

February 2, 2010

The Lincoln County Board of Commissioners met at 8:30 A.M. on February 2, 2010 with members Jason Melcher, David Gillespie, Jim Schmidt, and Dale Long present. Dennis Weeldreyer was absent. The meeting was called to order with the Pledge of Allegiance to the Flag. The Auditor was Clerk of the Board.

A motion by Long and seconded by Gillespie that the minutes of January 26, 2010 be approved. Motion carried.

The Sheriff's Civil Fee mileage report for the month of December 2009 was presented.

Motion by Long and seconded by Gillespie to approve out of county travel for Dennis Johnson to travel to Pierre February 4, 2010 through February 5, 2010 for a South Dakota Sheriff's Association meeting. Motion carried.

Ray Woodson of Dougherty and Company met with the Board concerning the Recovery Zone Bonds allocated to Lincoln County.

RESOLUTION: Resolution Establishing Recovery Zone Bonds procedures, Creating a Volume Cap Allocation Register for Recovery Zone Bonds and Allocating a portion of the County's Recovery Zone Economic Development Bond Volume Cap to Harrisburg School District WITNESETH WHEREAS Lincoln County, South Dakota was sub allocated \$2,495,000 for Recovery Zone Economic Development Bonds volume cap; and WHEREAS, the Notice 2009-50 provides that a County receiving volume cap allocation under §1400U-1(a)(3)(A) may issue bonds for use by a ultimate beneficiary or may sub allocate the allocation to ultimate beneficiary who is an eligible issuer; WHEREAS, it is in the best interest of Lincoln County to allocate to the ultimate beneficiary, Harrisburg School District (the "District"), and have the District issue its own Recovery Zone Economic Development Bonds. NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Recovery Zone Allocation Procedures. The County Commission does hereby adopt the Recovery Zone Allocation Procedures, a copy of which is shall be and is on file with the County Auditor.

2. Creating of Volume Cap Allocation Register. The County Auditor is directed to establish a Volume Cap Allocation Register to separately keep track sub allocation of Recovery Zone allocation for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds under IRC §§ 1400U-2 and 1400U-3.

3. Recovery Zone Findings. Prior to allocating volume cap to an ultimate beneficiary of ultimate issuer, the County must find that the ultimate beneficiary or ultimate issuer, or both, are in an area which has significant poverty, unemployment, rate of home foreclosures or general distress. The County Commission finds that the School District has significant poverty, unemployment and general distress as more fully set forth in the Recovery Zone Study on file with the County Auditor. The findings made in the Recovery Zone Study for Harrisburg School District, on file with the County Auditor, are hereby adopted.

4. Allocation of Recovery Zone Economic Development Bond volume cap. Lincoln County pursuant to 26 USCA § 1400U-1(a)(3)(A) allocates its Recovery Zone Economic Development Bond volume cap as follows: Recovery Zone Economic Development Bonds, Allocation Amount: \$2,495,000, Eligible Issuer: Harrisburg School District, Ultimate Beneficiary: Harrisburg School District. Motion by Long and seconded by Gillespie. All Commissioners present voted "Aye".

RESOLUTION: RESOLUTION REQUESTING UNION COUNTY WHEN IT WAIVES ITS ISSUING AUTHORITY OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THAT IT REQUESTS THE STATE TO ALLOCATE UNION COUNTY'S ALLOCATION TO THE HARRISBURG SCHOOL DISTRICT. WHEREAS, The Congress of the United States has enacted the American Recovery and Reinvestment Act of 2009, Pub. L. No.115-5, 123 Stat. 115 (the "Stimulus Act"), which provides for the issuance of Recovery Zone Economic Development Bonds ("Recovery Zone Bonds") that are entitled to certain benefits under the provisions of the Internal Revenue Code of 1986, as amended (the "Code"); and WHEREAS, The Union County does not anticipate that it will be able to issue any Recovery Zone Bonds for qualifying projects before January 1, 2011; and WHEREAS, The Lincoln County commission has allocated Lincoln County's allocation under the Stimulus Act to the Harrisburg School District; NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN SOUTH DAKOTA AS FOLLOWS: The Lincoln County Commission hereby respectfully requests that the Union County Commission ask that the State of South Dakota when it re-allocates all of the allocation granted to the County pursuant to Notice 2009-50 to issue Recovery Zone Economic Development Bonds to the Harrisburg School District. Motion by Melcher and seconded by Long. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that Ron Larson be hereby appointed to the Lincoln County Planning and Zoning Board, District #2. Motion by Gillespie and seconded by Long. All Commissioners present voted "Aye".

Motion by Long and seconded by Melcher to approve the following abatements: City of Sioux Falls parcel no. 281.66.00.300 \$2.68 tax exempt; City of Sioux Falls parcel no. 280.99.00.300 \$.82 tax exempt; City of Sioux Falls parcel no. 280.99.00.400 \$8.34 tax exempt; City of Sioux Falls parcel no. 280.99.00.500 \$20.84 tax exempt. Motion carried.

Motion by Long and seconded by Melcher to approve the abatement on parcel no. 280.50.07.1040 Baptist General Conference \$285.06 error made in valuation. Motion carried.

Motion by Gillespie and seconded by Melcher to approve the abatement on parcel no. 100.50.30.B150 Larson Tea Properties, LLC, \$295.52 building not there 11/1/08 but included in assessment. Motion carried.

Motion by Long and seconded by Melcher to approve the abatement on parcel no. 200.31.02.009A \$1,299.00, Dorothy Ter Wee, tax freeze not applied. Motion carried.

Motion by Melcher and seconded by Gillespie to approve the abatement on parcel no. 280.50.08.006, Sonler Properties, \$1,614.53, correction on acres. Motion carried.

Motion by Gillespie and seconded by Long, to approve the abatement on parcel no. 280.97.08.017, Seth & Karlin VanDuyn, \$2,141.56, error in valuation. Motion carried.

Motion by Melcher and seconded by Long to approve the abatement on parcel no. 290.07.01.002A, South Dakota LCA LLC, \$37,517.28, tax exempt form received October 6, 2008. Motion carried.

RESOLUTION: A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTHEASTERN COUNCIL OF GOVERNMENTS, WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the "Joint Exercise of Governmental Powers" (SDCL 1-24); and WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in the southeastern South Dakota; and WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and WHEREAS, SECOG promotes regional cooperation and the economical delivery of services and has been providing technical assistance to local governmental entities for more than 35 years; and WHEREAS, SECOG's Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2006 should be revised. NOW THEREFORE BE IT RESOLVED THAT 1. The Count of Lincoln hereby approves the document titled "South Eastern Council of Governments Joint Cooperative Agreement" among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Sioux Falls, Vermillion, and Brandon. 2. The agreement, containing revisions to the existing 2006 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution. Motion by Gillespie and seconded by Melcher. All Commissioners present voted "Aye".

RESOLUTION: WHEREAS, Title 23, Section 151, United States Code and Title 23, Part 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. THEREFORE, Lincoln County is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds. The County requests SDDOT to hire Clark Engineering (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the County for 20% of the cost. The County will be responsible for the required 20% matching funds. Motion by Gillespie and seconded by Long. All Commissioners present voted "Aye".

Motion by Gillespie and seconded by Melcher to approve out of county travel for Allan Bonnema to travel to Pierre March 24, 2010 through March 25, 2010 for a Safety Conference. Motion carried.

Motion by Long and seconded by Gillespie to approve the Applications for Utility Permit submitted by the City of Harrisburg to locate within and across the right-of-way of Lincoln County Highway No. 110 and Lincoln County Highway No. 106. Motion carried.

RESOLUTION: WHEREAS Aviation fuel taxes collected from users of the airports across the state of South Dakota are collected for the express purpose of maintaining the operation of South Dakota airports, and WHEREAS SB 49 and HB 1083 would be detrimental to the operation and maintenance of the Lincoln County Airport and airports across the state of South Dakota NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners is opposed to SB 49 and HB 1083. Motion by Long and seconded by Gillespie. All Commissioners present voted "Aye".

The following payroll claims were approved: Longevity: General Fund: Sheriff's Office: \$360.00, FICA Match \$22.32, Medicare Match \$5.22, SDRS Match \$21.60. Communications Office \$360.00; FICA Match \$22.32, Medicare Match \$5.22, SDRS Match \$21.60; Part-time Payroll: General Fund: Commissioners \$5,947.75, Treasurer \$2,200.80, IT \$868.50; Sheriff's Dept \$5,739.93, Extension \$45.00; Planning & Zoning \$1,695.65, FICA Match \$922.01, Medicare Match \$215.64, SDRS Match \$201.99. Communication Fund: \$894.72, FICA Match \$55.47, Medicare Match \$12.97, SDRS Match \$53.68. WIC Fund: \$405.44, FICA Match \$25.14, Medicare Match \$5.88. Transfer Station Fund: \$272.22, FICA Match \$16.87, Medicare Match \$3.95. Airport: \$282.49, FICA Match \$17.51, Medicare Match \$4.10. 24/7 Sobriety Fund: \$1,365.90, FICA Match \$84.69, Medicare Match \$19.81.

The Board adjourned until 8:30 A.M. on February 9, 2010.

Lincoln County Board of Commissioners

Jim Schmidt, Chairman

Attest: _____
Paula Feucht, Auditor

Approved _____