

May 25, 2010

The Lincoln County Board of Commissioners met at 8:30 A.M. on May 25, 2010 with members Dennis Weeldreyer, Jason Melcher, Jim Schmidt,, Dale Long and David Gillespie 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 Melcher that the minutes of May 18, 2010 be approved. Motion carried.

Motion by Melcher and seconded by Gillespie to enter executive session pursuant to SDCL 1-25-2.3 for contract negotiations. Motion carried.

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

Chairman, Jim Schmidt, appointed Commissioners Gillespie, Weeldreyer and Long to act as appraisers to appraise the personal property in the courthouse annex building.

Motion by Long and seconded by Weeldreyer to approve out of county travel for Deb Turner, Paula Feucht and Marlene Sweeter August 25, 2010 to August 27, 2010 for the SDACES meeting in Sturgis. Motion carried.

Janet Kittams-Lalley representing the Compass Center of Sioux Falls requested a budget allocation for 2011 of \$5,000 from the Domestic Abuse Program Fund.

The first reading and Hearing was held as published for an Amendment to the 2009 Revised Zoning Ordinance for Lincoln County, SD, by Revising the Regulations for Temporary Uses.

Suggestions for changes to the proposed amendment included earlier notification to adjoining property owners of the temporary use application, notification by the Planning and Zoning Department in addition to notification by the applicant, more flexibility of temporary use, and inclusion of the temporary use plan with the notification to adjoining property owners.

Motion by Long and seconded by Weeldreyer to amend the notification to adjoining property owners for the hearing on the temporary use application to 30 days sent by certified mail and that the notification include the temporary use plan and that signage be posted two weeks prior to the hearing. Motion carried.

Motion by Long and seconded by Melcher to take off the table the appeal that was filed on the decision of the Planning and Zoning Board to grant the conditional use permit 10-CUP-008 for the building of an addition to the existing Top Dog Resort located at North 160' of the West 701.7' of Tract 2 Haas Addition, in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section 35, Township 100, Range 50, Lincoln County. Motion carried.

The four criteria stated in Article 18 Section 18.05 of the 2009 Revised Zoning Ordinance for Lincoln County were considered in relation to the application for the conditional use permit 10-CUP-008.

Commissioner Weeldreyer stated that he felt the valuation of adjoining property owned by Richard and Belinda Fink, who filed the appeal of the Planning and Zoning Board decision, could be adversely affected.

Motion by Weeldreyer to overturn the decision of the Planning and Zoning Board to approve the application for the Conditional Use Permit 10-CUP-008. Motion died due to lack of a second.

Motion by Gillespie and seconded by Long to uphold the decision of the Planning and Zoning Board to grant the Conditional Use Permit 10-CUP-008 with the stipulation that a ten to twelve foot fence with sound deadening all-weather type material be erected around the existing area and the expansion area and that the hours that dogs can be outside be strictly enforced. Roll Call Vote: Weeldreyer – “Nay”, Gillespie – “Aye”, Schmidt – “Nay”, Melcher – “Nay”, and Long – “Nay”. Motion failed.

Motion by Long and seconded by Melcher that the decision of the Planning and Zoning Board to approve the application for the Conditional Use Permit 10-CUP-008 be upheld with the stipulation that an eight foot fence be erected around the North play area. Motion and second were rescinded.

Motion by Long and seconded by Melcher to uphold the decision of the Planning and Zoning Board to approve the application for the Conditional Use Permit 10-CUP-008 with the stipulation that no groups of dogs be outside before 8:00 am and after 8:00 pm and that the hours be strictly enforced. Roll Call Vote: Long – “Aye”, Melcher – “Nay”, Schmidt – “Nay”, Gillespie – “Nay”, and Weeldreyer – “Nay”. Motion failed.

Motion by Weeldreyer and seconded by Gillespie to over turn the decision of the Planning and Zoning Board to approve the application for the Conditional Use Permit 10-CUP-008. Roll Call Vote: Weeldreyer – “Aye”, Gillespie – “Aye”, Schmidt – “Aye”, Long – “Nay”, and Melcher – “Nay”. Motion carried.

RESOLUTION: BE IT RESOLVED that the Plat of Lot 1 in Block 1 and Lot 6 in Block 2 of Arthur Estates, an Addition in the West Half (W1/2) of the Northeast Quarter (NE1/4) of Section 32, Township 100 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 Melcher and seconded by Gillespie. All Commissioners voted “Aye”.

RESOLUTION: BE IT RESOLVED that the Plat of Tract 1 and Tract 2 of Koedam's Addition in the East Half (E1/2) of Government Lot 2 in the Northeast Quarter (NE1/4) of Section 1, Township 98, 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 Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Tract 1 of Hessaa's Addition in the Southeast Quarter (SE1/4) of Section 2, Township 99, Range 49, 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 Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Tract 4 of VanVoorst's Addition in the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 14, Township 99, Range 49, 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 Melcher and seconded by Gillespie. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Tract 1A of Slack's Addition in the East Half (E1/2) of Section 2, Township 99, Range 49, 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 Melcher and seconded by Gillespie. All Commissioners voted "Aye".

The Clerk of Courts report of Disbursement of Funds for month ending April 30, 2010 was presented as follows: State Fines \$10,455.00 State Penalties \$.00; State Costs \$810.02, Cash Fees \$1,437.20, Law Library \$197.00, State Forfeiture \$1,470.00, Petty Offense \$605.00 Divorce Fees \$250.00, Court Appointed Attorney Repayments \$2,399.00.

The Clerk of Courts report of Disbursement of Funds for mid-month ending May 14, 2010 was presented as follows: State Fines \$8,273.50, State Penalties \$.00; State Costs \$883.50, Cash Fees \$1,798.40, Law Library \$290.00, State Forfeiture \$450.00, Petty Offense \$325.00 Divorce Fees \$450.00, Court Appointed Attorney Repayments \$3,101.66.

RESOLUTION: BE IT RESOLVED that the Auditor is hereby authorized and directed to transfer \$284.11 from the General Fund Unreserved Fund Balance to the Fund Balance Reserved for HAVA Title II for the match requirement for the HAVA Title II Grant. Motion by Gillespie and seconded by Weeldreyer. All Commissioners voted "Aye".

Motion by Gillespie and seconded by Long to purchase a half page ad in the Lennox Community Guide at a cost of \$155.00. Motion carried.

Commissioner Gillespie was appointed as the Commissioner to serve on the UDC Board and Commissioners Weeldreyer and Long were appointed to serve as Alternates on the UDC Board.

Motion by Long and seconded by Gillespie to approve the payment of three additional COBRA premiums for Med File #104. Motion carried.

An appraisal of the following personal property items in the Courthouse Annex Building was filed in the total amount of \$450: ceiling fans, window treatments, chalk boards, information boards, metal shelves, garbage and waste cans, stove, all items in the N.W. Storage area, various tables and pictures in lower level; and 61 metal chairs and 8 plastic tables.

RESOLUTION: BE IT RESOLVED that the following items located in the Courthouse Annex Building be hereby declared surplus to be sold along with the building: ceiling fans, window treatments, chalk boards, information boards, metal shelves, garbage and waste cans, stove, all items in the N.W. Storage area, various tables and pictures in lower level; and 61 metal chairs and 8 plastic tables. Motion by Gillespie and seconded by Melcher. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED to accept the purchase contract on the Courthouse Annex Building in the amount of \$90,000 and the Personal Property Agreement. BE IT FURTHER RESOVLED that the Chairman or Vice-Chairman is hereby authorized to execute all documents relating to the sale. Motion by Melcher and seconded by Weeldreyer. All Commissioners voted "Aye".

The following full-time payroll claims were approved: General Fund: Auditor's Office Payroll \$19,116.03; Treasurer's Office Payroll \$25,137.38; Computer/Data Processing Payroll \$3,698.36; Equalization Office Payroll \$28,816.84; Veteran's Service Office Payroll \$1,480.21; States Attorney Office Payroll \$40,338.49; Register of Deeds Office Payroll \$12,580.41; GIS Office Payroll 6,472.32; Custodians Payroll \$17,119.02; Sheriff's Office Payroll \$60,453.08; Extension Office \$4,700.21; Weed Control \$5,512.47; Planning & Zoning Payroll \$6,450.15; FICA Match \$13,076.73; Medicare Match \$3,058.28; SDRS Match \$10,252.96; Group Health Insurance Match \$20,553.40. Road Fund: Payroll \$58,181.74; FICA Match \$3,297.58; Medicare Match \$771.22; SDRS Match \$3,268.58; Group Health Insurance Match \$6,093.21; Communications Fund: Payroll \$26,001.23; FICA Match \$1,449.15; Medicare Match \$338.91; SDRS Match \$1,560.08; Group Health Insurance Match \$2,535.36; Emergency Management Fund: Payroll \$4,012.59; FICA Match \$218.56;

Medicare Match \$51.12; SDRS Match \$240.76; Group Health Insurance Match \$572.81. Solid Waste Fund: Payroll \$6,325.70; FICA Match \$367.21; Medicare Match \$85.88; SDRS Match \$379.55; Group Health Insurance Match \$293.11; Airport Fund: Payroll \$3,671.58; FICA Match \$198.10; Medicare Match \$46.33; SDRS Match \$220.29; Group Health Insurance Match \$600.28.

The following claims were approved:

General Fund: 4-H Club Leaders, storage \$336; Active Data Systems, microfilming & supplies \$559.64; Craig Andersen, mileage \$37; Avera McKennan Hospital, prisoner care \$33.95; Bennington Hill Apartments, county assistance \$400; Best Western Ramkota Inn, lodging \$486; Brown & Saenger, supplies \$373.88; CDW-G Inc, computer equip \$194.10; Century Business Products, copier maint \$10.5; Clark Engineering Corp, professional services \$285; Cyntom Property Mngmt, county assistance \$175; DialNet, telephone labels \$14.50; DS Solutions, supplies \$50; John Erpenbach RN/CNP, MI evals \$675; Express Attorney Services, serve papers \$52.50; Falls Comm Hlth Dental, prisoner care \$535; Paula Feucht, meals \$60; Green Eggs and Ram, repairs \$294; Kathleen Hill, mileage \$190.18; Interstate Office Products, supplies \$238.70; Ronald Larson, mileage \$7.40; Lewis and Clark BHS, MI evals \$284; Lewis Drugs, county assistance \$700.33; prisoner meds \$792.61; LexisNexis, online charges \$328; Lightning Towing, towing \$193; Lincoln Financial Group, employee life ins \$260.15; Becky Mathiesen, mileage & meals \$252.21; Michael McGrath PHD, MI evals \$189; McLeod's Printing, supplies \$106.68; Med-Tech Resource, supplies \$91.43; Jason Melcher, mileage \$34.04; MidAmerican Energy, utilities \$1,015.75; Midcontinent Communications, internet \$173.33; Minnehaha Co Treasurer, blood draws \$625; boarding fees \$36,062; NADA Appraisal Guides, motorcycle appraisal guide \$70; NADA Used Car Guide, used car guide \$90; Chad Nelson, mileage \$14.06; Irene Ness, supplies \$328.18; June Nusz, mileage \$31.08; Barbara Palmer QMHP, MI evals \$4,680; Pennington County Jail, prisoner transport \$100.35; Pizza Ranch, grand jury meals \$70.02; Quill, supplies \$257.02; Qwest, courthouse sensor \$80; Rosecrest Townhomes, county assistance \$1,500; Rural Route 1 Services, mats \$84.45; Sanford Medical Center, county assistance \$21,576.83; Sheldon Schelling QMHP, MI evals \$180; Second Chance Rescue Center, contract services \$628.72; Sioux Empire Auto Serv Ctr, service vehicles \$124; Darrel Sogn, mileage \$22.20; Star Publishing, help wanted ad \$57; The Lodge at Deadwood, lodging \$233.85; Becky Zeilstra, supplies \$5.94; Zomer Plumbing & Heating, repairs \$106.95.

Road Fund: Brock White Const Materials, materials \$3,255.48; Caterpillar Fin Serv, lease payment \$28,797.95; Clark Engineering Corp, professional services \$8,255.17; Cole's Petroleum, fuel \$19,201.87; D-Ware Inc, registration fee \$80; Hallett Materials, gravel \$3,600; Huron Culvert & Tank, culverts \$450.28; Lincoln Financial Group, employee life ins \$52.95; Linweld, repairs \$78; Lyle Signs, signs \$11,640.90; Mac's Inc, supplies \$237.20; Menards, supplies \$13.95; MidAmerican Energy, utilities \$44.45; Midcontinent Communications, internet \$5.42; Northern Truck Equip, dump body \$74,646; snow plow \$14,152; Quill, supplies \$140.97; Servall Towel & Linen, towel service \$28.91; Tractor Salvage & Welding, repairs \$50; Tractor Supply, repairs \$43.94; Xcel Energy, utilities \$27.99; Zomer Plumbing & Heating, repairs \$51.

E911 Communications Fund: Brown & Saenger, supplies \$32.48; Cartridge World, supplies \$26.97; Century Business Products, copier maint \$30; Farm & Home Publishers, plat books \$116.40; Knology, tower rent \$100; Lincoln Financial Group, employee life ins \$28.24; Midcontinent Communications, internet \$13.54; Qwest, trunk rent \$1,686.55; Sanford Health, employee physical \$177.

Emergency Management Fund: Lincoln Financial Group, employee life ins \$3.53; Midcontinent Communications, internet \$2.71.

Solid Waste Fund: Dakota Fluid Power, field service \$306.50; Eastern Farmers, diesel fuel \$699.87; Harlay Fischer, repairs \$99.46; JFI, service vehicle \$277.32; Lincoln Financial Group, employee life ins \$7.06; City Of Sioux Falls, tipping fees \$15,109.05; Sunshine Foods, supplies \$8.59.

Airport Fund: Knology, internet \$52.95; Lincoln Financial Group, employee life ins \$3.53; Sinclair Oil Corp, fuel \$79.63.

24/7 Sobriety Fund: Pharm Chem, sweat patch analysis \$360.00

Law Library Fund: West Payment Center, subscription \$426.00

Employee Group Health Fund: Wellmark Blue Cross/Blue Shield, employee health ins \$54,166.41.

The Board adjourned until 8:30 A.M. on June 1, 2010.

Lincoln County Board of Commissioners

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

Paula Feucht, Auditor

Approved \_\_\_\_\_

\_\_\_\_\_  
Jim Schmidt, Chairman