

September 1, 2009

The Lincoln County Board of Commissioners met at 8:30 A.M. on September 1, 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 Auditor was clerk of the Board.

A motion by Weeldreyer and seconded by Gillespie that the minutes of August 25, 2009 be approved. Motion carried.

The Clerk of Courts report of disbursement of Funds for mid-month ending August 14, 2009 was presented as follows: State Fines \$20,12.45, State Penalties \$.00; State Costs \$1,121.51, Cash Fees \$1,757.40, Law Library \$245.00, State Forfeiture \$.00, Petty Offense \$485.00; Divorce Fees \$200.00, Court Appointed Attorney Repayments \$3,453.75.

A motion by Schmidt and seconded by Gillespie that the county will pay for Hepatitis B shots for employees of the custodial staff, sheriff's office, and transfer station. Motion carried.

The Hearing was held as published on the 2010 Provisional Budget for Lincoln County.

The application for Retailer (On/Off Sale) Malt Beverage License for the 2009-2010 license periods for Truck Towne, Beresford, SD, The South Half of the Southwest Quarter (S1/2SW1/4) of Section 31, Township 96 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota was taken off the table.

RESOLUTION: BE IT RESOLVED that the application for Retailer (On/Off Sale) Malt Beverage License for the 2009-2010 license period for Truck Towne, Beresford, SD, The South Half of the Southwest Quarter (S1/2SW1/4) of Section 31, Township 96 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota be hereby approved. Motion by Gillespie and seconded by Weeldreyer. All Commissioners voted "Aye".

RESOLUTION: WHEREAS pursuant to SDCL 5-18-3.1 the governing body of a public corporation may, when it determines an emergency to exist involving the health or welfare of its people, award bids without advertising therefore. NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners has deemed an emergency to exist when awaiting regular advertising for bids to replace the existing boiler would seriously impair public services to be provided as the timeline for advertising for bids, preparing bid specifications, awarding of the bid, ordering of a replacement boiler, removal of present boiler and the installation of a replacement boiler would leave the courthouse building without heat during the winter months. BE IF FURTHER RESOLVED that at least two competitive quotations be hereby secured for a replacement boiler in lieu of advertising for bids. Motion by Melcher and seconded by Schmidt. All Commissioners voted "Aye".

Motion by Schmidt and seconded by Weeldreyer that Jon Hansen, Transfer Station Supervisor, be hereby authorized to hire an additional part-time employee. Motion carried.

The second reading of the petition to rezone Springdale Estates, an Addition in the North Half of the Northwest Quarter Section 26, Township 100 North, Range 50 West of the 5th P.M., from "A-1" Agricultural District to "RR" Rural Residential District was held.

RESOLUTION: BE IT ORDAINED That approximately six (6) acres, to be platted and known as Lots 21, 27, 28, 35, 40 and 45 of Springdale Estates, an addition located in the North half (N1/2) of the Northwest Quarter (NW1/4) of Section Twenty-Six (26), Township One-Hundred (100) North, Range Fifty (50) West of the 5th P.M., in Lincoln County, South Dakota is hereby rezoned from the "A-1" Agricultural District to the "RR" Rural Residential District and the official zoning map of Lincoln County is amended to include such rezoning. Motion by Schmidt and seconded by Melcher. All Commissioners voted "Aye".

RESOLUTION: **WHEREAS**, SDCL 13-6-85 and 13-6-86 allow for school district minor boundary changes when all statutory and factual requirements are met; and the Lennox School District No. 41-4 and the Sioux Falls School District No. 49-5 received a petition for minor boundary change involving the property located in southwest Sioux Falls, Minnehaha County, South Dakota, originally assigned to the Lennox School District and seeking to be changed to the Sioux Falls School District; and **WHEREAS**, by Action 35449.C10 adopted July 27, 2009, and Action 35459.C11, adopted August 10, 2009, the Sioux Falls School District approved the Petition to Make a Minor Boundary Change to transfer the area to the Sioux Falls School District; and **WHEREAS**, by Action 39-08-09, adopted August 10, 2009, the Lennox School District approved the Petition to Make a Minor Boundary Change to transfer the area to the Sioux Falls School District; and **WHEREAS**, pursuant to SDCL 13-6-86.1 and SDCL 13-6-87, the county commissions of Minnehaha County and Lincoln County, the counties with property affected by the boundary change, are required to set the effective date of the boundary change for tax allocation purposes, as well as school district voting purposes; **NOW THEREFORE BE IT RESOLVED**, by the Lincoln County Board of Commissioners that the minor boundary change approved by the Sioux Falls School District and Lennox School District transferring the property in southwest Sioux Falls, Minnehaha County, South Dakota, legally described in the Petition of Owners for Minor Boundary Change of School Districts as follows: E 1774.87 (Ex H-1 & Ex Legacy Ridge Addn) S1/2

S1/2 NE1/4 & E 1774.87 N 872.4 (Ex Legacy Ridge Addn) N1/2 SE1/4 21-101-50, Minnehaha County, South Dakota Lots 1-19, Block 1; Lots 1-28, Block 2; Lots 7-24, Block 3, Lots 1-12, Block 4; Lots 1-16, Block 5; Block 6, Lots 1-12, Block 7; Lots 1-12, Block 8, Lots 1-6, Block 9; Lots 1-5 & 10-14, Block 10; Lots 1-5 & 10-14, Block 11.; Lots 1-9, Block 12; Legacy Ridge Addition, Sioux Falls, Minnehaha County, South Dakota 21-101-50. E1774.87 (Ex N872.45) N1/2SE1/4 21-101-50, Wayne Township, Minnehaha County, South Dakota from the Lennox School District No. 41-4 to the Sioux Falls School District No. 49-5 shall be effective August 10, 2009. Motion by Gillespie and seconded by Melcher. All Commissioners voted "Aye".

Motion by Gillespie and seconded by Melcher to approve the Application for Utility Permit submitted by Southeastern Electric to bore under Sundowner Ave. Motion carried.

Motion by Melcher and seconded by Schmidt to approve the Application for an Entrance off of Lincoln County Highway No. 111 submitted by Rod Smart. Motion carried.

Motion by Gillespie and seconded by Melcher to approve the application for permit to place a drain tile under Lincoln County 111 in Brooklyn Township submitted by Norman Erickson Motion carried.

Fuel quotations were presented as follows with the fuel being purchased from the low quotes: March 4, 2009 – 7500 gallons Summer Grade Diesel: Howe Oil 1.215; Midwest Oil, Sioux Falls 1.22; Stern Oil Co. – Freeman 1.1986; May 5, 2009 – 8000 gallons Summer Grade Diesel: Cole Petroleum 1.5152; June 3, 2009 – 8000 gallons Summer Grade Diesel: Eastern Farmers Coop 1.986; Midwest Oil, Sioux Falls 1.935; Stern Oil Co., Freeman 1.8839; Cole Petroleum 1.8983; June 25, 2009 – 8000 gallons ethanol Stern Oil Co., Freeman 2.0322; Cole Petroleum 2.0773; August 6, 2009 – 7000 Summer Grade Diesel Stern Oil Co., Freeman 2.0684; Cole Petroleum 2.0683; August 27, 2009 8000 gallons ethanol Stern Oil Co. Freeman 1.9032 and Cole Petroleum 2.0968.

Motion by Gillespie and seconded by Schmidt to appoint Joe Westra, Jeff Goeman and Tom Souvignier to appraise the two surplus dump trucks and surplus motor grader from the Highway Department. Motion carried.

The following payroll claims were approved:

General Fund: Commissioners \$5,862.50, Treasurer \$1,050.13, IT \$748.01; Equalization \$598.05; GIS \$1,207.50; Sheriff's Dept \$8,353.56, Extension Fund: \$2,003.55; Planning & Zoning \$2,942.91 FICA Match \$1,352.27, Medicare Match \$316.29, SDRS Match \$144.25. Communication Fund: \$949.60, FICA Match \$58.88, Medicare Match \$13.77, SDRS Match \$56.98. WIC Fund: \$561.60, FICA Match \$34.82, Medicare Match \$8.14. 24/7 Sobriety Fund: \$1,298.64, FICA Match \$80.52, Medicare Match \$18.83.

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

Lincoln County Board of Commissioners

Dale Long, Chairman

Attest: _____
Paula Feucht, Auditor

Approved _____