

December 5, 2006

The Lincoln County Board of Commissioners met at 8:30 A.M. December 5, 2006 with members Burdell Coplan, Jim Schmidt, Otto Hagedorn, Michael Poppens and Dennis Weeldreyer present.. The Auditor was Clerk of the Board. The meeting was called to order with the Pledge of Allegiance to the Flag.

Motion by Coplan and seconded by Hagedorn to approve the minutes of November 28, 2006. Motion carried.

Mileage logs for county vehicles for the month of November 2006 were presented.

The Auditor's Account with the County Treasurer as of November, 2006 was presented as follows: Total amount of deposits in banks \$726,069.06, Total amount of actual cash \$4,450.50, total amount of checks and drafts in treasurer's possession not exceeding three days \$269,945.42, Total cash items \$1,991.33, Funds invested \$12,810,844.40. Total cash \$13,813,300.71.

The Clerk of Courts Report of Disbursement of Funds month ending November 30, 2006 was presented as follows: State Fines \$13,872.50, State Costs \$783.60, State Forfeitures \$550.00, Cash Fees \$1218.60, Law Library \$198.00, Petty Offense \$300.00, Attorney Fees \$1398.00, Divorce Fees \$250.00.

The Register of Deeds report of fees for the month of November 2006 in the amount of \$53,593.40 was presented.

Motion by Coplan and seconded by Schmidt that the Chairman is hereby authorized to execute the Order Declaring Creation of Whispering Ridge Estates Road District. Motion carried.

The Sheriff's mileage log for the month of November 2006 was presented.

Motion by Schmidt and seconded by Hagedorn that the abatement for parcel no. 250.33.00.058 in the amount of \$3,869.00 as the property is exempt from tax. Motion carried.

RESOLUTION: BE IT RESOLVED that the Lincoln County Board of Commissioners hereby opposes any further increases in fees for involuntary admittance to the South Dakota Human Services Center. Motion by Schmidt and seconded by Coplan. All Commissioners voted "Aye".

Tom Wollman met with the Board and requested executive session on a personnel matter. Motion by Schmidt and seconded by Coplan to enter executive session. Commissioners Coplan, Schmidt, Weeldreyer and Hagedorn voted "Aye" and Commissioner Poppens voted "Nay". Motion carried. Motion by Poppens and seconded by Hagedorn to end executive session. Motion carried.

Motion by Schmidt and seconded by Coplan to enter executive session on a personnel matter. Motion carried. Motion by Poppens and seconded by Coplan to end executive session. Motion carried.

RESOLUTION: BE IT RESOLVED that Tom Wollman, Lincoln County States Attorney, be offered an annual salary of \$70,000 for the year 2007 and an annual salary of \$75,000 for the year 2008. Motion by Poppens and seconded by Schmidt. All Commissioners voted "Aye".

RESOLUTION: BE IT ORDAINED BY LINCOLN COUNTY, SD that approximately 142.8 acres in the northeast quarter (NE1/4) *except Lot H-1* of section eighteen (18), township ninety-eight (98) north, range fifty (50) west of the 5th P.M., in Lincoln County, South Dakota is hereby rezoned from the "A" Agricultural – Public Use District to the "I" Industrial District and the official zoning map of Lincoln County is hereby amended to include the rezoning. Motion by Coplan and seconded by Schmidt. All Commissioners voted "Aye".

RESOLUTION: WHEREAS pursuant to SDCL 7-21-22 expenditures of funds for a purpose for which no provision was made in the annual budget for a fiscal year, and when such occasion arises the Board must make, approve, and adopt a supplemental budget providing for an appropriation for such purposes and WHEREAS notice of its intention to make and adopt such supplemental budget with the time and place when the same will be considered and adopted by the governing board shall be published, NOW THEREFORE BE IT RESOLVED that the County Auditor is hereby authorized and directed to publish 'NOTICE OF HEARING' for the purpose of supplementing the Auditor budget for 2006 in the amount of \$22,000; the GIS budget for 2006 in the amount of \$30,000; the Sheriff's budget for \$23,000; the Planning & Zoning budget \$25,000; the Airport budget for \$50,000 and the Capital Projects Building Fund budget for \$606,000 for expenditures incurred . Said Hearing to be held on December 26, 2006 at 9:00 a.m. Motion by Poppens and seconded by Schmidt. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that an increase of 5% be added to the salary schedule for the 2007 payroll for all job classifications. Motion by Coplan and seconded by Hagedorn. All Commissioners voted "Aye".

. RESOLUTION: WHEREAS, Notice of Hearing Upon Application for Renewal of License for Sale of Alcoholic Beverages for 2007 was published in the legal newspapers for Lincoln County on which publication was more than seven days prior to the hearing date and WHEREAS, the Board of County Commissioners have considered the applications and facts given to them, THEREFORE BE IT RESOLVED that the applications for renewal of Alcoholic Beverage License for 2007 be approved for the structure only for the following: Spring Creek County Club, Inc, Sioux Falls, SD, S 400' of the E 800' of the W 1300' of the SW1/4 of Section 23, Township 100 North, Range 51 West; Lenkota Country Club, Lennox, SD, East one-half of Section 3, Township 99 North, Range 51 West, HyVee Inc., Tea, SD, East One-Half of Lot 1A, Block 2, and East One-Half of Lot 1, Block 3 Kerslake Add'n W1/2SE1/4 of Section 24, Township 100 North, Range 51 West, Hill's "C" Store, Characters Bar & Grill, Canton, SD, That part of the W1/2 of the SE1/4 of Section 15, Township 98 North, Range 49 West, lying South of the CMStP&P RR right of Way, Lincoln County, South Dakota; I-29 Bar & Grill, Inc., Sioux Falls, SD, North 1/2 of Lot 1, Block 4, Morton Addition, SE1/4 of Section 19, Township 100 North, Range 50 West; Bakker Crossing LLC, Sioux Falls, SD, Bakker Crossing 1st Addition Lots 10 & 11, Block 5, Section 29, Township 100 N, Range 50. Motion by Schmidt and seconded by Coplan. All Commissioners voted "Aye".

RESOLUTION: WHEREAS, Notice of Hearing Upon Application for Renewal of License for Sale of Alcoholic Beverages for 2007 was published in the legal newspapers for Lincoln County on which publication was more than seven days prior to the hearing date and WHEREAS, the Board of County Commissioners have considered the application and facts given to them and WHEREAS the facts considered are that there are no premises for the liquor license in existence and WHEREAS there is no longer a valid conditional use permit or building permit in existence for the property, NOW THEREFORE BE IT RESOLVED that the application for renewal of Alcoholic Beverage License for 2007 be denied for the following: Parker Contracting, Inc., 27097 Sundowner Ave., Sioux Falls, SD, SE1/4 S1/2 TR 1B 2 acres in Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota. Motion by Poppens and seconded by Hagedorn. All Commissioners voted "Aye".

Clark Engineering met with the Board to discuss cost estimates of drainage plan study of Tea Tributary to Beaver Creek.

Motion by Poppens and seconded by Coplan to authorize Clark Engineering to begin Phase I of the Drainage Study of the Tea Tributary to Beaver Creek with the costs of the project charged to the Planning and Zoning budget. Motion carried.

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Change Order from Fred Carlson Company LLC for the 2006 Asphalt Paving Project resulting in a decrease of \$35,311.01 of the original bid of \$1,331,794.25. Motion by Coplan and seconded by Schmidt. All Commissioners voted "Aye".

Bids were presented for the surplus 1973 CAT 966C front-end loader as follows: Diamond Mowers Inc. \$24,050.00; Bill Havelaar \$26,250.00; and C.D.L. Equipment \$19,750.00.

RESOLUTION: BE IT RESOLVED to award the bid for the surplus 1973 CAT 966C front-end loader to the high bidder Bill Havelaar in the amount of \$26,250.00. Motion by Poppens and seconded by Schmidt. All Commissioners voted "Aye".

Motion by Poppens and seconded by Hagedorn that the application for permit to locate in the Lincoln county right-of-way located in the Southeast One Quarter and the Northeast One Quarter (SE1/4NE1/4) between Section 21, Township 97 North, Range 49 West of the 5th P.M., Lincoln County and Section 16, Township 97 North, Range 49 West of the 5th P.M., Lincoln County, SD submitted by SE Electric be hereby approved. Motion carried with Commissioners Schmidt, Weeldreyer, Hagedorn and Poppens voting "Aye" and Commissioner Coplan abstaining.

RESOLUTION: WHEREAS the 2006 Budget included revenue in the General Fund to support other funds, NOW THEREFORE BE IT RESOLVED to transfer \$50,000 from the General Fund to the Solid Waste Fund and BE IT FURTHER RESOLVED to transfer \$10,100 from the General Fund to the Airport Fund. Motion by Poppens and seconded by Hagedorn. All Commissioners voted "Aye".

RESOLUTION: BE IT RESOLVED that the Chairman is hereby authorized to execute the Federally Funded Fixed Billing Rate Contract for Services between South Eastern Council of Governments and Lincoln County. Motion by Hagedorn and seconded by Coplan. All Commissioners voted "Aye".

The following payroll claims were approved:

Longevity Pay: Road Fund: \$440.00, FICA Match: \$27.28, Medicare Match: \$6.38, SDRS Match: \$26.40; Part-Time Payroll: General Fund: Commissioners: \$5,184.20, Elections: \$243.95, Treasurer: \$2,682.68, Courthouse Maintenance: \$1,353.60, Equalization Office: \$913.80; Sheriff's Dept: \$5,144.37,

Weed Control: \$2,353.41, Planning & Zoning: \$3,087.24, FICA Match: \$1,263.94, Medicare Match: \$295.61, SDRS Match: \$303.64, Group Health Insurance: \$723.66. Communication Fund: \$707.28, FICA Match: \$43.86, Medicare Match: \$10.25, SDRS Match: \$4.65. WIC Fund: \$351.68, FICA Match: \$21.80 Medicare Match: \$5.10. Solid Waste: \$359.91, FICA Match: \$22.31, Medicare Match: \$5.22.

The Board adjourned until 8:30 a.m. on December 12, 2006.

Lincoln County Board of Commissioners

Dennis Weeldreyer

Attest: _____
Paula Feucht, Auditor

Approved _____