

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on April 5, 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 Schmidt and second by Poppens to approve the agenda with Regular Item #13 removed. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Payroll: \$320,287.84

Commissioner's \$4,805.00; FICA 283.24, Medicare 66.23
Auditor's \$10,990.10; FICA 577.51, Medicare 135.06, SDRS 659.39
Treasurer's \$17,864.61; FICA 1,021.21, Medicare 238.83, SDRS 1,071.88
States Attorney's \$49,681.40; FICA 2,790.17, Medicare 652.54, SDRS 2,919.15
Gen Gov Bldg \$13,868.74; FICA 731.91, Medicare 171.18, SDRS 832.11
DOE \$32,554.18; FICA 1,838.89, Medicare 430.06, SDRS 1,896.30
ROD \$8,398.57; FICA 438.57, Medicare 102.57, 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 \$81,146.19; FICA 4,675.78, Medicare 1,093.53, SDRS 5,769.11
WIC \$166.16; FICA 10.30, Medicare 2.41
County 4-H \$3,337.24; FICA 197.56, Medicare 46.21, SDRS 200.24
P & Z \$9,821.40; FICA 590.23, Medicare 138.05, SDRS 562.29
Highway \$37,337.62; FICA 2,083.14, Medicare 487.18, SDRS 2,243.84
Communications \$25,185.43; FICA 1,445.67, Medicare 338.10, SDRS 1,511.13
EM MGMT \$3,064.00; FICA 167.54, Medicare 39.18, SDRS 185.28
24/7 \$1,680.00; FICA 96.93, Medicare 22.67, SDRS 134.40

Longevity: \$1,950.00

Gen. Gov. Bldg \$950.00; FICA 58.90, Medicare 13.78, SDRS 57.00
Highway \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00

Reports:

The handout from 3/22/2022 Opportunity for Public Comment pertaining to the free severe weather education event was presented.

The March 2022 Emergency Management mileage report was presented.

A letter from the Department of Agriculture and Natural Resources pertaining to Haverhals Feedlot, Inc-State General Permit Application State General Permit Application Review was presented.

A letter from the Department of Agriculture and Natural Resources pertaining to Haverhals Feedlot, Inc Manure Management System-2017 General Permit Coverage was presented.

The Veterans Service Office report for March 2022 was presented.

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

CONSENT AGENDA:

MOTION by Poppens and second by Arends to approve Commission Minutes: 3.22.2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve a step increase for the following individual in the Sheriff's Office effective the first day of the biweekly pay period 03.29.2022: Edward Colshan – Sergeant – SO2/Step 13 - \$34.44/hr. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve a step increase for the following individual in the Sheriff's Office effective the first day of the biweekly pay period 03.20.2022: Scott Gaalswyk – Deputy Sheriff – SO1/Step 13 - \$31.31/hr. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Nichole Matzen, temporary Paralegal for the State's Attorney's Office at \$22.47/hr (Grade 107/Step 4) effective 03.30.2022. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the resignation of Susan Doherty, Victims Witness Legal Assistant, effective 03.31.2022. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve out of state travel to attend human resources seminar for Human Resources Director, Julia Disburg. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the resignation of Marla Schrank, Correctional Officer II, effective 03.31.2022. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the Date and Time for a Public Hearing to Occur Between 8:30 a.m. and adjournment of the April 26, 2022, Board of Commissioners Meeting for a Preliminary Subdivision Plan for Prairie Acres Addition. The property is legally described as NW1/4 (Ex. West 730 feet thereof), Section 33-T100N-R51W. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

An individual from LaValley Township commented on his concern for the safety of Lincoln County residents from the dangers of the pending CO2 pipeline. The individual also voiced concern over the proposed easements for this pipeline and their infringement on landowner rights.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt reported on his and Commissioner Jibben's participation at the recent 4-H fundraising event.

REGULAR BUSINESS:

PUBLIC HEARING occurred for the appeal of Conditional Use Permit #USE-0008-2022 to amend Conditional Use Permit #USE-0002-2020 to expand an existing Class A Cattle CAFO from 1,000 head

to 2,000 head on the property legally described as Tract 1A, SW1/4, Section 34-T97N-R49W. Toby Brown, Planning & Zoning Director, introduced the applicant and appellant and gave a brief history and presentation of the proposed use. The appellant was not present to give comment. The applicant was present and gave comment on his operation and addressed many of the concerns that were brought up during the Planning & Zoning Board hearing. Those in favor of the approval of Conditional Use Permit #USE-0008-2022 commented as follows: the technology of the barn in question being paramount than any other as regards public safety, environmental protection, odor control, and animal health; the applicant's good quality of character; the large economic value of ag business; the need for clear road map for businesses to grow their farms/business; the local need for the manure product from this type of barn; the environmental safety and odor control of knifing manure into soil versus top spraying fertilizer; and the applicant's efforts going above and beyond ordinance requirements. Opponents to the approval of Conditional Use Permit #USE-0008-2022 commented as follows: validity of the odor footprint tool; past issues with open air cattle yards contaminating water and air quality; County procedural concerns and the validity of the application; disagreements with legal definitions; and the desire to increase the setbacks for this CAFO. Other comments from Opposition included a description from its congregation of events and the grounds of a church outside of the setback distance. Brown responded to the procedural and application-validity concern. Commissioners seemed to agree that the rules should be changed but disagreed on whether they should change them in the midst of this Use application. William Golden, Chief Civil Deputy State's Attorney, was consulted for clarification of the Board's authority in this matter.

MOTION by Poppens to overrule the Planning Commission decision to approve Conditional Use Permit #USE-0008-2022. Motion died for lack of a second.

MOTION by Arends and second by Poppens to amend the decision of the Planning Commission by adding the four following conditions to Conditional Use Permit #USE-0008-2022:

#12. No manure application from this facility may occur within 1 mile of Lands Lutheran Church/Moe Parish; #13. All manure applications from this facility requires a 72-hour notice to Lands Lutheran Church/Moe Parish; #14. Environmental Bond of \$50,000 required by facility owner for environmental damages that may occur from this facility; #15. Drainage easement must be executed and filed to protect the neighbors of this facility.

Arends: "Aye" Jibben: "Aye" Poppens: "Nay" Schmidt: "Nay" Landeen: "Nay". Motion Failed.

MOTION by Poppens to amend the decision of the Planning Commission by adding the four following conditions to Conditional Use Permit #USE-0008-2022:

#12. No manure application from this facility may occur within 1 mile of Lands Lutheran Church/Moe Parish.

#13. All manure applications from this facility requires a 72-hour notice to Lands Lutheran Church/Moe Parish.

Motion failed for lack of a second.

RESOLUTION: BE IT RESOLVED to table the decision on the appeal of Conditional Use Permit #USE-0008-2022 to amend Conditional Use Permit #USE-0002-2020 to expand an existing Class A Cattle CAFO from 1,000 head to 2,000 head on the property legally described as Tract 1A, SW1/4, Section 34-T97N-R49W for 45 days.

Arends: "Aye" Jibben: "Aye" Poppens: "Nay" Schmidt: "Aye" Landeen: "Nay". Motion carried.

PUBLIC HEARING occurred to consider a resolution for the deletion of County roads from the County Highway inventory. Terry Fluit, Highway Superintendent, introduced the road sections and reason for deletion. Shaun Feilmeier, Deputy Auditor, read the resolution into the record. None spoke in favor nor opposition of the proposed resolution.

RESOLUTION FOR THE DELETION OF COUNTY ROADS FROM THE LINCOLN COUNTY HIGHWAY INVENTORY WHEREAS, Lincoln County would like to modify its Highway System due to the jurisdictional transfer of county routes to the City of Harrisburg. WHEREAS, the changes in Lincoln County's Highway System are in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 6/18/2009 and SDCL 31-12-2. THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the following changes be made to the Lincoln County Highway System.

Delete from the Primary County Highway System:

1. Lincoln Co. Rd 110/Willow St-approximately 2.000 miles

Beginning at the southwest corner of section 35, T 100 N, R 50 W, section 35 at the intersection of SD 115, then east 2 miles to the southeast corner of T 100 N, R 50 W, section 36 at the intersection of 476th Ave.

2. Lincoln Co Road 123/Cliff Ave/475th Ave-approximately 1.470 miles

Beginning at the southwest corner of section 36, T 100 N, R 50 W, section 36 at the intersection of Lincoln Co Rd 110/Willow St, then north 1.470 miles.

The routes being deleted from the primary county highway system is due to the jurisdictional transfer of a county routes to the city of Harrisburg.

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

COMMISSIONER BRIEFING: Presentation from the Lincoln County Financial Action Network (FAN) occurred including observations and recommendations. Commissioners thanked Auditor Sheri Lund for putting the FAN group together and the FAN volunteers for offering their expertise to the County.

COMMISSIONER BRIEFING: Volunteers from the Lincoln County Veterans' Memorial Fund Committee presented on the need for action to repair and maintain the memorial and discussed options for a new memorial and perhaps a County park. The presenters requested an agenda item to add a line to the budget for these purposes.

The Chair called a break from 12:14 p.m. until 12:15 p.m. Commissioner Schmidt was back in attendance at 12:20 p.m.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining to two budgeted vehicle/truck purchases, an agreement for cost sharing a structure replacement, request for bids on crushed gravel, and the 2022 Microsurfacing project agreement.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the agreements for the purchase of two truck chassis (Freightliner 114D) from I-State Truck off of the SD Department of Transportation bid in the amount of \$117,559.00 each. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute Joint Exercise of Governmental Powers Agreement Between Lincoln County and Pleasant Township Regarding Bridge #42-110-253: County to pay 80% & Township to pay 20% up to \$50,000. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Agreement Between Owner and Contractor for Construction Contract with Asphalt Technologies Corporation (ASTECH) for Microsurfacing of 17 miles of CR105 and 3 miles of CR122.

RESOLUTION: BE IT RESOLVED to authorize the request for bids to supply crushed surface gravel. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Members of the Lincoln County Fairgrounds Foundation presented to the Board an update on their efforts to fundraise for and construct necessary buildings for youth agriculture education at the Fairgrounds.

COMMISSIONER BRIEFING: John Rombough, Buildings & Grounds Superintendent, informed the Board of the necessary facts pertaining to a vehicle benefit request. Rombough also asked for two Board members to meeting with the City of Lennox to work on acquiring water and sewer utilities at the Lincoln County Fairgrounds; Commissioners Schmidt and Jibben were volunteered.

RESOLUTION: BE IT RESOLVED to approve personal use benefit of County vehicle to John Rombough per section 14.1 in the Lincoln County Employee Handbook. MOTION by Poppens and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Abstain". Motion carried.

COMMISSIONER BRIEFING: Shaun Feilmeier, Deputy Auditor, informed the Board of the necessary facts pertaining to selection of a firm to complete sampling for an Airport Improvement Project Grant

RESOLUTION: BE IT RESOLVED to table the selection of a firm to complete the needed Quality Assurance (QA) Acceptance sampling and testing for subsurface geotechnical exploration acceptance for AIP 3-46-0078-020-2022. MOTION by Poppens and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Schmidt and a concerned individual from the public spoke on Lincoln County's need to apply for party status with the South Dakota Utilities Commission for a pending CO2 Pipeline.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Application for Party Status HP22-001 in the matter of the Application by SCS Carbon Transport, LLC for a permit to construct a Carbon Dioxide Transmission Pipeline. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Abstain" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Discussion occurred regarding the County ballot drop box. Auditor Sheri Lund explained the history of the drop box and reasons for the previous Auditor's installation of the drop box during the beginning of the pandemic. Lund also informed the Board of the positive

feedback her office received from voters regarding said drop box. Lund also responded to questions regarding the election processes. William Golden, Chief Civil Deputy State's Attorney, answered questions about Board authority over elections.

MOTION by Arends to remove the Lincoln County ballot drop box. Motion failed for lack of a second.

Per SDCL 10-3-14, the Annual conference with Commission and Director of Equalization occurred.

MOTION by Arends and second by Jibben to adjourn at 1:08 p.m. until 8:30 a.m. on April 12, 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 April 12, 2022.
Please publish the week of April 17, 2022.