

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on April 26, 2022, with Commissioners Joel Arends, Jim C. Jibben, Michael Poppens, and Jim Schmidt present. Auditor Sheri Lund 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 Schmidt to approve the agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$155,971.64

GENERAL: United Healthcare, Employee Health Ins \$885.83; Metlife, Employee Life Ins \$322.77; Argus Leader/Multimedia, Publishing \$1,102.38; Midco, Phone/Video \$1,563.83; Tegra Group, Justice Center \$21,127.00; Sioux Falls Rubber Stamp, Stamp \$22.45; Tschetter & Adam Law, Crt Appt Atty \$7,241.99; Griesse Law Firm, Crt Appt Atty \$781.50; Beck Law, Crt Appt Atty \$1,053.85; Walter, Max, Crt Appt Atty \$388.25; Peterson, Stuart, Crt Appt Atty \$186.85; Brende & Meadors, Crt Appt Atty \$360.50; Vuong Law, Crt Appt Atty \$2,919.80; Knecht, Andrew J, Crt Appt Atty \$700.10; All Nations Interpreters, Interpreter \$320.00; Certified Language, Interpreters \$77.55; Great Plains Psychological, Forensic Eval \$3,272.50; Resolute Law Firm, Crt Appt Atty \$3,669.35; Dakota Law Firm, Crt Appt Atty \$231.90; Skorczewski, Jena, Transcript \$274.40; Jurors, Fees, Mileage \$605.40; Apex Court Reporting, Transcripts \$748.00; Minnehaha County Jail, Blood Draws \$450.00; Avera McKennan, Medical Service/Mi Hold \$2,265.74; Frantzen Reporting, Court Reporting \$603.60; Sanford Health, Labs/Testimony \$651.91; Thomson Reuters-Software, Subscription \$755.55; Redwood Toxicology, Labs \$103.08; Paragon Health & Wellness, Jail Calls \$960.00; Canton Pizza Ranch, Grand Jury Meals \$53.47; Lutheran Social Services, Interpreter \$52.50; Riverside Technology, Supplies-Toner \$187.44; Sioux Valley News, Blue Folders/P&Z Ntces/Hlp Wntd Ads \$168.20; Sd Secretary Of State, Notary Public Application \$30.00; Interstate Office, Office Supplies \$198.31; Auto Dynamics Inc, Oil Service \$115.20; G & R Controls Inc, Preventative Maint \$4,587.25; Midwest Alarm Co, Fire Alarm Monitor \$402.00; Midwestern Mechanical, Inspection And Testing \$300.00; Olson's Pest Technicians, Bi-Monthly Service \$375.00; Builders Supply, Cylinder Rekey \$11.75; Justice Fire & Safety Inc, Vehicle Bracket/Fire Extinguisher Recharge \$95.00; Lennox Ace Hardware, Landscape Pin/Fuse Plug \$153.98; Ace Hardware Tea, Chain/Blade/Push-N-Load \$43.97; Boyce Law Firm Llp, Attorney Fees \$1,416.00; Optum Bank, Hsa Monthly Maint \$27.50; Well365, Llc, Wellness Portal/Coaching \$1,545.00; Sd Div Of Criminal, Background Check \$43.25; Sioux Falls Area Humane Society, Mar Contracts \$909.58; Centralsquare, Ecitations Annual Maint \$2,001.05; B & E Autoworx Llc, Oil Change \$162.90; Parker Ford Inc Keys, Rear Lamp \$1,144.11; Two Way Solution, Repair Apx Radio \$168.48; United Laboratories, Odor Laser Total \$306.70; Silverstar Car Wash, Mar Platinum Plus \$229.77; Sioux River Sportmen's, Law Enforcement \$200.00; Aj's Automotive, Oil Service \$53.40; Pennington Co Jail, Mar Transport \$415.23; Charles Mix Sheriff, Hold Inmate \$70.00; Minnehaha Co Regional Jdc, Comm Sprvsn/Chld/Shltr Care \$18,356.80; Dakotabilities Inc, Cl8-Apr/May/Jun \$1,440.00; Anderson, Jennifer, Mi Evals \$2,199.94; Johnson Pllc, Katie, Mi Board-March \$6,009.50; Loving, Philip, Mi Evals \$5,518.45; Imeg Corp, Project Costs \$769.57; Cintas, Mats \$154.03; Hanson, Jonathon, Replacement Tire \$46.78; Sweeter, Wendy, Conference Registration \$65.00; Agterra Technologies, Sprylggr/Strdr Acct/Adptr \$834.45; Canton Home & Farm, #Wb25 Nuts, Bolt \$1.60; Benco Products Inc, Pump/Swtch Kt/Glvs/Gskt \$611.43; Code Works, Building Plan Review \$3,961.71; Hogan, Wendi, Mileage 04132022/04182022 \$26.38; Enstad, Collin, Mileage 04132022/04182022 \$36.28; Jongeling, Jerry, Mileage 04132022/04182022 \$31.42; Green, Scott, Mileage 04132022/04182022 \$33.60; Poppens, Michael,

Mileage 04132022/04182022 \$38.64; Johnson, Mark, Mileage 04182022 \$9.83; Scott, Erik, Mileage 04182022 \$6.30; Quadient Finance, Postage \$4,140.84

ROAD AND BRIDGE: Metlife, Employee Life In \$50.83; Albers Electric, Hwy Shop Electri \$899.93; Great Plains Roofing, Hwy Shop Roof Re \$272.96; Midwestern Mechanical, Hwy Shop Annual \$595.00; Sioux Equipment, Hwy Shop Compres \$410.69; Butler Machinery, #36 Dx/Rpr Brake \$2,395.24; New Vision Automotive, #44,103,6,11 Roc \$214.75; Workforce-South, Emp Dotud Wf Dot \$45.00; Argus Leader/Multimedia, Publishing \$20.37; Canton Home & Farm, Blade, Tow Strap \$54.97; Cintas, Mats, Towels \$80.92; Jfi Inc, Propane \$59.14; Bartlett Tools Inc, Wrench Set, Metr \$124.79; Transource #27 Starter Moto \$320.74; Inland Truck Par#27 Relined Brak \$1,351.10; Dakota Fluid Pow#S46 Hydraulic A \$333.64; Wheelco Truck & #12 Dash Cont Se \$259.63; Boyer Trucks Cor#24 Air Supply J \$73.75; Fastenal Companysledge Handle \$34.04; Butler Machinery, #12 Seal, Compre \$2,360.17; Deans Distributing, 10w30,Rival Mv, \$3,214.96; Fastenal Company, Sledge Handle \$34.04; Wheelco Truck & Trailer, #24 Dot Swivel E \$26.40; Istate Truck Center, #12 Dash Panel \$251.45; Midco, Phone/Video \$139.44; Verizon Connect, Network Fleet-Ma \$485.70; Presto-X, Hwy Shop Pest Co \$142.00; Xcel Energy, Rab Light 3/14-4 \$56.49; Brock White Construction, 140 Detack, Ro \$3,857.19; Imeg Corp, 42-148-050 Final \$13,466.80; Lyle Signs Inc, Adopt-A-Hwy Sign \$476.98

911: Metlife, Employee Life In \$32.89; Midco, Phone/Video \$219.10

EMS: Metlife, Employee Life In \$0.75; Midco, Phone/Video \$119.00

24/7: Metlife, Employee Life In \$2.99; Pharm Chem Inc, Mar Sweat Patch \$471.75; Midco, Phone/Video \$28.64

MODERN/PRESERV:Century Business, Kyocera 4054ci Printer \$9,461.43

Payroll: \$318,722.41

Commissioner's \$4,780.00; FICA 281.69, Medicare 65.87

Auditor's \$10,760.18; FICA 554.37, Medicare 129.66, SDRS 645.60

Treasurer's \$17,864.61; FICA 1,021.21, Medicare 238.83, SDRS 1,071.88

States Attorney's \$49,420.98; FICA 2,755.33, Medicare 644.40, SDRS 2,816.21

Gen Gov Bldg \$13,853.20; FICA 732.81, Medicare 171.38, SDRS 832.97

DOE \$32,410.51; FICA 1,829.99, Medicare 427.99, SDRS 1,893.05

ROD \$8,508.72; FICA 445.40, Medicare 104.17, SDRS 469.77

VSO \$2,242.76; FICA 112.91, Medicare 26.41, SDRS 134.57

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 \$79,791.56; FICA 4,591.83, Medicare 1,073.91, SDRS 5,614.03

WIC \$332.32; FICA 20.60, Medicare 4.82

County 4-H \$3,337.23; FICA 197.56, Medicare 46.21, SDRS 200.24

P & Z \$9,371.40; FICA 562.34, Medicare 131.51, SDRS 562.29

Highway \$37,512.44; FICA 2,093.61, Medicare 489.63, SDRS 2,253.96

Communications \$25,567.90; FICA 1,469.38, Medicare 343.65, SDRS 1,534.08

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:

A handout from the April 12th Department of Health presentation.

Mileage reports were presented as follows: March 2022 Sheriff Patrol mileage report, First quarter Planning and Zoning.

The First quarter 2022 report from Human Services was presented.

A letter from the City of Tea pertaining to a support request for the Hagedorn Industrial Park Project using American Recovery Plan Act (ARPA) Funding.

The March 2022 clerk of Court report was presented totaling \$51,813.19.

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: 4.12.2022 and 4.15.2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the promotion of Kari Winkvist, full-time Paralegal to full-time Victims Witness Legal Assistant at \$24.65/hr (Grade 108/Step 5) effective 04.11.2022.

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 the resignation of Thomas Henke, Building Maintenance Technician, effective 04.22.2022. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the reschedule to May 10th the Public Hearing regarding the Preliminary Subdivision Plan (Prairie Acres Addition Residential Development) request to allow subdivision of the property legally described as NW1/4 (Ex. W 730' Thereof), Section 33-T100N-R51W. Location: Parcel ID: 100.50.73.2000. 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 the application Affidavit for Replacement Warrant submitted by Jana Reed for the amount of \$215.52; original warrant number 111019 issued 3/22/2022. 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 the transfer of Nichole Matzen from temporary Paralegal to full-time Paralegal for the State's Attorney's Office at \$22.47/hr (Grade 107/Step 4) effective 04.15.2022. 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 the resignation of Domanick Havard, Correctional Officer I, effective 04.18.2022. 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 the hire of Gavin Bautista, seasonal Highway Worker for the Highway Department at \$16.50/hr effective 05.16.2022. 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 the hire of Corissa Sweeter, seasonal 4-H Summer Assistant for the 4-H Office at \$13.00/hr effective 06.03.2022. 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 the hire of Beau Williams, seasonal Highway Worker for the Highway Department at \$16.50/hr effective 05.23.2022. 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 the resignation of Casey Larson, Equipment Operator, effective 04.29.2022. 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 the hire of Allison Bentley, temporary Office Assistant for the Sheriff’s Office at \$16.23/hr effective 05.03.2022. MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to authorize chair to Execute Agreement with Vanguard Appraisals, Inc for add-on software to our current agreement with Vanguard Appraisals, Inc. 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 May 10, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the May 24, 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 N1/2 NE1/4 (Ex. Long Tract 1 & The Meadow at Spring Creek), Section 27-T100N-R49W Springdale Township, Lincoln County, SD, from the “A-1” Agricultural District to the “RR” Rural Residential District. The Planning Commission vote to recommend approval failed (0-7). 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 PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the May 24, 2022, Board of Commissioners Meeting for a Resolution of Lincoln County, SD, approving a Preliminary Subdivision Plan for Long Meadow Estates at Spring Creek Addition on the property legally described as N1/2 NE1/4 (Ex. Long Tract 1 & The Meadow at Spring Creek), Section 27-T100N-R49W Springdale Township, Lincoln County, SD. The Planning Commission vote to recommend approval failed (2-5). MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

No public chose to address the Board at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

None

REGULAR BUSINESS:

PUBLIC HEARING to consider the following application for a Temporary Permissible Use Malt Beverage License to operate outside of a municipality for Jon and Denise Hanson located at 34.12 Acres

in Northeast Quarter including Railroad Property 29-99.51, Lincoln County, South Dakota, for a special event on September 17, 2022. The applicant was present and offered answers to questions from the Board. None spoke in favor or opposition of the proposed resolution.

RESOLUTION: BE IT RESOLVED to authorize the lawful procession and consumption of alcoholic beverages on the County property known as the Lincoln County Fairgrounds on September 17, 2022, for the purpose of a special event by the party renting said property for that purpose and on that date. Let it be known that this action by the Board in no way authorizes the sale of alcoholic beverages on said property. MOTION by Arends and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING occurred to consider a petition to vacate the following described right of way: That portion of Right of Way lying between Sections 8 and 9, Township 100 North, Range 51 West of the 5th P.M., beginning at the South Right of Way Boundary of 268th Street and extending South to a point of intersection with the Northerly Right of Way of South Dakota Highway 17. The applicant was present and offered answers to questions from the Board. None spoke in favor or opposition of the proposed resolution.

RESOLUTION: BE IT RESOLVED to approve petition to vacate the following described right of way: That portion of Right of Way lying between Sections 8 and 9, Township 100 North, Range 51 West of the 5th P.M., beginning at the South Right of Way Boundary of 268th Street and extending South to a point of intersection with the Northerly Right of Way of South Dakota Highway 17. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion Carried.

PUBLIC HEARING was not held due to failure to publish hearing. Hearing is rescheduled until May, 24 2022, to consider a petition to vacate the following described highway: Starting point Highway 11 to be vacated Parcel ID: 100.50.64.N001 ending point Parcel ID: 240.56.64.3040 (owned by East River Power Corp) Parcel ID: 100.50.64.N001 was created by Tempo Add Lots 1A/1B donating 50 foot for the future 93rd St adjoining Parcel ID: 241.11.00.100 did not donate 50 ft to create 100 ft roadway for future 93rd St. The future 93rd St was moved to the north due to wetlands and traffic concerns on highway 11. The request for Parcel ID: 100.50.64.N001 land to be returned to donating parcels. (Parcel IDs: 100.50.64.N01A and Parcel ID: 100.50.64.N01B).

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed of the necessary facts pertaining to purchasing from Marshall and Hutchinson County Bids. The Striping agreement with South Dakota Department of Transportation and the agreement with the South Eastern Council of Governments for the Highway 106 corridor.

RESOLUTION: BE IT RESOLVED to approve to purchase services from Marshall County bid for equipment rental with operators for milling and reclaiming of roads. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approval to purchase from Hutchinson County bid for liquid aggregate base stabilizer. MOTION by Schmidt 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 an agreement with SD DOT for the 2022 striping project. MOTION by Poppens and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the agreement between South Eastern Council of Governments and Lincoln County for the Lincoln County Highway 106 Corridor Study and authorize the Board Chair to execute the document. The agreement has been reviewed and approved by the State's Attorney Office. MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 8:57 a.m. for the following purposes: Executive Session: Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3); Executive Session: Preparing for contract negotiations or negotiating with employees or employee representatives. SDCL 1-25-2(4). MOTION by Schmidt 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 9:42 a.m. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

The Board recessed at 9:43 a.m. to convene as the County Board of Equalization.

MOTION by Schmidt and second by Jibben to reconvene as County Board of Commissioners at 10:23 a.m.

MOTION by Arends and second by Jibben to adjourn at 10:23 a.m. until 8:30 a.m. on May 3, 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/_____
Sheri Lund, Auditor

Approved May 3, 2022.

Please publish the week of May 9, 2022.