May 10, 2005

The Lincoln County Board of Commissioners met at 8:30 A.M. on May 10, 2005 with members Burdell Coplan, Otto Hagedorn, Jim Schmidt and Dennis Weeldreyer, and Michael Poppens present. The meeting was called to order with the Pledge of Allegiance to the Flag. The Auditor was clerk of the Board.

Motion by Weeldreyer and seconded by Coplan to approve the minutes of May 3, 2005. Motion carried.

The Auditor’s Account with the County Treasurer was presented as of April 30, 2005 as follows:

Bank Deposits $67,626.12. Cash $8,512.60, Check’s not over 3 days $845,807.87, Cash Items $147.50, Investments $12,951,274.57, Total $13,873,368.66.

The monthly mileage record for the Emergency Management Director for the month of April 2005 was presented.

RESOLUTION: BE IT RESOLVED that the Policy on Employee Use of County Vehicles be adopted as follows: Vehicles that are owned or leased by Lincoln County and provided to employees & other county authorized personnel for business purposes are not to be used for personal use. The only exception to this policy prohibiting personal use of County cars is commuting to and from work, traveling to a County job site, and de minimis use (for example, stopping for lunch or conducting a brief personal errand between business stops). Any County employee authorized to take a county owned or leased vehicle home, due to being designated by the Board as an on-call emergency responder, or subject to call back on a 24 hour, 7 day per week basis, are allowed limited personal use of the vehicle while on-call. County employees are prohibited from driving that vehicle outside the jurisdiction of Lincoln County for personal use, except for commuting to and from work. A mileage log shall be kept for each county owned vehicle. Employees are forbidden to carry passengers who are not also County employees in county-owned vehicles unless there are legitimate business reasons for providing such transportation or unless authorized by the applicable department head. No one other than a County employee, or an authorized government employee on County business, is permitted to operate the vehicle at any time. County-owned vehicles are subject to search by the applicable department head or their designee at all times without the knowledge or consent of the employee. Employees are required to abide by all state and local traffic laws while operating a county-owned vehicle with the exception of the Sheriff and the Sheriff’s deputies when necessary in the line of duty. Each employee is responsible for ensuring his or her driver’s license is current. An employee may not operate a county owned or leased vehicle if their driver’s license is suspended or revoked. All traffic and parking violations, for which the employee is cited while operating a county-owned vehicle, and all traffic accidents involving a county-owned vehicle, must be reported immediately to the County Commission Office. Employees are forbidden to drive a county-owned vehicle while intoxicated or under the influence of illegal drugs, or under the influence of legal drugs that may impair the ability to drive safely. Driving while intoxicated or under the influence of drugs are grounds for disciplinary action including termination of employment. Employees are required to keep a mileage log – recording the date, starting point, destination, number of miles driven and purpose of trip. Personal Use Benefit of County Vehicle: A vehicle-use benefit for employees commuting to and from work in county-owned vehicles will be added to the employee’s gross income per federal guidelines. Employees are responsible for paying federal and state taxes on this additional income. Exemptions to the vehicle-use income benefit for personal use of county-owned marked & unmarked law enforcement vehicles and vehicles specifically modified for a particular job use will be applied per federal guidelines. Eligibility Criteria for Home Use of County Vehicle: Only those employees who are subject to call back on a 24 hour, 7 day per week basis, or as an on-call emergency responder, are eligible to take a county owned or leased vehicle home for travel to and from work. Violation of this vehicle use policy is grounds for disciplinary action, including termination of employment. Motion by Poppens and seconded by Weeldreyer. All Commissioners voted “Aye”.

RESOLUTION: BE IT RESOLVED that the Lincoln County Personnel Manual be amended as follows: 1.2. State and Federal Law: SECTION A. IN ANY INSTANCES WHERE THESE PERSONNEL PRACTICES AND PROCEDURES, AND ANY STATUTES OF THE STATE OF SOUTH DAKOTA OR THE UNITED STATES APPLY TO COUNTY EMPLOYEES, THE PROVISIONS CONTAINED IN THE APPLICABLE STATE AND/OR FEDERAL LAWS SHALL SUPERCEDE SECTION B. THE FOLLOWING EMPLOYEES OF THE COUNTY ARE CONSIDERED EXEMPT FROM THE FAIR LABOR STANDARDS ACT: ELECTED OFFICIALS; HIGHWAY SUPERINTENDENT; DIRECTOR OF EQUALIZATION;
EMERGENCY & DISASTER COORDINATOR; COMMUNICATIONS DIRECTOR; COUNTY NURSE; PLANNING & ZONING DIRECTOR; VETERANS SERVICE OFFICER; SHERIFF'S DEPARTMENT DEPUTIES-(LESS THAN FIVE EMPLOYEES IN THE DEPARTMENT). ALL OTHER EMPLOYEES OF THE COUNTY ARE COVERED UNDER FLSA REGULATIONS.

Eliminate: COUNTY NURSE, SHERIFF’S DEPARTMENT DEPUTIES (LESS THAN FIVE EMPLOYEES IN THE DEPARTMENT).

Add: GIS DIRECTOR

3.1. Workday and Week:

SECTION A. THE HOURS OF THE COUNTY COURTHOUSE, STATES ATTORNEY OFFICE, SHERIFF’S OFFICE AND EXTENSION BUILDING SHALL BE FROM 8:00 A.M. THROUGH 5:00 P.M., THE HOURS OF THE HIGHWAY SHOP SHALL BE FROM 7:00 A.M. THROUGH 3:30 P.M. FROM THE FIRST MONDAY IN SEPTEMBER TO THE FIRST MONDAY IN APRIL OR THE FIRST MONDAY IN MAY, MONDAY THROUGH FRIDAY, THE HOURS SHALL BE FROM 7:00 A.M. THROUGH 5:30 P.M. OR 6:00 A.M. THROUGH 4:30 P.M. (TO BE DETERMINED BY THE LINCOLN COUNTY HIGHWAY SUPERINTENDENT) FROM THE FIRST MONDAY IN APRIL OR THE FIRST MONDAY IN MAY TO THE FIRST MONDAY IN SEPTEMBER, MONDAY THROUGH THURSDAY, EXCEPT ON DESIGNATED LEGAL HOLIDAYS. THE HOURS OF THE 911 COMMUNICATIONS OFFICE SHALL BE 24 HOURS. THE HOURS OF THE SOLID WASTE TRANSFER STATION SHALL BE 7:30 A.M. TO 5:00 P.M. MONDAY, TUESDAY, THURSDAY AND FRIDAY, 8:30 A.M. TO 3:30 P.M. ON SATURDAY.

SECTION B. THE COUNTY’S NORMAL WORK WEEK CONSISTS OF FORTY (40) HOURS FOR EMPLOYEES, EXCLUSIVE OF THE LUNCH PERIOD. FOR THE PURPOSE OF PAYROLL COMPUTATION, THE REGULAR WORK WEEK SHALL BE CONSIDERED AS STARTING AT 12:01 A.M. SUNDAY AND ENDING AT 12:00 MIDNIGHT SATURDAY. THERE MAY BE TIMES, WHEN THIS SCHEDULE WILL HAVE TO BE EXTENDED, DIMINISHED OR ALTERED IN ORDER TO BETTER SERVE THE CITIZENS OF THE COUNTY. THE EMPLOYEE SHALL REPORT TO HIS/SHEL WORK STATION AT THE OPENING OF THE BUSINESS DAY OR BEGINNING OF THE WORKING SHIFT.

Add: EMERGENCY MANAGEMENT DIRECTOR FOR 24 HOURS

Eliminate: STATES ATTORNEY OFFICE, AND SHERIFF’S OFFICE

5.4. Sick Leave: EVERY FULL TIME EMPLOYEE SHALL BE GRANTED SICK LEAVE WITH FULL PAY AT THE RATE OF 10 HOURS PER MONTH. ANY UNUSED SICK LEAVE BENEFIT (NOT TO EXCEED 480 HOURS) SHALL BE CARRIED OVER AND ADDED TO THE NEXT YEARS SICK LEAVE BENEFIT AS IT IS EARNED. SICK LEAVE IS TO BE USED ONLY WITH THE APPROVAL OF THE EMPLOYEE’S DEPARTMENT HEAD AND FOR ONLY THE FOLLOWING REASONS: ILLNESS, QUARANTINE, PERSONAL INJURY, OR DUE TO CRITICAL ILLNESS OF THE EMPLOYEE’S IMMEDIATE FAMILY, OF WHICH WITH REGARD TO ILLNESS OF THE EMPLOYEE’S IMMEDIATE FAMILY THAT IS NOT OF A CRITICAL NATURE, LEAVE MAY BE TAKEN BUT ONLY UP TO 3 DAYS A YEAR. IMMEDIATE FAMILY SHALL MEAN ONE’S SPOUSE, CHILDREN, MOTHER AND FATHER, AND BROTHERS AND SISTERS. IF IT IS DETERMINED THAT AN EMPLOYEE HAS BEEN ABUSING HIS PAID SICK LEAVE BENEFIT, THAT EMPLOYEE SHALL FORFEIT SAID BENEFIT FOR A PERIOD OF ONE YEAR. IF AN EMPLOYEE USES NO SICK LEAVE DURING A CALENDAR YEAR, THEY ARE ENTITLED TO TWO DAYS PERSONAL LEAVE. IF AN EMPLOYEE USES ONLY ONE DAY SICK LEAVE THEY ARE ENTITLED TO ONE DAY PERSONAL LEAVE. PERSONAL LEAVE DAYS MAY NOT BE ACCUMULATED. PERSONAL LEAVE DAYS MUST BE APPROVED IN ADVANCE BY THE DEPARTMENT HEAD; THEY MAY NOT BE USED TO EXTEND VACATION DAYS.

Add: GRANDCHILDREN AND STEPCHILDREN (IMMEDIATE FAMILY)

5.6. Death leave for immediate family: AN EMPLOYEE MAY BE GRANTED UP TO THREE DAYS OF LEAVE FOR A DEATH IN THE IMMEDIATE FAMILY. AN EMPLOYEE MAY BE GRANTED UP TO TWO DAYS OF LEAVE FOR A DEATH IN THE FAMILY FOR FATHER-IN-LAW; MOTHER-IN-LAW, DAUGHTER-IN-LAW, SON-IN-LAW, GRANDPARENTS, AND GRANDCHILDREN.

Change: AN EMPLOYEE MAY BE GRANTED UP TO FIVE DAYS OF LEAVE FOR A DEATH IN THE IMMEDIATE FAMILY, MAY USE SICK LEAVE NOT TO EXCEED FIVE DAYS.

Add: BROTHER-IN-LAW, AND SISTER-IN-LAW (UP TO TWO DAYS LEAVE)

7.1. Employee Medical Insurance: MEDICAL INSURANCE, TERM LIFE INSURANCE IS MADE AVAILABLE FOR ALL PERMANENT FULL TIME EMPLOYEES UPON REQUEST THROUGH A GROUP INSURANCE POLICY SELECTED BY THE BOARD OF COMMISSIONERS. 50 PERCENT OF THE POLICY PREMIUM WILL BE PAID BY THE COUNTY, 50 PERCENT TO BE PAID BY THE EMPLOYEE.
Change: 60 PERCENT OF THE POLICY PREMIUM WILL BE PAID BY THE COUNTY, 40 PERCENT TO BE PAID BY THE EMPLOYEE.

Motion by Poppens and seconded by Weeldreyer. All Commissioners voted “Aye”.

RESOLUTION: WHEREAS Lincoln County has a recorded interest of record with respect to the following described parcel: The North 805 Feet of the East 920 Feet of the South 2147 Feet of the Southeast Quarter (SE1/4) of Section 16, Township 98 North, Range 51, West of the 5th P.M., Lincoln County, South Dakota, AND WHEREAS Lincoln County, South Dakota has reviewed the water pipeline easement to be obtained by Lewis and Clark Rural Water System, Inc. and determined that said water pipeline easement does not interfere with or adversely affect the County’s recorded interest to the described parcel and has no objection to the described easement of Lewis & Clark Rural Water System, Inc. NOW THEREFORE BE IT RESOLVED to authorize the Chairman to execute the Disclaimer for the County’s recorded interest to the described parcel. Motion by Poppens and seconded by Hagedorn. All Commissioners voted “Aye”.

RESOLUTION: WHEREAS Lincoln County has a recorded interest of record with respect to the following described parcel: The Northeast Quarter (NE1/4) of Section 16, Township 98 North, Range 51, West of the 5th P.M., Lincoln County, South Dakota, AND WHEREAS Lincoln County, South Dakota has reviewed the water pipeline easement to be obtained by Lewis and Clark Rural Water System, Inc. and determined that said water pipeline easement does not interfere with or adversely affect the County’s recorded interest to the described parcel and has no objection to the described easement of Lewis & Clark Rural Water System, Inc. NOW THEREFORE BE IT RESOLVED to authorize the Chairman to execute the Disclaimer for the County’s recorded interest to the described parcel. Motion by Poppens and seconded by Hagedorn. All Commissioners voted “Aye”.

RESOLUTION: WHEREAS Lincoln County has a recorded interest of record with respect to the following described parcel: The Southeast Quarter (SE1/4) of Section 16, Township 98 North, Range 51, West of the 5th P.M., Lincoln County, South Dakota, except the South 208 Feet 8 1/2 inches of the East 208 Feet 8 1/2 inches of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said section 16; and except the North 160 Feet of the South 1967 Feet of the East 545 Feet of the Southeast Quarter (SE1/4) of said section 16; and except the North 805 Feet of the East 920 Feet of the South 2147 Feet of the Southeast Quarter (SE1/4) of said section 16, AND WHEREAS Lincoln County, South Dakota has reviewed the water pipeline easement to be obtained by Lewis and Clark Rural Water System, Inc. and determined that said water pipeline easement does not interfere with or adversely affect the County’s recorded interest to the described parcel and has no objection to the described easement of Lewis & Clark Rural Water System, Inc. NOW THEREFORE BE IT RESOLVED to authorize the Chairman to execute the Disclaimer for the County’s recorded interest to the described parcel. Motion by Poppens and seconded by Hagedorn. All Commissioners voted “Aye”.

RESOLUTION: BE IT RESOLVED that the County is hereby authorized to execute the Ground Lease Agreement by and between Lincoln County, South Dakota and Frank Alvine for Lease Site “A”, a Tract 3600 Sq. Ft., in Airport Tract 1-A of the Skyhaven Heights of the Norwest Quarter (NW1/4) of Section Thirty (30), Township One Hundred (100) North, Range Fifty (50) West of the 5th Principal Meridian, in Lincoln County, South Dakota. Motion by Poppens and seconded by Hagedorn. All Commissioners voted “Aye”.

Motion by Poppens and seconded by Weeldreyer to approve the out of county travel request of Dennis Johnson and Chad Brown to attend the Dakotas Division IAI Conference in Deadwood, SD May 16 and May 17, 2005 Motion carried.

RESOLUTION: WHEREAS SDCL 5-18-9.4 allows the award of a contract without competitive sealed bids or competitive sealed proposals regardless of the estimated cost if the governing body determines that there is only one source for the required service or item and WHEREAS a quotation from Med-Eng Systems for an EOD suit, EOD helmet with APS and an EOD 9 BA Capabilities Expansion Kit has been received totaling $17,607.00 along with the Sole Source Vendor Statement verifying that Med-Eng System Inc. is the manufacturer and sole supplier for EOD IEDD Protective Equipment in North America. NOW THEREFORE BE IT RESOLVED that the Lincoln County Sheriff is authorized to purchase said equipment without advertising for sealed bids. Motion by Poppens and seconded by Coplan. All Commissioners voted “Aye”.

Motion by Hagedorn and seconded by Coplan to deny claims from Sioux Valley Hospital for Case #105, Sioux Valley Account #3697795 Cost to Ratio amount of $34,007.13 and Case #205, Sioux Valley
Account #3703433 Cost to Ration amount of $4215.90 as the patient is eligible for VA benefits and has also applied to the Crime Victims Fund. Motion carried.

RESOLUTION: BE IT RESOLVED that the following items be loaned to the Canton Depot Foundation: Partners Desk and two oak office chairs (0111/0097) currently on the inventory for the Register of Deeds and a barrister bookcase, desk, partner's table/desk, coat tree and 5 courtroom benches (surplusped items currently stored in the attic of the Courthouse). Motion by Coplan and seconded by Weeldreyer. All Commissioners voted “Aye”.

Fuel quotes for 8500 gallons of ethanol were presented as follows: Cenex, Lennox, 1.745 per gallon; Stern Oil Co., Freeman, 1.7594 per gallon; and Farmers Union, Beresford, no bid at this time.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Agreement for Use and Restoration of Haul Road by and between Lincoln County and the South Dakota Department of Transportation for Highway Project No.IM29-2(52)72 PCN 1948 to utilize a portion of the Lincoln County Highway 111 and 57th Street. Motion by Poppens and seconded by Weeldreyer. All Commissioners voted “Aye”.

Motion by Coplan and seconded by Poppens to approve the application by Southeastern Electric for a permit to locate (within) (across) the right of way of Lincoln County Highway No. 125 in Lincoln County, South Dakota located in Section 30, Township 98N, Range 49 West of the 5th P.M., Lincoln County, South Dakota. Motion carried.

Motion by Poppens and seconded by Coplan to approve the out of county travel request of Don Burma to attend the 2005 SDAAO Conference in Lead, South Dakota on May 24th through May 27, 2005. Motion carried.

The following claims were approved:

**General Fund: Witnesses & Jurors, mileage & fees**
- Janice Aadland $26
- Troy Balk $21.52
- Elizabeth Christjansen $26
- Patti Clark $16.40
- Jon Coyne $29.20
- Doug DeNotter $17.68
- Laura Donat $15.76
- Marcia Earl $11.28
- Michael Emerson $24.08
- Christopher Gregory $23.44
- Tammy Grotewold $13.84
- Debbie Herrboldt $22.80
- Karen Hochstein $22.80
- Deidra Huntley $28.56
- Scott Jaacks $24.72
- Jarrod Johnson $19.60
- Mary Lahn $29.20
- Angeline Larson $52.56
- Danielle Liesinger $26
- Chad Madsen $26
- Sheryl Messler $66
- Rita Myers $57.68
- James Nolet $50.64
- Thomas Norris $26
- Cindy Oppold $59.60
- Jean Phillippe $26
- Wayne Rager $10.64
- Daniel Schluttner $26
- Christel Schmidt $26
- Katherine Schneller $10.64
- Constance Shotkoski $22.80
- Matt Stensland $10.64
- Beverly Stockmann $62.80
- Rose Strubbe $16.40
- Gordon Sweeter $60.88
- Joel Sylvester $26
- Francis Tebben $62.80
- Karen Toft $26
- Sharon Tysdal $17.68
- Brent Vandergrind $22.80
- Jan Warren $20.88
- Renae Weber $22.80
- Christine Westerman $22.80

**Alco, supplies** $50.38
**Beresford Republic, publishing** $485.52
**Black Book, publication** $48
**Brown & Saenger, supplies** $9.18
**Bubba’s Quality Parts, parts** $82.47
**Campbell Supply, supplies** $6.95
**City of Canton, utilities** $139.50
**Century Business Products, copier maint** $35
**Chemco, supplies** $222.56
**Children’s Inn, 2005 budget allocation** $2,800
**Burdell Coplan, travel expense** $269.32
**Courtney Electric, electrical labor** $364.48
**CSD-Communication, interpreter** $129.80
**Culligan Water Conditioning, cooler rental/water** $31.80
**Dakota Dental, prisoner care** $596
**Davis Typewriter, envelopes** $46.50
**DeGrata Tactical, supplies** $33.95
**Dietrich, evaluation** $124.77
**Eric Eneboe** $263.68
**Express Attorney Service, serve papers** $111.50
**Flowers By Fisher, memorial** $50
**Fox Youngberg & Lewno, filing expenses** $174.70
**Friberg Zimmer Duncan & Nelson, cts appt atty fees** $1,087.75
**Laurie Gates, mileage** $16.64
**Golden Hills Inn, room chrg** $144
**William Golden Law Office, public defender contract/transcript** $7,408.10
**Harold’s Photo Center, photo finishing** $171.04
**City of Harrisburg, lease equip** $350
**Avera Heart Hospital, blood alcohol draws** $130.50
**Me lm financials, cts rep orter fees** $1,125.20
**Hoffman Oil, supplies** $25
**Iowa Office Supply, supplies** $117.34
**KB’s True Value, supplies** $102.95
**Joan Kittleson, evaluation** $15
**Kooistra, evaluation** $15
**Lennox Independent, publishing** $612.35
**Lennox Life Enrichment, 2005 budget allocation** $4,000
**Lewis Drugs, prisoner meds** $566.16
**McLeod’s Printing, printed matter** $343.96
**Miller Funeral Home, county assistance** $2,050
**Minnehaha Co Reg JDC, child care** $2,970
**Minnehaha Co Treasurer, SE Reg Area** $7,006.40
**NADA, publication** $85
**National Imaging Systems, supplies** $69.99
**Paragon Press, printing** $119
**Pettier’s Collision Ctr, service/tire repair** $135.90
**Phillip Peterson Law Firm, public defender contract** $1,000
**Prairie Publications, publishing** $478.80
**PrairieWave, utilities** $1,884
**Quill, supplies** $51.22
**Quinlan Publishing Group, publications** $134.75
**Rural Route 1 Service, rug cleaning** $34.89
**SD State Treasurer, mentally handicapped** $856.80
**SDAAO, annual conf registration** $90
**Sign-A-Rama, window graphics** $93.50
**Sioux Falls Two-Way Radio, repairs** $176
**Sioux Valley Hospital, blood alcohol draw** $55
**Sioux Valley News, publishing**
$569.77; Sioux Vocational Service, 2005 budget allocation $10,800; Sturdevants Auto Parts, parts $119.87; The Station, service $34.50; Tractor Supply, parts $24.68; US Dept of Justice, transport prisoners $1,153; Van’s Rubbish Removal, garbage/recycling $115; Verizon Wireless, cell phone usage $1,519.39; Volunteers of America, shelter care beds $1,170; Xcel Energy, utilities $1,386.31; Yankton Co Treasurer, mi hearing $187.10.

Road Fund: Alco, supplies $11.14; Bierschbach Equipment, parts $30; Allan Bonnema, travel expense $354.41; Boyer Trucks, repairs $450.61; Brown & Saenger, supplies $11.46; Bubba’s Quality Auto Parts, parts $76.49; Butler Machinery, parts $117.14; Campbell Supply, supplies $49.99; City of Canton, utilities $92.15; Courtney Electric, repairs $110.95; Great Plains Int’l, repairs $940.93; JD Evans, repairs $6,164.54; KB’s True Value, supplies $18.44; Kruse Bldg Center, materials $77.05; MidAmerican Energy, utilities $43.66; O’Day Equipment, repairs $174.34; PrairieWave, utilities $170.26; Safelite Auto Glass, parts $18.36; Servall Towel & Linen, towel service $18.36; Sturdevants Auto Parts, parts $183.84; Tractor Salvage & Welding, repairs $360; Verizon Wireless, cell phone usage $66.96; Xcel Energy, utilities $133.49; Zomer Plumbing & Heating, repairs $80.58.

Communications Fund: Eco/Lindsay Water Conditioning, water/supplies $72; PrairieWave, utilities $1,275.87; Sioux Valley News, forms $233.34; Verizon Wireless, cell phone usage $33.48.

Emergency Management Fund: Midwest Alarm Co, installation $14,965; PrairieWave, utilities $60.51; Harold Timmerman, supplies $15.89; Vantek Communications, portable radios $2,149; Verizon Wireless, cell phone usage $33.48.

Domestic Abuse Fund: Children’s Inn, 2005 budget allocation $5,900.

WIC Fund: Janet Henke, mileage $32.

Solid Waste Fund: Beresford Republic, publishing $41; Larson Truck Sales, repairs $746.74; Lennox Independent, publishing $46.20; PrairieWave, utilities $58.39; Sanitation Products, repairs $1,795.52; Sioux Valley News, publishing $54; South Lincoln Rural Water, utilities $32.50; Southeastern Electric Co, utilities $289.06; Sturdevants Auto Parts, parts $28.78; Verizon Wireless, cell phone usage $33.48.

Airport Fund: Scott Heim, airport manager fee $1,400; Southeastern Electric Co, utilities $166.78.

The Board adjourned until 8:30 A.M. on May 17, 2005.

Lincoln County Board of Commissioners

Jim Schmidt

Attest: ________________________

Paula Feucht, Auditor

Approved ____________________________