

April 7, 2009

The Lincoln County Board of Commissioners met at 8:30 A.M. on April 7, 2009 with members Jim Schmidt, Jason Melcher, Dale Long, David Gillespie and Dennis Weeldreyer present. The meeting was called to order with the Pledge of Allegiance to the Flag. The Deputy Auditor was clerk of the Board.

A motion by Schmidt and seconded by Weeldreyer that the minutes of March 24, 2009 be approved. Motion carried.

A mileage log for county vehicle was presented for the month of February 2009.

The Auditor's Account with the County Treasurer as of March 31, 2009 was presented as follows: Total amount of deposits in banks \$1,377,124.53, Total amount of actual cash \$4,695.58, total amount of checks and drafts in treasurer's possession not exceeding three days \$126,917.46, total cash items \$1,985.08, Funds invested \$6,940,379.28, Total cash \$8,451,101.93.

The Register of Deeds Statement of Fees in the amount of \$56,008.50 was presented for the month of March 2009.

RESOLUTION: BE IT RESOLVED that the County Treasurer is authorized to accept partial payments of \$200.00 a month for prior taxes of \$8,150.29 on parcel no. 250.40.32.005 until paid in full. Motion by Gillespie and seconded by Weeldreyer. All Commissioners voted "Aye".

Dennis Johnson and Aaron Bartscher presented the need for additional assistance for the Cops Hiring Recovery Program (CHRP). The Board authorized Sheriff Johnson to apply for a grant which would pay 100% of the salary and benefits of two deputies, for a 3 year period and the county would be required to retain them for a fourth year.

RESOLUTION: BE IT RESOLVED that the Auditor is hereby authorized to transfer budget authority from Contingency to the GIS budget in the amount of \$28,470.00 for the payment of Engineering costs for a Letter of Map Revision along the Tea Tributary to Beaver Creek from South of Dagget Place to West of County Highway 111. Motion by Melcher and seconded by Schmidt. Roll Call Vote: Schmidt, Aye; Melcher, Aye; Long, Aye; Gillespie, Nay; and Weeldreyer, Nay. Motion carried.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Engineering Services Agreement between Lincoln County, South Dakota and Clark Engineering Corporation, for a Letter of Map Revision (MT-2 LOMR) along the Tea Tributary to Beaver Creek from south of Dagget Place to West of County Highway 111. Motion by Schmidt and seconded by Melcher. All Commissioners voted "Aye".

The second reading of the ordinance enacting the 2009 Revised Zoning Ordinance of Lincoln County, was held. No public comment was received. Recommendation from the Planning and Zoning Board was to approve the amendment.

RESOLUTION: BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA: AN ORDINANCE ENACTING THE 2009 REVISED ZONING ORDINANCE FOR LINCOLN COUNTY, SOUTH DAKOTA, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS IN CONFLICT THEREWITH. WHEREAS, the Lincoln County Board of Commissioners adopted revisions to its Comprehensive Plan on December 6, 2005; and WHEREAS, the Board is desirous of updating its Zoning Ordinance; and WHEREAS, the 2009 Revised Zoning Ordinance for Lincoln County has been developed in accordance with the Lincoln County Comprehensive Plan and with the statutory purposes set forth in SDCL ch. 11-2; and WHEREAS, the Lincoln County Board of Commissioners has conducted at least one noticed public hearing in reference to the 2009 Revised Zoning Ordinance for Lincoln County; NOW, THEREFORE, BE IT ORDAINED by the Lincoln County Board of Commissioners that the 2009 Revised Zoning Ordinance for Lincoln County is hereby adopted; BE IT FURTHER ORDAINED that the 1995 Revised Zoning Ordinance of Lincoln County, South Dakota (LC-0-95-01) is hereby repealed, and that all ordinances, resolutions, rules and regulations in conflict with the 2009 Revised Zoning Ordinance for Lincoln County are hereby repealed; BE IT FURTHER ORDAINED that copies of the 2009 Revised Zoning Ordinance for Lincoln County shall be filed with the County Auditor and Register of Deeds. Motion by Melcher and seconded by Schmidt. All Commissioners Voted "Aye".

The second reading of the ordinance amending certain sections of ordinance 409-11 pertaining to the organization and terms of office of the Marv Skie/Lincoln County Airport Board was held. No public comment was received.

RESOLUTION: AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 409-11 PERTAINING TO THE ORGANIZATION AND TERMS OF OFFICE OF THE MARV SKIE/LINCOLN COUNTY AIRPORT BOARD. BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA: Section 1. That § 1 of Ordinance 409-11 be amended to read as follows: Section 1. **Organization.** The Airport Board shall consist of seven (7) individuals as follows: two (2) voting members from the Board of County Commissioners; three (3) voting members that are leasing airport property from Lincoln County; and two (2) voting members that are residents of Lincoln County. Section 2. That § 2 of Ordinance 409-11 be amended to read as follows: Section 2. **Term of Office.** The board members shall be appointed by a majority vote of the Lincoln County Board of Commissioners, and of the Airport Board members appointed in 2009 who are not County Commissioners, one member shall be appointed for one year, two members for two years, and two members for three years; thereafter, all appointments of members who are not County Commissioners shall be for four (4) year terms. Members appointed from the Board of County Commissioners shall be for a term of one (1) year. Section 3. That § 3 of Ordinance 409-11 be amended to read as follows: Section 3. **Meetings.** The Airport Board shall hold regular meetings at least every other month and as many special meetings as it deems necessary. Four (4) members shall constitute a quorum. If a member of the Airport Board is absent from three or more meetings in a calendar year, unless excused by the Airport Board, that member shall be automatically dismissed from the Board and that person will be replaced by the County Commissioners as soon as possible. Meeting agendas shall be posted in a common area at least 24 hours prior to the meeting date. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

Motion by Weeldreyer and seconded by Gillespie to remove from the table the petition to rezone from "A" Agricultural and Public Use District to "I" Industrial District the property described as follows: Lot B of Southeast Quarter of the Southwest Quarter (SE1/2SW1/4) of Section 18, Township 98 North, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota.

The second reading was held on the petition to rezone from "A" Agricultural and Public Use District to "I" Industrial District the property described as follows: Lot B of Southeast Quarter of the Southwest Quarter (SE1/2SW1/4) of Section 18, Township 98 North, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota. Craig Smith from SD Department of Transportation answered questions from the Commissioners.

RESOLUTION: AN ORDINANCE AMENDING THE 1995 REVISED ZONING ORDINANCE OF LINCOLN COUNTY (LC-0-95-01) BY REZONING CERTAIN PROPERTY LOCATED AT THE GENERAL ADDRESS OF THE NW QUADRANT OF HIGHWAY 18 EAST AND INTERSTATE 29 (EXIT 62), CANTON, SOUTH DAKOTA FROM THE "A" AGRICULTURAL – PUBLIC USE DISTRICT TO THE "I" INDUSTRIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP. BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA: That the 1995 Revised Zoning Ordinance of Lincoln County (LC-0-95-01) is hereby amended as follows: That approximately 11.23 acres, platted and legally described as Lot B of the SE ¼ of the SW ¼ of Section 18, Township 98, Range 50, Lincoln County, South Dakota, is hereby rezoned from the "A" Agricultural – Public Use District to the "I" Industrial District and the official zoning map referenced in Section 204(A) of LC-0-95-01 is hereby amended to include the above-described property in such District. Long turned the chair over to vice chairman Schmidt. Motion by Gillespie and seconded by Long to approve the petition to rezone. Roll call vote: Schmidt, Nay; Melcher, Aye; Long, Aye; Gillespie, Aye; and Weeldreyer, Nay. Motion carried. Schmidt turned chair back to Chairman Long.

Motion by Weeldreyer and seconded by Gillespie to authorize Shane Jibben to place an ATM machine in the lobby of the Courthouse. Motion carried.

Motion by Melcher and seconded by Weeldreyer to authorize the chairman to execute the application for the Adopt a Highway program by Tea Area Sr/Jr Family Career & Community Leaders of America (FCCLA) in Lincoln County Highway #106 right of way, from Tea City Limits to Turner County line, approximately 4 miles. Motion carried.

Motion by Gillespie and seconded by Weeldreyer to approve the application for an entrance off of County Road #102, parcel no. 100.50.49.C300 submitted by Jason Schreier. Motion carried.

Motion by Schmidt and seconded by Melcher to approve the application by Pederson Ag LLC-Evelyn Pederson, for Drainage Permit located in or along Lincoln County right of way Highway No 135, 80 acres in SE1/4 of 26-98-49. Motion carried.

Allan Bonnema and Kevin Goff, with Clark Engineering, discussed the widening of County Highway #106 from Interstate 29 to City of Tea.

Motion by Melcher and seconded by Gillespie, due to safety issues, to proceed ahead with the planning of widening County Highway #106 from Interstate 29 to City of Tea. Motion carried.

RESOLUTION: BE IT RESOLVED that John L. Frislie shall continue to serve as the Commissioner represent 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. Motion by Schmidt and seconded by Melcher . Motion carried.

Motion by Gillespie and seconded by Schmidt to close the Courthouse at 1:00 p.m. on April 10, 2009 to observe Good Friday, Motion carried.

Motion by Weeldreyer and seconded by Schmidt to direct Sheriff Dennis Johnson and Harold Timmerman to research grant monies and quotes for obtaining panic buttons for the Court Services office, Welfare departments, Highway office, Extension office and Planning & Zoning office and to install card readers on 3 doors entering a secured area. Motion carried.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Agreement by and between Minnehaha County and Lincoln County for the housing of Lincoln County prisoners in the Minnehaha County Jail commencing on the 1<sup>st</sup> day of April 2009 and ending on the 31<sup>st</sup> day of December 2009. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

Motion by Gillespie and seconded by Melcher to approve out of county travel for Dennis Johnson to travel to Yankton, SD for a SD Sheriff's Association conference April 22 through 24, 2009. Motion carried.

Motion by Gillespie seconded by Melcher to approve the following applications for abatement of property taxes:

096.50.32.3001 – Northwest Leasing – Abandoned RR ROW - \$55.24 (1981)  
260.50.32.015 – Northwest Leasing – Abandoned RR ROW - \$68.05 (1981)  
210.10.13.009 – C.M.ST.P&P RY – Abandoned RR ROW - \$30.38 (1981)  
210.10.40.005 – C.M.ST.P&P RY – Abandoned RR ROW - \$18.02 (1981)  
210.10.23.004 – C.M.ST.P&P RY – Abandoned RR ROW - \$12.36 (1981)  
210.10.39.008 – C.M.ST.P&P RY – Abandoned RR ROW - \$13.42 (1981)  
210.10.34.002 - C.M.ST.P&P RY – Abandoned RR ROW - \$7.56 (1981)  
210.10.26.008 - C.M.ST.P&P RY – Abandoned RR ROW – \$19.43 (1981)  
210.40.00.040 - C.M.ST.P&P RY – Abandoned RR ROW - \$15.19 (1981)  
210.40.00.041 - C.M.ST.P&P RY – Abandoned RR ROW - \$11.66 (1981)  
210.40.00.044 - C.M.ST.P&P RY – Abandoned RR ROW - \$11.66 (1981)  
200.13.26.010 - C.M.ST.P&P RY – Abandoned RR ROW - \$94.74 (1981)  
200.28.16.010 - C.M.ST.P&P RY – Abandoned RR ROW – \$39.50 (1981)  
200.28.17.010 - C.M.ST.P&P RY – Abandoned RR ROW - \$39.50 (1981)  
200.28.23.009 - C.M.ST.P&P RY – Abandoned RR ROW - \$47.45 (1981)  
Mobile Home – Douglas Ranshau – Mobile Home no longer there - \$72.77 (1981)  
Mobile Home – Ron Skieffe – Mobile Home no longer there - \$42.07 (1981)  
Mobile Home – Ron Skieffe – Mobile Home no longer there - \$47.82 (1982)  
Mobile Home – Ron Skieffe – Mobile Home no longer there - \$61.80 (1983)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$51.34 (1983)  
Mobile Home – Donald Sopko – Mobile Home no longer there - \$32.73 (1984)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$45.50 (1984)  
Mobile Home – Ron Skieffe – Mobile Home no longer there - \$43.86 (1985)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$41.22 (1985)  
Mobile Home – Bruce Johnson – Mobile Home no longer there - \$136.88 (1985)  
Mobile Home – John Foltz – Mobile Home no longer there - \$150.16 (1986)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$50.28 (1986)  
Mobile Home – Marvin Hoop – Mobile Home no longer there - \$23.48 (1987)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$40.76 (1987)  
Mobile Home – Marvin Hoop – Mobile Home no longer there - \$18.90 (1988)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$21.82 (1988)  
Mobile Home – Rosalie Shanker – Mobile Home no longer there - \$21.68 (1989)  
Mobile Home – Marvin Hoop – Mobile Home no longer there - \$14.08 (1989)  
Mobile Home – Helen Morgan – Mobile Home no longer there - \$47.90 (1992)  
Mobile Home – Helen Morgan – Mobile Home no longer there - \$36.06 (1993)

Mobile Home – Adney Perryman – Mobile Home no longer there - \$196.84 (1994)  
 Mobile Home – Joseph Dubsky – Mobile Home no longer there - \$12.26 (1997)  
 230.10.05.014 – Lincoln County – Property taken for tax deed - \$6.20 (2002)  
 230.10.05.014 - Lincoln County – Property taken for tax deed – \$6.34 (2003)  
 230.10.05.014 - Lincoln County – Property taken for tax deed - \$7.16 (2004)  
 230.10.05.014 - Lincoln County – Property taken for tax deed - \$7.76 (2005)  
 230.10.05.014 - Lincoln County – Property taken for tax deed - \$7.96 (2006)  
 230.10.05.014 - Lincoln County – Property taken for tax deed - \$8.16 (2007)  
 230.10.05.014 - Lincoln County – Property taken for tax deed - \$8.82 (2008)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$1.34 (2001)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$2.52 (2002)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$2.84 (2003)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$2.90 (2004)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$3.14 (2005)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$3.16 (2006)  
 240.75.04.C00 – Lincoln County – Property taken for tax deed - \$3.24 (2007)

Motion carried.

Paula Feucht met with the board on a possible date for a surplus auction. She will check with the City of Canton on the location and was instructed by the board to check on auctioneers.

Motion by Gillespie and seconded by Schmidt to amend the Personnel Manual adding Section 5.5 – Leave Due to Work Related Accident or Injury: In the case of a work-related accident or injury, an employee may use sick leave for work hours lost in conjunction with any worker’s compensation or other disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings. Motion carried.

Motion by Weeldreyer and seconded by Melcher to authorize the chairman to execute the SLA Quarterly Activity Report-FY 2009 for the second quarter. Motion carried.

Motion by Schmidt and seconded by Weeldreyer to authorize the chairman to execute the Certificate of Substantial Completion between Architecture Incorporated, Hoogendoorn Construction and Lincoln County for the Lincoln County Courthouse Window Replacement. Motion carried.

The following payroll claims were approved: Longevity: General Fund: Sheriff \$260.00 FICA Match \$16.12, Medicare Match \$3.77, SDRS Match \$20.80. Part-time Payroll: General Fund: Commissioners \$5,747.43, Treasurer \$1,309.75, IT \$719.46; Direct of Equalization \$558.18, Sheriff’s Dept \$10,117.06, Extension \$15.00; Planning & Zoning \$3,674.24, Veterans Services Officer \$1,957.63, FICA Match \$1,433.13, Medicare Match \$335.19, SDRS Match \$162.46, Communication Fund: \$949.60, FICA Match \$58.88, Medicare Match \$13.77, SDRS Match \$56.98. WIC Fund: \$499.20, FICA Match \$30.95 Medicare Match \$7.24. Solid Waste Fund: \$340.00, FICA Match \$21.08, Medicare Match \$4.93. Airport Fund: \$173.12, FICA Match \$10.73, Medicare Match \$2.51. 24/7 Sobriety Fund: \$1,078.34, FICA Match \$66.86, Medicare Match \$15.64.

The Board adjourned until 8:30 A.M. on April 14, 2009.

Lincoln County Board of Commissioners

\_\_\_\_\_  
 Dale Long, Chairman

Attest: \_\_\_\_\_  
 Kathy Bonnema, Deputy Auditor

Approved \_\_\_\_\_