

October 6, 2009

The Lincoln County Board of Commissioners met at 8:30 A.M. on October 6, 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 Schmidt and seconded by Weeldreyer that the minutes of September 29, 2009 be approved. Motion carried.

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

The Lincoln County Sheriff's Civil Fee Mileage Report was presented for the month of August 2009.

Motion by Gillespie and seconded by Schmidt that out of county travel be approved for Mark Schroeder to attend the FAA Conference in Bismarck, ND on October 27, 2009 and October 28, 2009. Motion carried.

The Auditor's Account with the County Treasurer as of September 30, 2009 was presented as follows: Total amount of deposits in banks \$941,154.39, Total amount of actual cash \$3,987.20 total amount of checks and drafts in treasurer's possession not exceeding three days \$131,106.28, total cash items \$186.40, Funds invested \$5,430,541.05, Total cash \$6,506,975.32.

The Register of Deeds Statement of Fees Collected for the month of September 2009 was presented in the amount of 52,823.30.

Motion by Weeldreyer and seconded by Gillespie to approve the Unclaimed Property Report in the amount of \$997.15 and authorize the transfer of funds to the State of South Dakota and the amount of \$77.00 to be transferred to the State of California. Motion carried.

RESOLUTION: BE IT RESOLVED that the Lincoln County Board of County Commissioners do hereby designate the month of October as Domestic Violence Awareness Month. Motion by Schmidt and seconded by Gillespie. All Commissioners voted "Aye".

Motion by Melcher and seconded by Schmidt to take the Appeal of CUP #09-CUP-013 off of the table. Motion carried.

Dr. Derric Iles, State Geologist with the Geological Survey Program of the South Dakota DENR, Vermillion, SD; Kent Woodmansey, Engineering Director – Surface Water Quality of DENR; and Dr. Ronald Gelderman, Professor at SDSU Plant Science were present at the Hearing. Also present were AJ Swanson – representing the parties filing the appeal of the Application of Bar Cattle LLC for a conditional use permit for the purpose of constructing a proposed permanent manure stockpile facility and Kelly Hulstein of Bar-K Cattle, applicant of the CUP - #09-CUP-013..

Motion by Weeldreyer and seconded by Schmidt to add the following stipulations to the Conditional Use Permit CUP #09-CUP-013: the storage facility must be an enclosed permanent structure with a concrete floor, the structure must have proper ventilation; the landscaping must include a berm and must include trees along the North and East sides of the facility and no more nutrient can be hauled in a one year period than the amount of tonnage indicated in the petitioner's proposal. Roll call vote: Weeldreyer – "Aye", Gillespie – "Aye", Melcher – "Nay", Schmidt – "Aye", and Long – "Nay". Motion carried.

Motion by Schmidt and seconded by Gillespie to uphold the decision of the Planning and Zoning Commission to approve the CUP #09-CUP-013 with the added stipulations of: the storage facility must be an enclosed permanent structure with a concrete floor, the structure must have proper ventilation; the landscaping must include a berm and must include trees along the North and East sides of the facility and no more nutrient can be hauled in a one year period than the amount of tonnage indicated in the petitioner's proposal. Roll call vote: Schmidt – "Aye", Melcher – "Nay", Gillespie – "Aye", Weeldreyer – "Aye", Long "Nay". Motion carried.

The Hearing on the Appeal of CUP #09-CUP-018 was held.

The CUP #09-CUP-018 would allow Loren VanRegenmorter/Van Berkel Farms, Inc. to haul manure and apply manure to the following legal descriptions: SE1/4 *Ex Strip 66' wide SE1/4SE1/4* Section 15, Township 97, Range 51, Lincoln County, SD; SW1/4 and SE1/4 including Van Berkel Tr 1 Section 27, Township 97, Range 51, Lincoln County, SD; SW1/4 Section 36, Township 97, Range 51, Lincoln County, SD; SE1/4 and S1/2 S1/2 NE1/4 Section 13, Township 96, Range 51, Lincoln County, SD; Lots 1 and 2 NW1/4 *Ex VanRegenmorters Addition* Section 5, Township 96, Range 49, Lincoln County, SD; S630.5' of Lot 1 NE1/4 and N1/2 SE1/4 Section 5, Township 96, Range 49, Lincoln County, SD; Lots 1 and 2 SW1/4 and SE1/4 Section 6, Township 97, Range 49, Lincoln County, SD; SW1/4 Section 9, Township 97, Range 50, Lincoln County, SD; W1/2SW1/4 Section 29, Township 96, Range 48, Lincoln County, SD; W1/2NW1/4 *Ex Lot H-2* Section 2;7, Township 96, Range 49, Lincoln County, SD.

Motion by Schmidt and seconded by Melcher to uphold the decision of the Planning and Zoning Commission to approve the CUP - #09-CUP-018. Roll call vote – Weeldreyer – "Aye", Gillespie – "Aye", Melcher – "Aye", Schmidt – "Aye", and Long "Aye". Motion carried.

Motion by Schmidt and seconded by Gillespie to approve Change Order No. 1 presented by Myrl and Roy's Paving Inc. in the amount of \$47,646.45 for the 106 Asphalt Overlay Project. Motion carried.

Motion by Gillespie and seconded by Melcher to approve the Application for Utility Permit from Lincoln County Rural Water to run line in Lincoln County Highway 117 Right of Way. Motion carried.

Motion by Weeldreyer and seconded by Melcher to approve the Application for Entrance Permit submitted by Keith and Alvin Bossman for an entrance onto Lincoln County Highway 128. Motion carried.

Motion by Melcher and seconded by Gillespie to authorize the Lincoln County Highway Superintendent to advertise for bids to be received for icing sand to be opened on November 3, 2009. Motion carried.

Motion by Gillespie and seconded by Melcher to approve out of county travel for Jon Peters for a FEMA benefit/cost analysis training workshop October 6, 2009 through October 8, 2009. Motion carried.

The following part-time payroll claims were approved:

Longevity: General Fund: States Attorney \$340.00; Sheriff \$220.00; FICA Match \$34.72, Medicare Match \$8.12, SDRS Match \$38.00. Road Fund: \$740.00, FICA Match \$45.88, Medicare Match \$10.73, SDRS Match \$44.40. Part-time Payroll: General Fund: Commissioners \$5,867.83, Treasurer \$1,488.00, IT \$770.85; Equalization \$531.60; GIS \$1,267.50; Sheriff's Dept \$8,435.05, Planning & Zoning \$4,562.74 FICA Match \$1,361.06, Medicare Match \$318.35, SDRS Match \$161.16. Communication Fund: \$691.84, FICA Match \$42.89, Medicare Match \$10.03, SDRS Match \$41.51. WIC Fund: \$399.36, FICA Match \$24.76, Medicare Match \$5.79. Transfer Station Fund: \$765.60, FICA Match \$47.47, Medicare Match \$11.10. Airport Fund: \$286.73, FICA Match \$17.78, Medicare Match \$4.16. 24/7 Sobriety Fund: \$1,348.89, FICA Match \$83.63, Medicare Match \$19.56.

The Board adjourned until 8:30 A.M. on October 13, 2009.

Lincoln County Board of Commissioners

Dale Long, Chairman

Attest: _____
Paula Feucht, Auditor

Approved _____