

March 22, 2011

The Lincoln County Board of Commissioners met at 8:30 A.M. on March 22, 2011 with members Jason Melcher, Dale Long, Jim Schmidt, Dennis Weeldreyer 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.

Motion by Gillespie and seconded by Long to approve the minutes of March 8, 2011. Motion carried.

Motion by Schmidt and seconded by Melcher to approve the agenda as presented. Motion carried.

Mileage log for county vehicle for the months of December 2010 through February 2011 was presented.

Motion by Schmidt and seconded by Melcher to authorize the Chairman to execute the Memorandum of Understanding by and between the Cooperative Extension Service and Lincoln County. Motion carried.

Motion by Gillespie and seconded by Long to authorize the County Treasurer to accept partial payments on delinquent property taxes owing for parcel 098.50.04.1022, E587.26' W1095.65', N428.41' NE1/4 \*Ex 587.71' E383.48'\*. Motion carried.

Motion by Schmidt and seconded by Long to approve the application for a 2011 Commercial Garbage Hauler/Recycling Collection License submitted by R&S Sanitation. Motion carried.

Motion by Schmidt and seconded by Gillespie to authorize the Chairman to execute the Joint Powers Agreement by and between the State of South Dakota, Department of Game, Fish and Parks and Lincoln County, South Dakota for the use of a boat and related equipment owned by the State for search and rescue and emergency purposes. Motion carried.

Motion by Gillespie and seconded by Schmidt to approve out of county travel for Don Burma, Shelly Britt, Tonya Rasmussen, Sharon VandeStroet and Jackie Harrison to travel to Oacoma, South Dakota May 24, 2011 through May 27, 2011 for the annual conference for Assessors. Motion carried.

Motion by Long and seconded by Schmidt to approve the application for abatement of real estate taxes in the amount of \$193.50 on parcel no. 200.45.01.010 due to loss from a fire on October 12, 2010. Motion carried.

Motion by Gillespie and seconded by Long to approve the application for abatement of real estate taxes in the amount of \$1,285.48 on parcel no. 260.50.33.001 due to loss from a fire on March 27, 2010. Motion carried.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Agreement by and between Lincoln County and the Southeastern Council of Governments for services related to Voter Ward Redistricting. Motion by Long and seconded by Gillespie. All Commissioners voted "Aye".

The South Dakota Department of Transportation met with the Board and presented a proposal that Lincoln County add 9.5 miles of State Highway 17 to the county road system. The State would then put \$6.1 million in the county's STP account for use on FAS roads if the county added the 9.5 miles of road to the county road system before the planned re-surfacing by the State in 2012 or \$4.0 million if the county added the 9.5 miles of road after the 2012 re-surfacing by the State. The County Highway Superintendent advised the Board that he would require an additional employee and additional equipment in order to maintain the extra miles of road. Commissioner Melcher stated that he thought the County should just pull one of the trucks from the southern part of the County and place it up north instead of adding additional staff and equipment. Commissioner Gillespie commented that he thought that was a good idea. No action was taken at this time.

Motion by Schmidt and seconded by Long to authorize ten additional part time hours for Jake Oakland for the months of March, April and May in the Information Technology Department. Motion carried.

Motion by Long and seconded by Schmidt to allocate funding in the amount of \$50,000 for the Forward Sioux Falls program. Motion carried.

RESOLUTION: RESOLUTION APPOINTING COMMISSIONER OF THE SIOUX VALLEY REGIONAL RAILROAD AUTHORITY: BE IT RESOLVED that John Frislie shall serve as the Commissioner representing Lincoln County as a member of the governing board of the authority. BE IT FURTHER RESOLVED that the County Auditor of Lincoln County, South Dakota, shall cause a duly certified copy of this Resolution to be filed with the SVRRA and shall file a copy of this Resolution in the permanent records of Lincoln County, South Dakota. Motion by Long and seconded by Schmidt. All Commissioners voted "Aye".

Motion by Schmidt and seconded by Long to formulate a resolution in support of continued funding from the Federal Government for Interlakes Community Action. Motion carried.

RESOLUTION: RESOLUTION CREATING LINCOLN COUNTY TAX INCREMENT DISTRICT NO. 7: WHEREAS, the Lincoln County Commission has received a recommendation from the Lincoln County Planning and Zoning Commission recommending the creation of a tax incremental district in Lincoln County; and WHEREAS, the property within the district meets the qualifications and criteria set forth in SDCL Chapter 11-9 for the creation of a tax increment district; and WHEREAS, the Lincoln County Commission finds that the

aggregate assessed value of the taxable property within the district, plus all other existing districts, does not exceed ten percent (10%) of the total assessed value of the taxable property within Lincoln County, South Dakota; and WHEREAS, the Lincoln County Commission finds that: (1) Not less than twenty-five percent (25%), by area, of the real property in the district is a blighted area as defined by SDCL 11-9-9 through 11-9-11; and (2) The improvement of the area is likely to enhance significantly the value of substantially all other real property in the district; and (3) There is a reasonable likelihood that there is, or will be, one or more businesses engaged in any activity defined as commercial or industrial by the governing body that has zoning authority over the land contained within the tax increment district; and (4) The City of Canton has, by resolution, consented to the creation of the tax increment district within the City of Canton as set forth herein. NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Commission as follows: That all lands within the following boundaries shall be, from and after the effective date of this Resolution, and are hereby designated as Lincoln County Tax Incremental District No. 7: Tract 4 of Canton Development Addition in the North Half of the Southwest Quarter (N1/2SW1/4), Section Fifteen (15), Township Ninety-eight (98) North, Range Forty-nine (49) West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota; and Lots Four (4) and Five (5) of Canton Development Tract One (1) in the Southwest Quarter (SW1/4), Section Fifteen (15), Township Ninety-eight (98) North, Range Forty-nine (49) West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota. Motion by Gillespie and seconded by Schmidt. All Commissioners voted "Aye".

Bids were presented as published on the Lincoln County Highway Chipsealing Project CS-2011. Asphalt Surfacing (ASCO) \$1,168,292.57; McLaughlin & Schulz \$1,028,334.965; Road Guy \$1,021,469.11; and Bituminous Paving \$1,051,081.19.

Motion by Long and seconded by Gillespie to award the Lincoln County Highway Chipsealing Project CS-2011 to the low bid submitted by Road Guy of \$1,021,469.11. Motion carried.

The Board recessed until 1:00 pm.

The Hearing was held on the appeal filed on the decision of the Planning and Zoning Board to approve the Conditional Use Permit #10-CUP-037 on property described as: A portion of the W730' of the N1090' \*Ex the N26.5 Rods of the W 18 Rods and Ex Lot H-2\* in the NW1/4 of 33-100-51 for the construction of a twin screen drive in movie theatre and future additions that may include mini golf and a maze. Public comment was received in opposition to the granting of the conditional use permit that included concerns about safety issues, water source, septic issues, drainage issues, access for emergency vehicles, no turning lane or shoulder on Highway 106, vehicle noise, and children having access to the audio on the radio. Richard Peters, the applicant for the conditional use permit addressed the Board and presented an amended site plan that had a single screen instead of twin screens and doubled the staging point coming into the theatre that would hold over 50 vehicles coming in to the ticket booth. He also stated that a seven foot fence would be erected that should alleviate noise problems.

RESOLUTION: BE IT RESOLVED that the appeal on Conditional Use Permit #10-CUP-037 on property described as: A portion of the W730' of the N1090' \*Ex the N26.5 Rods of the W 18 Rods and Ex Lot H-2\* in the NW1/4 of 33-100-51 for the construction of a twin screen drive in movie theatre be denied and the decision of the Planning and Zoning Board to approve the permit with the amended Site Plan B presented by the applicant be upheld with the stipulations that a plan be provided by the applicant for the removal of the screen and the facility in the event that the business closes and that if needed in the future, a turning lane be constructed. Motion by Gillespie and seconded by Long. Roll Call Vote: Melcher – "Nay", Schmidt – "Aye", Long – "Aye", Gillespie – "Aye", Weeldreyer – "Aye". Motion carried.

Jon Peters and Kevin Goff presented an update on the Tea Tributary Project.

The following claims were presented and approved:

General Fund: A & B Business, maint contract \$157.98; Active Data Systems, microfilming \$413.52; Assn of SD Co Weed/Pest, annual dues \$150; Avera McKennan Hospital, prisoner card \$75.68; Avera University Psychiatry, MI evals \$225; David L Bergendahl, grand jury proceedings \$268.80; Brown & Saenger, supplies \$58.41; Lisa Carlson RPR, transcripts \$146.20; Cartridge World, supplies \$183.92; CDW-G Inc, equipment \$215.47; Century Business Products, copier lease pymt/parts \$404.63; Chemco, supplies \$393.52; Children's Inn, budget allocation \$7,200; Clark Engineering Corp, professional services \$933.75; Eastgate Towing & Storage, towing vehicles \$265; Falls Community Hlth Dental, prisoner care \$496; FBI, assessment fee \$115; Grand Jury, fees & mileage \$368.08; City Of Harrisburg, budget allocation \$5,000; Interstate Office Products, paper \$181.16; Joe Jenkins, mileage \$37; Jensen Ins Agency, notary app \$30; Katie Johnson PLLC, MI board \$531.25; Kyocera Mita, copier/fax \$3,711; LCM Pathologists PC, autopsy \$1,911.07; Lennox Show Print, envelopes \$147; Lewis & Clark BHS, MI evals \$284; Lewis Drug, county assistance \$164.57; prisoner meds \$156.80; LexisNexis, online charges \$344; Lincoln Financial Group, employee life ins \$250.80; Cathy Mastalir, mileage \$61.42; MCPC Inc, supplies \$65.81; Medical X-Ray Center, county assistance \$235.25; Med-Tech Resource, batteries \$197.01; Metro Communications Agency, tape request \$30; MidAmerican Energy, utilities \$1,958.08; Midcontinent Communications, internet \$173.61; Midwestern Mechanical, qrtly sprinkler inspection

\$500; Minnehaha Co Human Services, monthly poor relief \$25,490; Minnehaha Co Treasurer, blood draws \$575; boarding fees \$14,089; Mitel Technologies, equip \$3,000; Office Elements, copier maint contract \$143.72; Barbara Palmer QMHP, MI evals \$2,047.50; Peltier's Collision Ctr, service & repairs \$615.95; Pennington County Jail, prisoner transport \$139; Scott Peters, MI board \$414; Peterson Law Office, MI board \$451.76; Pitney Bowes, qrtly chrg \$512.19; supplies \$370.47; Pizza Ranch, grand jury meals \$72.18; Quill, supplies \$299.92; Qwest, courthouse sensor \$83.20; Rural Metro Medical Services, prisoner transport \$218.63; Rural Route 1 Services, mats \$84.45; Sanford Health, county assistance \$5,426.87; Sanford Laboratories, county assistance \$123.24; SD Federal Property Agency, supplies \$22; SDAAO, annual conf \$500; Second Chance Rescue Center, monthly contract \$560; Security Labs, website property tax \$499; City of Sioux Falls, blood tests \$280; Xcel Energy, utilities \$4,177.68; Zee Medical Service, med supplies \$112.70.

Road Fund: Avera Queen of Peace, drug test \$52.90; Boyer Trucks, parts \$11.17; G & K Supreme Auto Sales, replace windshields \$530; Huron Culvert & Tank, culvert materials \$13,176; Lincoln Financial Group, employee life ins \$52.95; MidAmerican Energy, utilities \$1,987.05; Midcontinent Communications, internet \$5.34; Northern States Supply, parts \$10.99; Sanitation Products, parts \$239.45; SD Asphalt Conference, conf registration \$100; SD Fed Property Agency, supplies \$52; Servall Towel & Linen, towel service \$28.91; Stern Oil, fuel \$24,951.33; Sturdevant's Auto Parts, supplies \$27.93; Steve Williams, parts \$28.15; Xcel Energy, utilities \$538.48; Zee Medical Service, med supplies \$45.60; Zep Sales & Service, supplies \$447.92.

E911 Communication Fund: Century Business Products, copier maint \$45.14; Ecowater, water/supplies/rent \$66.15; Knology, tower rent/911 circuits \$940.62; Language Line Services, interpreter contract \$100.06; Lincoln Financial Group, employee life ins \$28.24; Midcontinent Communications, internet \$13.36; Qwest, trunk rent/backup lines \$1,869.42; Radio IP Software, service contract renewal \$1,235.98; Xcel Energy, Hsbg repeater \$13.14.

Emergency Mgmt Fund: Berg Bag Company, polypropylene bags \$1,778; Lincoln Financial Group, employee life ins \$3.53; Midcontinent Communications, internet \$2.69.

Domestic Abuse Fund: Children's Inn, budget allocation \$6,000.

Solid Waste Fund: Countryside Convenience, gas \$116.01; Eastern Farmers, fuel \$736.28; Farm Gas, propane \$1,665; Lincoln Financial Group, employee life ins \$7.06 City Of Sioux Falls, tipping fees \$16,022.16; Zep Sales & Service, supplies \$150.67.

Airport Fund: Knology, internet \$52.95; Lincoln Financial Group, employee life ins \$3.53; Menards, parts \$3.62; Mark Schroeder, parts \$36.42; Sinclair Oil Corp, gas \$159.09.

24/7 Sobriety Fund: Pharm Chem, sweat patch analysis \$160.

Law Library Fund: West Payment Center, publications \$600.

Employee Group Health Fund: Coventry Health & Life Ins, employee health ins \$52,257.72.

The Board adjourned until 8:30 A.M. on April 5, 2011.

Lincoln County Board of Commissioners

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

\_\_\_\_\_  
Dennis Weeldreyer, Chairman

Approved \_\_\_\_\_