

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on February 1, 2022, with Commissioners Joel Arends, Jim C. Jibben, Michael Poppens and Jim Schmidt present. Deputy Auditor Shaun Feilmeier served as Clerk of the Board. William Golden, Chief Civil Deputy State's Attorney, was also present.

ROUTINE BUSINESS:

MOTION by Arends and second by Poppens to approve the agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Longevity: \$4,900.10

States Attorney's \$550.00; FICA 34.10, Medicare 7.98, SDRS 33.00

Gen. Gov. Bldg \$650.00; FICA 40.30, Medicare 9.43, SDRS 39.00

Sheriff's \$2,000.00; FICA 124.00, Medicare 29.00, SDRS 140.00

Highway \$700.10; FICA 0.00, Medicare 0.50, SDRS Special Pay Plan 700.10

Communications \$1000.00; FICA 62.00, Medicare 14.50, SDRS 60.00

Reports:

2022 East Dakota Water Development District Area 7 General Election Nominating Petition Information was presented.

A letter from the United States Department of Agriculture regarding Natural Resources Conservation Services (NRCS) was presented.

A letter from the Department of Agriculture and Natural Resources-SFRL, Inc State General Permit Application was presented.

A letter from the Department of Agriculture and Natural Resources-SFRL, Inc. Manure Management System was presented.

The December 2021 Civil Mileage Fee report was presented.

MOTION by Schmidt and second by Jibben to approve Consent Agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

CONSENT AGENDA:

MOTION by Schmidt and second by Jibben to approve Commission Minutes: 1.25.2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur February 8, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the February 22, 2022, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, amending the 2009 Revised Zoning Ordinance for Lincoln County by rezoning property legally described as Tract 1, Voge's Addition and Lot B, Tract 1, Voge's Addition, NE1/4, Section 9-T98N-R50W, Lincoln County, SD, from the "RR" Rural Residential District to the "C" Commercial District. Location: Parcel ID: 098.50.09.D100 MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur February 8, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the February 22, 2022, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, amending the 2009 Revised Zoning Ordinance for Lincoln County by rezoning property legally described as Lot 2, Tract 3, Huizenga Farms 2nd Addition, SW1/4, Section 2-T99N-R50W, Lincoln County, SD, from the "A-1" Agricultural District to the "RR" Rural Residential District.

Location: Parcel ID: 099.50.02.F302 MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur February 8, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the March 1, 2022, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, amending the 2009 Revised Zoning Ordinance for Lincoln County by rezoning property legally described as Tracts 1, 5 and 5A (Ex. Lot H-1), Smith’s Addition, SE1/4, Section 31-T100N-R50W, Lincoln County, SD, from the “I-1” Light Industrial District and “C” Commercial District to the “PD” Planned Development District. Location: Parcel ID: 100.50.31.D100, 100.50.31.D501, 100.50.31.D500 MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to amend Resolution #2111-41 pertaining to the Medical Marijuana Cultivation license for Culture Shock LLC to instead be issued in the applicant's name: Kasey Hahn. MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve Application Affidavit for Replacement Warrant for IMEG Corp in the amount of \$5,041.65; original warrant number 109450 issued 11/19/2021. MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

A resident from the Tea area offered comment on certain State House Bills sponsored by Representative Otten.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt commented on some State Bills that would affect the County. Schmidt also reported that he attended a preliminary meeting on carbon dioxide pipeline.

Commissioner Jibben reported on preliminary meeting he had regarding a regional wastewater facility.

REGULAR BUSINESS:

PUBLIC HEARING occurred as advertised pursuant to SDCL 7-8-10 for the purpose of changing the boundaries of the commissioner districts to divide and redistrict the county so that each district contains as near as possible an equal number of residents, as determined by the last preceding federal decennial census. The five maps showing the five different district options were again presented. It was also stated that the sixth option of At-Large was not represented with a map since it would just be a map of the county without district lines. Members of the public in attendance spoke about their suggestion for at-large. The Board discussed options and arguments for at-large and district option #4.

MOTION by Arends and second by Poppens to adopt an At-Large Commission per SDCL 7-8-10. Arends: “Aye” Jibben: “Aye” Poppens: “Nay” Schmidt: “Nay” Landeen: “Nay”. Motion failed.

AN ORDINANCE PROVIDING FOR THE ALTERATION OF COUNTY COMMISSIONER DISTRICT BOUNDARIES WITHIN LINCOLN COUNTY, SOUTH DAKOTA

WHEREAS, Lincoln County is divided into five county commissioners districts that were last defined, established and adopted by Lincoln County Resolution No. 1202-08; and, WHEREAS, the Lincoln County Board of Commissioners has determined that change in the commissioner districts is necessary

in order that each district shall be as regular and compact in form as practicable and contain as near as possible an equal number of residents, as determined by the 2020 Census; and, WHEREAS, the Lincoln County Board of Commissioners has published notice for and has held the required public hearing; NOW, THEREFORE, be it ordained by Lincoln County, South Dakota: Section 1. County Commissioner districts shall be numbered One through Five, inclusive, which are identified by number on attached "Exhibit A". The districts shall be described by stating the certain street or avenue designations or other landmarks that divide and border the districts. Any reference to street or avenue below shall mean an imaginary line running down the approximate middle of each street or avenue. The districts of Lincoln County are as set forth below and the map thereof on file in the office of the Auditor. Any discrepancies shall be resolved by reference to the map rather than the physical descriptions set forth herein.

EXHIBIT A:

District 1 – Starting at the Northeast corner of Lincoln County headed south along the eastern boundary of Lincoln County to ~2490.32ft east of the end of 273 St, then west along 273 St to 476 Ave, continue for ~674.52ft and turn south for ~672.19ft then turn east and head to Southeastern Ave, then turn south along Southeastern Ave to Perry Ln, continue south for ~149.64ft, turn east for ~249.19ft and then turn south for ~231.11ft then turn west to Southeastern Ave, then turn south along Southeastern Ave to 274 St, then turn east along 274 St for ~2464.53ft, then turn south ~1148.59ft, then turn east ~1939.48ft, then turn south for ~1072.17ft, then turn east for ~732.39ft, then turn south for ~29.23ft, then turn west for ~537.84ft, then turn South by West for ~163.98ft, then turn Southeast for ~378.80ft, then turn west for ~4594.51ft, then turn Northwest for ~380.88ft to 476 Ave, then turn north along 476 Ave for ~1619.92ft, then turn west by north for ~664.06ft, then turn north to 274 St, then turn west along 274 St for ~1132.78ft, then turn north and follow the curve of the railroad ~70ft east of the center of the railroad to ~850.81ft south of Tiger St, then turn west for 115.10ft, then turn south to 274 St, then turn west along 274 St for ~682.09ft, then turn north for ~653.75ft, then turn west to Cliff Ave, then turn south along Cliff Ave for ~162.02ft, then turn west for ~1321.65ft, then turn north for ~2072.54ft, then turn west for ~1326.17ft, then turn north to Willow St, then turn west to 472 Ave, then turn north to 272 St, then turn west to 471 Ave, then turn north to 271 St, then continue north along S Tallgrass Ave for ~3028.19ft, then turn east for ~1171.74ft, then turn south for ~396.95ft, then turn east for ~4163.21ft then turn north for ~235.11ft, then turn west for ~45.66ft, then turn north for ~383.83ft, then turn east for ~449.73ft, then turn south for ~635.02ft, then turn east for ~879.82ft, then turn south to 96 St, turn west along 96 St to S Louise Ave, then turn south along S Louise Ave for ~676.22ft, then turn east for ~1330.16ft, then turn north for ~375.83ft, then turn east for ~1322.18ft, then turn south for ~376.54ft, then follow the curve along Harrisburg Schools 2nd Addition property to Southwestern Ave, then turn north on Southwestern Ave to W 69th St, then turn east to S Minnesota Ave, then turn south to W 85th St, then continue south on SD HWY 115, then turn east for ~365.03ft, then turn northeast for ~1575.92ft, then turn south for ~265.36ft, then turn east for ~888.54ft, then turn south for ~1248.47ft, then turn east to Cliff St, then turn north along Cliff St to E 85th St, then continue north for ~2281.88ft, then turn east for ~67.42ft, then turn south for ~35.36ft, then turn east northeast for ~615.66ft, then turn north for ~37.94ft, then turn east for ~42.77ft, then turn east northeast for ~654.09ft, then turn east by north for ~856.19ft, then turn east to Southeastern Ave, then turn east by south for ~1093.83ft, then turn east for ~1318.16ft, then turn north for ~1000.97ft, then turn east for ~869.81ft, then turn north for ~1060.03ft, then turn east for ~443.51ft, then turn north to E 69th Street, then turn east along E 69th St for ~847.30ft, then turn north for ~460.76ft, then turn east for ~459.19ft, then turn south for ~76.55ft, then turn east for ~341.28ft, then turn south to E 69th St, then turn east along E 69th St for ~2297.30ft, then turn north for ~410.52ft, then turn east for ~334.13ft, then turn south to E 69th St, then turn east along E 69th St for ~953.06ft, then turn north for ~1298.48ft, then turn east to SD HWY 11, then turn north along SD HWY 11 for ~393.31ft. then turn east for ~987.33ft, then turn south for ~236.94ft, then turn west southwest for ~453.70ft, then turn south for ~65.98ft, then turn east by north for ~454.76ft, then turn northeast for ~863.51ft, then turn east for ~406.62ft, then turn east northeast for ~320.60ft,

then turn north northeast for ~120.27ft, then turn east for ~93.67ft, then turn south for ~263.96ft, then turn east for ~259.28ft, then turn south by east for ~184.60ft, then turn south southeast for ~77.90ft, then turn northeast for ~174.05ft, then turn north northeast for 124.26ft, then turn east northeast for ~450.14ft, then turn and follow the curves along the east side of parcel 280.50.09.4A00, then turn east for ~1555.87ft, then turn north to the north boundary of Lincoln County, then turn east to the starting point.

District 2 – Starting at ~2490.32ft east of the end of 273 St, headed south along the eastern boundary of Lincoln County to the southeast corner of Lincoln County, then turn west along the southern boundary of Lincoln County to the southwest corner of Lincoln County, then turn North along the western boundary of Lincoln County to the northwest corner of Perry Township, then turn east to SD HWY 115, then continue east ~2618.83ft, then turn south for ~2723.29ft, then turn east for ~1322.19ft, then turn south for ~2072.67ft, then turn east to Cliff Ave, then turn north along Cliff Ave for ~162.00ft, then turn east for ~1952.10ft, then turn south to 274 St, then turn east along 274 St for ~682.09ft, then turn north for ~1940.16ft, then turn east for ~115.09ft, then south 70ft east of the railroad along the curve of the railroad to 274 St, then east along 274 St for ~1128.89ft, then south for ~674.65ft, then turn east to 476 Ave, then turn south along 476 Ave for ~1620.39ft, then turn southeast for ~420.35ft, then turn east for ~4594.51ft, then turn northwest for ~378.80ft, then turn north for ~159.78ft, then turn east to 477 Ave, then turn north along 477 Ave for ~29.23ft, then turn west for ~730.48ft, then turn north for ~1072.10ft, then turn west for ~1937.77ft, then turn north to 274 St, then turn west to Southeastern Ave, then turn north along Southeastern Ave for ~1765.11ft, then turn east for ~245.50ft, then turn north for ~231.11ft, then turn west to Southeastern Ave, then turn north along Southeastern Ave to Maple St, then continue north for ~349.67ft, then turn west for ~658.89ft, then turn north to Willow St, then turn east long Willow St and continue on 273 St to the start point.

District 3 – starting at the corner of W 57th St and S Western Ave and heading south along S Western Ave to W 95th St, then continue South for ~893.86ft, then turn west along the south boundary of Harrisburg School 2nd Addition property, then turn north for ~376.54ft, then turn west for ~1282.13ft, then turn south for ~375.83ft, then turn west to S Louise Ave, then turn north to 95 St, then turn east for ~1325.44ft, then turn north for ~657.95ft, then turn west for ~879.82ft, then turn north for ~635.02ft, then turn west to S Louise Ave, then turn south to W 93rd St, then turn east for ~45.66ft, then turn south for ~235.11ft, then turn west for ~4153.21ft, then turn north for ~396.95ft, then turn west to S Tallgrass Ave, then turn south to 272 St, then turn east to 472 Ave, then turn south to 273 St, then turn west to I-29, then turn north along I-29 to W 57th St, then turn east to the starting point.

District 4 – starting at the corner of I-29 and W 57th St and heading south along I-29 to 273 St, then turn west to the western boundary of Lincoln County, then turn north to the northwest corner of Lincoln County, then turn east to the starting point.

District 5 - starting at ~434.45ft west of the end of 57th St then heading south for ~1325.82ft, then turn west for ~1555.87ft, then follow the curves of parcel 280.50.09.4A00 to the south and west, then turn west for ~259.28ft, then turn north for ~263.55ft, then turn west by south for ~93.67ft, then turn southwest for ~120.27ft, then turn west southwest for ~320.60ft, then turn west for ~406.62ft, then turn southwest for ~863.51ft, then turn west southwest for ~454.76ft, then turn north for ~65.98ft, then turn east northeast for ~453.70ft, then turn north for ~236.94ft, then turn west to SD HWY 11, then turn south along SD HWY 11 for ~404.63ft, then turn west for ~1333.82ft, then turn south to E 69th St, then turn west along E 69th St for ~953.18ft, then turn north for ~409.00ft, then turn west for ~334.13ft, then turn south to E 69th St, then turn west along E 69th St for ~2297.30ft, then turn north for ~391.14ft, then turn west to S Sycamore Ave, then turn north along S Sycamore Ave for ~76.94ft, then turn west for ~459.19ft, then turn then turn south to E 69th St, then turn west along E 69th St for ~847.30ft, then turn south for ~582.17ft, then turn west for ~443.51ft, then turn south for ~1060.03ft, then turn west for ~869.81ft, then turn south for ~1000.97ft, then turn west for ~1318.16ft, then turn west northwest to Southeastern Ave, then turn west for ~3087.24ft, then turn west southwest for ~856.19ft, then turn southwest for ~664.45ft, then turn west for ~42.77fy, then turn south for ~37.94ft, then turn southwest for ~615.66ft, then turn north for ~35.36ft, then turn west to Cliff Ave, then turn south along Cliff Ave

to E 85th St, and turn west for ~32.02ft, then turn south for ~2626.70ft, then turn west for ~2641.72, then turn north for ~1248.47ft, then turn west for ~888.54ft, then turn north for ~265.37ft, then turn southwest for ~1575.92ft, then turn west to S Minnesota Ave, then turn north on S Minnesota Ave to W 69th St, then turn west on W 69th St to S Western Ave, the turn north on S Western Ave to the Northern Boundary of Lincoln County, then turn east to the starting point.

MOTION by Schmidt and second by Poppens. Arends: “Nay” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, and Adam Polley of IMEG informed the Board of the results from the CR143 road condition study. The core tests showed that the road is not fit for a mill & overlay as was originally thought. Polley presented two options with their estimated costs. Preliminary engineering would need to be completed in order to generate a more accurate estimate and to apply for grant money or other funding assistance. Fluit was also asked to present accident data on this particular 3.6 mile stretch of road.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining to 2022 bridge project bid requests.

RESOLUTION: BE IT RESOLVED to authorize request for bids for 2022 bridge projects for 42-010-109 structure replacement (agreement with the City of Lennox for cost sharing) & 42-004-100 structure replacement. MOTION by Poppens and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 9:36 a.m. for the following purposes: Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3); Preparing for contract negotiations or negotiating with employees or employee representatives. SDCL 1-25-2(4). MOTION by Poppens and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:12 a.m. MOTION by Poppens and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: William Golden, Chief Civil Deputy State’s Attorney, informed the Board of the necessary facts pertaining to the two proposals for services before them.

RESOLUTION: WHEREAS the two proposals received for Services of Construction Manager/Owner Representative Services/Project Manager were reviewed, THEREFORE BE IT RESOLVED to select Tegra Group. MOTION by Schmidt and second by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Arends and second by Schmidt to recess at 10:13 a.m. until 8:30 a.m. on February 8, 2022. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

/s/
Tiffani Landeen, Lincoln County Chair

Attest: /s/
Shaun Feilmeier, Deputy Auditor

Approved February 8, 2022
Please publish the week of February 14, 2022.