

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on February 22, 2022, with Commissioners Joel Arends, Jim C. Jibben, 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 Schmidt and second by Arends to approve the agenda. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$281,084.98

GENERAL: Metlife, Employee Life Ins \$322.77; United Healthcare, Cobra Health Ins \$885.83; Midco, Phone/Video \$1,078.17; American Legal, Psd Codification \$2,872.00; Sdacc, Clerp-1st Qtr \$3,756.00; Lincoln Co Clerk Of Courts, Over Pmt In Atty \$1,570.60; Griesse Law Firm, Crt Appt Atty \$1,103.30; Walter, Max, Crt Appt Atty \$212.75; All Nations, Intepreter \$1,237.50; Lopez, Rebecca, Interpreter \$75.00; Dakota Psychology, Psychosexual Eval \$2,000.00; Nguyen, Lam, Interpreter \$75.00; Angel Law, Prof, Crt Appt Atty \$1,583.43; Beck, Pat, Transcripts \$685.45; Eckhoff, Carin, Transcript \$160.00; Jurors, Fees, Mileage \$3,667.72; Postmaster, Postage-Treasurer \$200.00; Cassel Meyer, Mary Anne, Grand Jury Proceedings \$ 340.00; Frantzen Reporting, Grand Jury Proceedings/Transcripts \$160.20; Pmb 0112, Executive, Network Tech Access \$36.25; Redwood Toxicology, Drug Test \$66.35; Sanford Health, Er Visits \$331.00; Thomson Reuters, Wstlw Dtbse/Prflx/Books & Bounds \$1,432.82; Skorczewski, Jen, Transcripts \$85.00; Minnehaha County, Blood Draws \$525.00; Paragon Health & Wellness, Blood Draws \$1200.00; Canton Pizza Ranch, Grand Jury Meals \$55.47; Century Business, Copier Maint-Sao \$195.01; Midwestern Mechanical, Qtrly Sprinkler \$300.00; Olson's Pest Technicians, Bi-Monthly Svc \$375.00; Cintas, Mats \$415.49; Grainger, Linear Fluor Bulbs \$67.68; Builders Supply, Replacement Fire \$691.20; Prochem Dynamics, Supplies-Cleaning \$629.15; Pump 'N Pak, Fuel \$45.01; City Of Sioux, Tires/Rubble \$134.93; Midamerican Energy, Monthly Gas Usage \$5,406.93; Novak Sanitary, Garbage/Recycling \$464.08; Xcel Energy, Electricity \$6,255.43; Lincoln Co Register Of Deeds, Check Blanks \$155.00; Active Data Systems, Filedirector Mgm \$9,468.10; Optum Bank, Hsa Monthly Maint \$60.50; Well365, Llc, Coaching/Online \$2,145.00; New Century Press, Help Wanted-4-H \$90.00; Sioux Valley News, Help Wanted/P&Z Notices \$154.49; Jensen Ins Agency, Added Vehicles/Equip \$3,242.00; Progressive Microtechnology, Pmi Evidence Tracker \$695.00; Sioux Falls Area Humane, Contract/Aftr Hr \$750.60; Auto Dynamics, Battery/Oil Change/Engine \$8828.62; B & E Autoworx, 21-2, 19-1 Oil Change \$176.95; Graham Tire Co, Tires \$556.04; Dash, Exam Gloves \$317.80; Streicher's, Uniforms \$2,952.98; Transunion Risk, Search Engine \$75.00; Two Way Solution, Program Unit \$180.00; Sd Sheriff's Assoc, Spring Conference \$170.00; Aj's Automotive, Oil Change/Vehicle \$103.63; Anderson, Terry, Travel-Meals \$168.00; Lauries Café, Prisoner Meal \$8.00; Pennington Co Jail, Prisoner Transport \$386.43; Weibrecht, Mark, Travel-Meals \$168.00; Avera Mckennan, Prisoner Care \$104.65; Buddi Us Llc, Tagging Days \$1,400.00; Forward Controls, Optics Platform \$1,235.00; Med-Star Paramedic, Transport \$2388.40; Sanford Health, Autopsy \$1,125.00; Minnehaha Co Reg Jdc, Chld/Shltr Cre/Comm Sprvs \$17,653.95; Sioux Empire Triage, 2022 Budget Allocation \$19,739.00; Sdacc, Crp \$2,970.00; Southeastern Behavioral, Mobile Crisis-Jan \$375.00; Loving, Philip, Mi Evals \$2,676.71; Anderson, Jennifer, Mi Evals \$5,820.66; Wernke, Laurie, Mi Hearings \$26.56; Johnson Pllc, Katie, Mi Board- January \$30.00; Avera Mckennan, Mi Hold \$2,238.00; Menards-West, Vinyl/Nails/Stai \$72.23; Chs Eastern Farm, Fuel \$798.48; Agterra Technologies, Snapmapper/Relay \$515.00; Canton Home & Farm, Bolts/Wire Clips \$172.11; Imeg Corp, Project # 220000 \$420.00; Stantec Consulting, Project # B00769 \$1,295.20; Star Publishing, P & Z Subscriptions \$32.00; Quadient Finance, Postage/Supplies \$4,194.91

ROAD AND BRIDGE: Metlife, Employee Life Ins \$50.83; Transource, Fan Clutch \$2,020.24; Safety Meeting Outlines, Membership Renewal \$140.00; Cintas, Mats/Towels/Towel Cans \$80.92; Diamond Mowers, Blade Bolts/Nylon \$470.44; Equipment Blades, Snow Plow Blade \$59,717.00; Istate Truck

Center, Steering Wheel \$388.37; Lyle Signs Inc, Flagger Ahead Sign \$494.12; Butler Machinery, Additives \$383.52; Canton Home & Farm, Bolts/Wire Clips \$76.60; Fastenal Company, Tool Box/Drill/Eyewear \$173.04; Prochem Dynamics, Supplies-Liners \$107.35; Transource, Bowl \$301.43; Butler Machinery, Pulley \$208.36; Jfi Inc, Propane \$38.73; Midco, Phone/Video \$72.27; Midamerican Energy, Monthly Gas Usage \$6,345.95; Novak Sanitary Svc, Garbage/Recycling \$336.63; Southeastern Electric, Electricity \$3,613.28; Verizon Connect, Monthly Svc-Jan \$485.70; Xcel Energy, Electricity-Hwy \$75.69; Midco, Phone/Video \$25.61; Imeg Corp, Project Costs \$67,472.87
911: Metlife, Employee Life Ins \$32.89; Xcel Energy, Electricity \$9.00; Midco, Phone/Video \$164.69
EMS: Metlife, Employee Life Ins \$0.75; Tri-State Emergency, 2022 Membership \$20.00; Timmerman, Harold, Travel-Fuel \$63.57; Midco, Phone/Video \$68.98
24/7: Metlife, Employee Life Ins \$2.99; Dash, Exam Gloves \$407.70; Pharm Chem Inc, Sweat Patch Analysis \$440.30; Midco, Phone/Video \$25.64

Payroll: \$318,687.23

Commissioner's \$4,780.00; FICA 281.69, Medicare 65.87
Auditor's \$11,176.92; FICA 578.72, Medicare 135.35, SDRS 670.60
Treasurer's \$17,864.61; FICA 1,021.21, Medicare 238.83, SDRS 1,071.88
States Attorney's \$48,149.48; FICA 2,684.17, Medicare 627.76, SDRS 2,827.23
Gen Gov Bldg \$13,955.49; FICA 737.29, Medicare 172.44, SDRS 837.32
DOE \$30,767.30; FICA 1,731.03, Medicare 404.84, SDRS 1,794.46
ROD \$8,527.09; FICA 446.54, Medicare 104.44, SDRS 469.77
VSO \$2,162.60; FICA 107.94, Medicare 25.24, SDRS 129.76
GIS \$5,201.20; FICA 282.11, Medicare 65.98, SDRS 312.07
IT \$8,236.60; FICA 484.96, Medicare 113.42, SDRS 494.20
HR \$4,786.80; FICA 275.57, Medicare 64.45, SDRS 287.21
Sheriff's \$84,929.49; FICA 4,930.65, Medicare 1,153.11, SDRS 5,975.81
WIC \$332.32; FICA 20.60, Medicare 4.82
County 4-H \$3,337.21; FICA 197.56, Medicare 46.21, SDRS 200.23
P & Z \$9,371.41; FICA 562.33, Medicare 131.51, SDRS 562.29
Highway \$35,682.95; FICA 1,980.54, Medicare 463.20, SDRS 2,144.57
Communications \$24,681.76; FICA 1,414.43, Medicare 330.79, SDRS 1,480.91
EM MGMT \$3,064.00; FICA 167.92, Medicare 39.27, SDRS 185.64
24/7 \$1,680.00; FICA 96.93, Medicare 22.67, SDRS 134.40

Reports:

The 2021 Human Service Report was presented.

A letter from Department of Agriculture and Natural Resources -Revised Plans and Specification Review-East Dakota RNG Facility was presented.

The January 2022 Clerk of Courts report was presented totaling \$54,531.24.

Mileage reports were presented as follows: January 2022 Highway #100 mileage report, January 2022 Patrol mileage report, January 2022 Sheriff Civil Fee mileage report.

A notice from the Public Utilities Commission in the matter of the application by SCS Carbon Transport LLC for a permit to construct a carbon dioxide transmission pipeline was presented.

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

CONSENT AGENDA:

MOTION by Jibben and second by Schmidt to approve Commission Minutes: 2.1.2022. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Lon Hatcher as part-time Correctional Officer II for the Sheriff's Office at \$23.03/hr (Grade 107/Step 5) effective 02.23.2022. MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for a public hearing to occur on April 5, 2022, between 8:30 a.m. and adjournment, during the Board of Commissioners Meeting for the deletion of County roads from the County inventory. MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Karisa Neels as a full-time Paralegal for the State's Attorney's Office at \$20.87/hr (Grade 107/Step 1) effective 02.28.2022. MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

An individual commented on the carbon dioxide pipeline the South Dakota Public Utilities Commission published notice of, which is also planned to go through Lincoln County. This individual handed a printout to the Clerk for the Board and public to review.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt reported on the National Association of County Officials conference he recently attended. Schmidt also reported that he has never submitted an expense for any of his conference travels for Lincoln County.

REGULAR BUSINESS:

Commissioner Poppens arrived at 8:49 a.m.

SECOND READING & PUBLIC HEARING occurred 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 and amending the Official Zoning Map of Lincoln County. Location: Parcel ID: 098.50.09.D100. Toby Brown, Planning & Zoning Director, explained the application and staff report. Brown also answered questions from the Board. The applicant also spoke and answered questions from the Board. The applicant also commented on her two neighbors' opposition and the City of Worthing's support. There was not a concept plan submitted with the application. None gave testimony in favor nor opposition of this ordinance to rezone said property.

MOTION by Arends and second by Poppens to approve and adopt 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 and amending the Official Zoning Map of Lincoln County. Arends: "Aye" Jibben: "Nay" Poppens: "Nay" Schmidt: "Nay" Landeen: "Nay". Motion failed.

SECOND READING & PUBLIC HEARING 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 and amending the Official Zoning Map of Lincoln County. Location: Parcel ID: 099.50.02.F302. Toby Brown, Planning & Zoning

Director, explained the application and staff report. Brown also answered questions from the Board. The applicant also spoke and answered questions from the Board. None spoke in favor of this ordinance. Brown read several letters from neighbors to the property which announced their opposition to the rezone. No one else spoke in opposition. Concerns cited in the letters involved the support for one house but not for a development, which could be possible with the rezone.

MOTION by Arends and second by Poppens to approve and adopt 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 and amending the Official Zoning Map of Lincoln County. Arends: "Aye" Jibben: "Nay" Poppens: "Nay" Schmidt: "Nay" Landeen: "Nay". Motion failed.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining to the remaining concrete product supply bid and a resolution to select a consultant for the 2022 bridge inspections. Fluit also reported on the Highway Shop's compressor system modifications needed to prevent excessive wear on the machines; the modifications are less expensive than replacing the air compressor machines and will remedy the problem.

2022 CONCRETE SUPPLY BIDS were presented. Two companies submitted bids: Forterra Concrete Products Inc of Rapid City and Cemcast Pipe & Precast of Hartford.

RESOLUTION: BE IT RESOLVED to accept and award the bids for 2022 Concrete Supplies to both bidders: Forterra Concrete Products Inc of Rapid City and Cemcast Pipe & Precast of Hartford.

MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, 23 CFR 650 Subpart C, 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.

The County requests SDDOT to hire IMEG (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 Poppens and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Julia Disburg, Human Resources Director, informed the Board of the necessary facts pertaining to Commissioner Schmidt's recommended appointment to the Planning & Zoning Commission.

RESOLUTION: BE IT RESOLVED to approve and appoint Scott Green as the District 5 representative for the Lincoln County Planning and Zoning Board. MOTION by Schmidt and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Shaun Feilmeier, Deputy Auditor, informed the Board of the necessary facts pertaining to the 2022 Airport Improvement Project.

RESOLUTION: BE IT RESOLVED to approve the Notice to Airport Consultants requesting Statements of Qualifications for Quality Assurance (QA) Acceptance sampling and testing for subsurface geotechnical exploration acceptance for AIP 3-46-0078-020-2022. MOTION by Arends and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to the needed transfer of expenditures related to the Rural Access Infrastructure Fund (RAIF).

RESOLUTION: BE IT RESOLVED to approve the transfer of expenditures related to the Rural Access Infrastructure Fund (RAIF) from 295-4311-422000 in the amount of 4,824.64 to the following funds: 201-4311-4112-000 in the amount of \$4,199.64 and 201-4311-429200 in the amount of \$625.00. MOTION by Schmidt and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Auditor Lund presented a 2022 Election Calendar to be published on the Lincoln County website. Lund also reported on the two open positions for temporary election workers.

Lund then addressed in detail several concerns brought up recently during Opportunity for Public Comment regarding election integrity: Processes for voter registration, absentee ballot and application vetting, authorized messengers, as well as mock elections and machine testing; The expenses the grant Lincoln County received from the Center for Tech & Civic Life paid for being human resources and not a drop box; The 2020 outcry for a Courthouse drop box and the Deputy ballot drop off location due to a large mistrust of the mail during that election year; Lincoln County’s ballot counting machines’ (DS 850) inability to connect to the internet; The 2022 planned security improvements to Courthouse drop box and Deputy Ballot drop off (if there is one); The openness for the public to be present during mock elections and election night counting; The need to limit the impact of human error on elections.

MOTION by Arends and second by Jibben to adjourn at 10:04 a.m. until 8:30 a.m. on March 1, 2022. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

Lincoln County Board of Commissioners

_____/s/
Tiffani Landeen, Lincoln County Chair

Attest: _____/s/
Shaun Feilmeier, Deputy Auditor

Approved March 1, 2022
Please publish the week of March 7, 2022.