$1,457; mentally ill \$60; SDACC, CLERP \$17,281.45; welfare manual \$50; SDVSOA, dues \$50; Sioux Empire Auto Service Center, service vehicles \$227.99; Sioux Falls Music, PA system \$150; Sioux Valley News, publishing/materials \$996.42; Debra S Sittig, MI board \$34; Darrel Sogn, mileage \$11.10; Southeastern Electric, county assistance \$212.33; Stan Houston Equip, parts \$11.35; Star Publishing, subscription \$27.50; Sturdevant's Auto Parts, parts \$53.06; Deyarina Thorin, interpreter \$50; Deb Turner, mileage \$42.55; Union Co Sheriff's Dept, boarding fees \$1,650; VanDiest Supply, supplies \$3,390; Verizon Wireless, mobile internet \$215.05; Volunteers of America, shelter care beds \$3,000; Dennis Weeldreyer, mileage \$372.22; Wheelchair Express, MI transports \$430; Workplace Technology Center, MSP mail services \$64.75; Xcel Energy, utilities \$6,815.70; Yankton Co Treasurer, MI hearings \$103.75; James Zick, fuel \$61.42.

Road Fund: Bierschbach Equipment, supplies \$200.50; Allan Bonnema, fuel \$90.01; Boyer Trucks, repairs \$747.23; Butler Machinery, parts & repairs \$545.62; City Of Canton, utilities \$331.43; Clark Engineering Corp, professional services \$9,782.33; Concrete Materials, asphalt \$64,711.68; Dave's Service & Repair, repairs \$558.02; Diesel Machinery, equip rental \$3,700; Farm Gas, propane \$285; G & K Supreme Auto Sales, windshields \$1,205; Independent Publishing, notices \$32.16; JFI, repairs \$34; KB's True Value, supplies \$13.68; Knology, phone usage \$154.04; Lawson Products, parts \$333.48; MidAmerican Energy, utilities \$15.20; Paul's Storage, tires \$72; Pump'n Pak, chain saw gas \$10.85; SD Dept of Trans, bridge work \$3,745.72; Servall Towel & Linen, towel service \$17.47; Sioux Equipment, parts \$586.64; Sioux Falls Two-Way Radio, repairs \$222.50; Sioux Valley News, notice \$35.09; Sturdevant's Auto Parts, parts \$330.39; Tractor Supply, tires \$119.96; Wheelco Truck & Trailer, parts & repairs \$57.6; Xcel Energy, utilities \$311.53.

E911 Communication Fund: County Wide Directory, directory \$23; Dell, monitor \$239; Ecowater, water/supplies/rent \$110.95; Knology, 911 circuits/phone usage \$977.01; Qwest, backup lines \$114.05; Sioux Falls Two-Way Radio, supplies \$278; Xcel Energy, radio repeater \$15.62.

Emergency Mgmt Fund: Knology, phone usage \$79.08; Pizza Ranch, meals \$91.94; Harold Timmerman, fuel \$73.07; Verizon Wireless, mobile internet \$43.01.

Home Health Fund: Sanford Home Health, 1st half allocation \$7,500.

Solid Waste Fund: Countryside Convenience, fuel \$122.92; Dakota Country Welding, repairs \$935; Dakota Fluid Power, repairs \$589.03; Herc-U-Lift, maint \$92.89; KB's True Value, supplies \$22.09; Knology, phone usage \$54.15; Larson Truck Sales, parts & repairs \$455.85; Quill, supplies \$70.05; South Lincoln Rural Water, utilities \$33; Southeastern Electric, utilities \$220.40; Sturdevant's Auto Parts, supplies \$180.28; Sunshine Foods, supplies \$16.44; Verizon Wireless, mobile internet \$33.92;

Airport Fund: All Phase Electric, repairs \$497.68; Argus Leader, advertising \$1,000; Boom's Painting, paint bldg \$1,000; Empire HVAC, HVAC maint \$66.33; Independent Publishing, publishing \$78.39; Knology, phone usage \$.70; Lincoln Co Rural Water, utilities \$26.05; Pfeifer's Implement, parts \$53.64; Sioux Valley News, publishing \$82.53; Southeastern Electric, utilities \$207.75;

24/7 Sobriety Fund: Pharm Chem Inc, supplies \$492.50.

The Board adjourned until 8:30 A.M. on July 27, 2010.

Lincoln County Board of Commissioners

Jim Schmidt, Chairman

Attest: _____
Paula Feucht, Auditor

Approved _____