

April 14, 2009

The Lincoln County Board of Commissioners met at 8:30 A.M. on April 14, 2009 with members Dale Long, Jim Schmidt, Jason Melcher and David Gillespie present. Dennis Weeldreyer was absent. 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 Gillespie and seconded by Melcher that the minutes of April 14, 2009 be approved. Motion carried.

Mileage logs for county vehicles were presented for the month of March 2009.

The General Fund Surplus Analysis as of March 31, 2009 was presented as follows: Cash: \$3,281,811.01, Cash Change: \$1,000; Taxes Receivable Current: \$6,681,604.47; Taxes Receivable Delinquent: \$87,089.93; Deferred Revenue: \$6,768,694.40; Designated for Next Year's Appropriations \$1,495,495.50; Undesignated Fund Balance: \$1,787,315.51; Following Year General Fund Budget: \$10,210,962.00 – the unreserved, undesignated fund balance percentage: 17.50%.

The Clerk of Courts report of disbursement of Funds for month ending March 31, 2009 was presented as follows: State Fines \$10,056.50, State Penalties \$.00; State Costs \$725.00, Cash Fees \$2,310.40, Law Library \$246.00, State Forfeiture \$.00, Petty Offense \$495.00 Divorce Fees \$200.00, Court Appointed Attorney Repayments \$4,543.60.

The Sheriff's March 2009 Mileage Report was presented.

The Human Services Statistical Report for the month of March 2009 was presented.

Out of county travel for Jeff Lounsbery and Mark Rowen for the month of April 2009 were presented and approved.

Motion by Schmidt and seconded by Gillespie to authorize an overnight out of county travel for Tom Wollman to Chamberlain, SD for an AG/DCI Investigation meeting on April 20, 2009. Motion carried.

Motion by Gillespie and seconded by Melcher to authorize out of county travel for Paula Feucht, Kathleen Hill and Deb Turner to travel to Pierre, SD for the SDACO Spring Workshop on May 6 and 7, 2009. Motion carried.

Motion by Melcher and seconded by Gillespie to authorize out of county travel for Shelly Britt, Jackie Harrison and Sharon VanDeStroet to travel to Watertown, SD for Instructions in Appraisal of Property and Taxation on May 19 through May 22, 2009.

Motion by Schmidt and seconded by Gillespie to authorize out of county travel for Harold Timmerman to travel to Pierre, SD for a Homeland Security Exercise Evaluation Program (HSEEP) training class on April 20 through April 23, 2009.

Motion by Gillespie and seconded by Schmidt to approve the transfer of employee, Nick Romereim from the Department of Equalization to the office of the Register of Deeds, to be a Deputy 1 with 1 year experience with a projected start date of June 1, 2009. Motion carried.

Bids were opened as published for the hay ground at the Marv Skie Airport.

Bids were as follows: Michael Poppens \$1,710.00 for hay ground; Donald Bakker \$30.00 per acre for 40 acres.

RESOLUTION: BE IT RESOLVED to accept the \$1,710.00 bid of Michael Poppens for the hay ground at the Marv Skie Airport. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

The public hearing for the enforcement of the ordinance prohibiting the operation of off-road vehicles in certain portions of Highway ditch under the jurisdiction of Lincoln County was held as published. Willis Hanna, Gail Hanna, Don Hoffman and Dawn Hoffman spoke on danger issues, damage occurred in the ditches and damage to approaches by the off-road vehicles. David Fuhr expressed an interest in being able to ride his 4 wheeler in his own ditch.

RESOLUTION: WHEREAS, pursuant to SDCL § 32-20-12.1, Lincoln County has enacted Ordinance No. 0812-14, thereby providing for the regulation of off-road vehicles in Lincoln County, South Dakota; and WHEREAS, the Lincoln County Commission, pursuant to sub-Section 2(B) of said Ordinance, has conducted a noticed public hearing concerning the prohibition of off-road vehicles in certain portions of highway ditch under its jurisdiction; NOW, THEREFORE, AFTER DUE CONSIDERATION AND DELIBERATION, BE IT HEREBY RESOLVED BY LINCOLN COUNTY, SOUTH DAKOTA, that the operation of off-road vehicles shall be prohibited in the area described as follows: ***(1) Lincoln County Highway 117, from 273<sup>rd</sup> Street to 272<sup>nd</sup> Street; (2) Lincoln County Highway 110, from 471<sup>st</sup> Avenue to 478<sup>th</sup> Avenue, except the west 359.93 feet of the Northwest Quarter of Section Five (5), Township Ninety-nine (99) North, Range Forty-Nine (49) West of the 5th P.M.,*** such prohibition to be consistent with the provisions of SDCL § 32-20-12.1 and Lincoln County Ordinance No. 0812-14. BE IT FURTHER RESOLVED, that such prohibition is

necessary for the immediate preservation of public peace, health or safety, and as such, this Resolution shall become effective upon its passage, publication and the posting of regulatory signs. The County Highway Superintendent or his designee is hereby directed to post and maintain regulatory signs giving notice to the public of the restriction authorized by this Resolution. Motion by Schmidt and seconded by Gillespie. Roll call vote: Schmidt, Aye; Melcher, Aye; Long, Aye; and Gillespie, Aye. Motion carried. Schmidt noted that the Sheriff's department will enforce this resolution.

Motion by Schmidt and seconded by Melcher to grant the City of Harrisburg permission for placement of the force main pipes in County right-of-way along County roads #110 from Harrisburg to SD Hwy 11 or #110 to Sycamore to #106 then to SD Hwy 11, to the pump station northeast of 57<sup>th</sup> Street. Motion carried.

Motion by Gillespie and seconded by Melcher that the following township bonds be approved: Norway Twp Clerk & Treasurer bonds; Grant Twp. Clerk & Treasurer bonds; Lynn Twp Clerk & Treasurer bonds; Dayton Twp. Clerk & Treasurer Bonds; Springdale Twp. Clerk & Treasurer bonds and Delapre Twp. Clerk & Treasurer Bonds. Motion carried.

RESOLUTION: BE IT RESOLVED that the chairman is hereby authorized and directed to execute the Memorandum of Understanding between The Cooperative Extension Service and Counties of South Dakota. Motion by Schmidt and seconded by Melcher. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the chairman is hereby authorized and directed to execute the appointment of Harold Timmerman as the Wildland Fire Coordinator for Lincoln County. Motion by Schmidt and seconded by Melcher. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Auditor is hereby authorized and directed to publish "Notice of Hearing" for the petition to vacate the following described platted property: S 150' of 145' in Southeast Quarter of Southwest Quarter of Southeast Quarter (SE1/4, SW1/4, SE1/4) of Section 28, Township 100, Range 50 West of the 5<sup>th</sup> P.M. Said Hearing to be held on May 5, 2009 at 9:00 am. Motion by Melcher and seconded by Gillespie. All Commissioners present voted "Aye".

Bids for the 2009 Lincoln County asphalt paving project were presented as published and opened on April 13, 2009: Double H Paving, Inc of Tea, SD \$549,545.75; Myrl & Roy's Paving of Sioux Falls, SD \$563,866.00; Seal Pros, Inc. of Harrisburg, SD \$576,677.63; Black-Top Paving Co. of Sioux Falls, SD \$594,557.00; Krueger Excavation & Paving of Sioux Falls, SD \$599,527.83; ASCO (Asphalt Surfacing Co) of Sioux Falls, SD \$609,009.10; McLaughlin and Schulz Inc. of Marshall, MN \$617,316.25; and Bituminous Paving Inc. of Ortonville, Minnesota \$654,105.25.

RESOLUTION: BE IT RESOLVED that the low bid of \$549,545.75 from Double H Paving Inc of Tea, SD for the 2009 asphalt paving project be hereby accepted. Motion by Melcher and seconded by Gillespie. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the chairman is hereby authorized and directed to execute the Agreement for Use and Restoration of Detour and/or Wet Weather Detour between the South Dakota Department of Transportation and Lincoln County for Highway Project number P3017(08)52 PCN 6962. Motion by Gillespie and seconded by Melcher. All Commissioners present voted "Aye".

The Highway Department received quotes for the day for 7500 gallons of Diesel – Summer Grade on March 4, 2009. The quotes for the day were: Eastern Farmers Co-op, Worthing, SD no bid at this time; Howes Oil of Sioux Falls, SD \$1.215; Midwest Oil of Sioux Falls, SD \$1.22; Stern Oil Co of Freeman, SD \$1.1986 and I-29 Fuel of Worthing, SD no bid. Stern Oil Company's quote was accepted.

Quotes for 8000 gallons of Ethanol on March 26, 2009 were: Eastern Farmers Co-op of Worthing \$1.7576; Howes Oil of Sioux Falls, SD quoted too late; Midwest Oil of Sioux Falls, SD no bid and Stern Oil Co of Freeman, SD \$1.739. Stern Oil Company's quote was accepted.

The following claims were approved:

General Fund: fees & mileage Anderson, Zoe \$24.80; Anglin, Jeffrey \$29.98; Atkins, Dwayne \$27.02; Bennett, Willie \$24.80; Binfet, Jean \$24.06; Bitterman, Kevin \$21.10; Brands, Anita \$65.54; Brown, Robert \$28.50; Conway, Shelly \$28.50; Dipiazza, Julianne \$22.58; Drake, Sherry \$17.40; Ensz, Sonia \$28.50; Feit, Jaclyn \$64.06; Fiebelkorn, Randy \$68.50; Fischbach, Deanna \$10.74; Fritz, Floyd \$32.20; Gardner, Renee \$10.74; Hansen, Shelly \$28.50; Hudson-Dirks, Teri \$28.50; Hunhoff, Lori \$21.10; Jarman, Bradley \$10.74; Johnsen, Jason \$24.80; Johnson, Kristal \$21.10; Johnson, Sara \$24.80; Kilawee, Lisa \$24.80; Lange, Camilla \$28.50; Marshik, Gary \$15.92; Mayfield, Brenda \$61.10; McKenney, Troy \$61.10; McKnelly, Amanda \$68.50; Miles, Annette \$61.10; Nix, Barbara \$32.20; Novak, Mark \$64.80; Oleson, Diane \$24.80; Olsen, Dave \$18.14; Overweg, Sarah \$18.88; Pettibone, Blanca \$24.80; Philippi, Linda \$28.50; Pinkerd, Jack \$21.10; Rapp, Jacquelyn \$64.80; Reinesch, Jill \$64.80; Rezac, Sheila \$64.06; Ribstein, Carolyn \$17.40; Rykhus, Catherine \$70.72; Sanders, Wayne \$17.40; Schmidt, Connie \$18.88; Sehr, Patricia \$10.74; Starr, Shelly \$26.28; Stout, Paul \$32.20; Straatmeyer, Laurie \$18.14; Straatmeyer, Ron \$18.14; Thomassen, Carol \$28.50; VanBeek, Shannon \$27.02; VanEkeren, Rona \$17.40; Wallert, Vicki \$10.74; Weber, Beth \$69.98; Yerdon,

Faythe \$21.10; A & B Pure Water Online, water \$26.96; ADT Security Systems, final pymt/security services \$58.08; Craig Andersen, mileage \$37; Argus Leader, publishing \$593.18; Athey Court Reporting, transcripts \$647.60; Avera Heart Hospital of SD, blood draws \$20; Avera McKennan Hospital, blood draws \$52; mental health hold \$698; prisoner care \$2,458.72; Best Business Products, copier maint/lease pymt \$575.90; Best Western Ramkota Inn, lodging \$786.74; Brown & Saenger, supplies/calculator \$320.25; Jeanne Bunkers LCSW-PIP, crt appt counsel \$220; City of Canton, utilities \$216.59; Cartridge World, supplies \$95.95; CDW-G Inc, computer equipment \$3,268.09; Century Business Products, copier maint/lease pymt \$81.32; Children's Inn, 2009 allocation \$3,500; CitiMortgage Inc, county assistance \$465.83; Countryside Convenience, fuel \$884.14; Cody Croatt, temp help \$50; Cyntom Property Mngmt, county assistance \$500; Dakotabilities Inc, 6 clients \$1,080; Dakota Reporting Agency, transcripts \$54.40; Dave's Service & Repair, service vehicle \$32.45; Dell Marketing, computers \$7,102.62; DialNet, phone equip/repairs \$132.65; Christine Ellis LCSW-PIP, crt appt counsel \$330; Eric Eneboe, travel expense \$1,804.11; John Erpenbach RN/CNP, mentally ill \$135; Express Attorney Services, serve papers \$66.50; Farmers State Bank, ck printing \$46.01; Paula Feucht, mileage \$115.44; Flowers by Bob, Mechels funeral \$39.95; Garratt-Callahan Co, water treatment program \$700; David Gillespie, mileage & meals \$453.48; Golden Law Office, pub def contract/transcripts \$20,108.75; Jennifer Hamran, mileage & expenses \$34.26; Harland Technology Services, annual maint \$495; David Heeren, prisoner transport \$45.81; Hoogendoorn Const, 911 tower removal \$935; Hunters Gate Townhomes, county assistance \$500; Hunters Gate/Southridge Apts, county assistance \$1,000; ICC, membership \$100; Innovative Property Mngmt, county assistance \$362; Interstate Office Products, supplies \$86.82; KB's True Value, supplies \$123.71; Knology, utilities \$1,476.96; Matt Kopecky, travel expenses \$192.86; Kelley Kruger, mileage \$69.93; Kustom Signals Inc, radar guns \$2,778; Tanner Larson, temp help \$30; Tyler Larson, temp help \$20; Lennox Independent, publishing \$685.61; LexisNexis, online charges \$190; Lounsbery, Jeff mileage & expenses \$425.48; MCPC Inc, supplies \$962.47; Medical X-Ray Center, prisoner care \$208.82; Jason Melcher, mileage \$268.62; MidAmerican Energy, county assistance \$800; Midwest Alarm, annual contract \$360; Minnehaha Co Regional JDC, childcare \$6,345; Minnehaha Co Treasurer, blood draws \$800; excess prisoners \$21,070; Mobile Mini Inc, 40' container \$135; Charles Molstad, mileage \$29.97; Chad Nelson, mileage \$14.06; June Nusz, mileage \$22.20; Office Elements, copier maint \$82.95; Officemax, printer/supplies \$420.41; Roxane Osborn, transcripts \$376.20; Overhead Door Co, supplies \$42; Peltier's Collision Ctr, repair & service vehicles \$1,134.08; Pennington County Jail, prisoner transport \$674.85; Scott Peters, mentally ill \$674.85; Peterson Law Firm, public defender contract \$8,000; Pitney Bowes, postage \$2,000; Pizza Ranch, Grand Jury meals \$60.40; Weed dinner \$212.25; Richard Portz, mileage \$17.76; Postmaster, presort mail fee \$180; Pump'n Pak, fuel \$2,426.88; Quill, supplies \$265.90; Qwest, utilities \$80; Mark Rowen, supplies/mileage \$150.79; Rural Route 1 Service, mats \$153; Pamela Scheid, transcripts \$32; SD Achieve, 2009 allocation \$15,120; SD Sheriff's Assoc, conference \$60; SD State Treasurer, drug/alcohol tests \$1,928; mentally ill \$1,002.84; SDACO, workshop \$450; SDCLE Inc, periodicals \$150; SECOG, professional services \$2,171.50; Sioux Empire Auto Service, vehicle repairs \$947; Sioux Falls Area Humane Society, services \$850.83; Sioux Valley News, publishing \$1,014.61; Darrel Sogn, mileage \$22.20; Southeastern Electric, county assistance \$313.95; Staples Credit Plan, supplies \$71.51; State Bar of SD, periodical \$90; Steve's Auto Repair, service vehicles \$526.22; Sturdevant's Auto Parts, parts \$22.87; Sunshine Foods, supplies \$35.97; Thompson Publishing, periodicals \$438.50; Van's Rubbish Removal, garbage/recycling \$176.50; Verizon Wireless, cell phone usage \$1,378.28; City of Viborg, rent \$65; Volunteers of Am, shelter care beds \$900; Voyager Fleet Systems, fuel \$347.73; Walgreen Co, county assistance \$449.98; Dennis Weeldreyer, mileage & meals \$454.38; Workplace Technology, services \$64.75; Xcel Energy, county assistance \$438.54; utilities \$4,339.29.

Road Fund: A & B Pure Water Online, water \$2.99; Argus Leader, notices \$29.46; Brock White Co, crack sealant \$3,489.75; Brown & Saenger, supplies \$21.59; Bubba's Quality Auto Parts, parts/supplies \$49.37; City of Canton, utilities \$171.30; Chemco, supplies \$143.42; Concrete Materials, washed chips \$26,089.60; Dave's Service & Repair, fuel \$1,635.08; Diamond Mowers, repairs \$87.15; KB's True Value, supplies \$6.73; Knology, utilities \$156.81; Lawson Products, repairs \$175.53; Lennox Independent, notices \$34.64; Michael Todd & Co, supplies \$94.97; MidAmerican Energy, utilities \$225.57; Northern Truck Equip, repairs \$218.11; Pump'n Pak, gas \$1,203.20; SD Asphalt Conference, registration fee \$100; Sioux Equipment, repair diesel pump \$372.41; Sioux Valley News, notices \$79.80; Stern Oil Co, fuel \$13,912; Sturdevant's Auto Parts, parts \$357.84; Tetra Tech, test gravel \$205.35; Titan Access Account, repairs \$94.94; Tractor Supply, supplies \$209.98; Vanderhaags Inc, supplies \$353.50; Verizon Wireless, cell phone usage \$119.10; Xcel Energy, utilities \$366.94; Zee Medical Service, supplies \$131.85.

E911 Communication Fund: CDW-G Inc, server \$2,532.51; Century Business Products, copier maint \$30.96; Ecowater, water/supplies/rent \$94.05; Knology, utilities \$962.20; Qwest, fax line \$102.69; State Radio

Communications, TTY rental \$2,050; Verizon Wireless, cell phone usage \$40.76; Xcel Energy, radio repeater \$8.81.

Emergency Management Fund: Jensen Ins Agency, 2006 Haulin' Trl \$34; Knology, utilities \$64.84; Pat Moore, mileage \$63.38; Officemax, supplies \$26.46; Sioux Falls Two-Way Radio, travel charger \$99.95; Verizon Wireless, cell phone usage \$76.32.

Domestic Abuse Fund: Children's Inn, domestic fees \$12,720.

Solid Waste Fund: Countryside Convenience, fuel \$121.01; Dubbelde Repair, repair vehicle \$523; Farm Gas, propane 1,406.25; Knology, utilities \$42.83; Larson Truck Sales, vehicle repairs \$137.15; South Lincoln Rural Water, utilities \$28; Southeastern Electric, utilities \$435.84; Sturdevant's Auto Parts, parts \$45.89; Verizon Wireless, cell phone usage \$33.96.

Airport Fund: Best Western Ramkota Inn, lodging \$374.95; Knology, utilities \$53.63; Lincoln Co Rural Water, utilities \$22; Schroeder, Mark, mileage & meals \$181.40; Southeastern Electric, electricity \$331.01; Verizon Wireless, cell phone usage \$39.70.

General Government Bldg Fund: Hoogendoorn Construction, final pymt/window replacement \$37,902.80.

The Board adjourned until 8:30 A.M. on April 28, 2009.

Motion by Schmidt and seconded by Gillespie to convene as the Board of Equalization. Motion carried.

Lincoln County Board of Commissioners

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Dale Long, Chairman

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

Kathy Bonnema, Deputy Auditor

Approved \_\_\_\_\_