

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on May 24, 2022, with Commissioners Joel Arends, Michael Poppens, Jim C. Jibben 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 Jibben and second by Arends to approve the agenda. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

Claims: \$218,564.01

GENERAL: Metlife, Employee Life Ins \$322.77; United Healthcare, Apr, May Cobra \$2,657.19; Argus Leader/Multimedia, Publishing \$837.34; Independent Publishing, Publishing \$1,980.34; New Century Press, Publishing \$651.55; Midco, Phone/Video \$1,505.96; American Legal, Supplements \$3,519.00; Tegra Group, Mar Justice Cntr \$21,304.00; Mcleod's Printing, Ballots/Envelopes \$1,362.40; Election Systems, Ballots \$13,501.39; Skorczewski, Jena, Crt Appt Atty \$13.60; Beck Law, Crt Appt Atty \$261.35; Tschetter & Adam, Crt Appt Atty \$6,056.56; Walter, Max, Crt Appt Atty \$742.50; Vuong Law, Crt Appt Atty \$4,762.00; Dakota Law Firm, Crt Appt Atty \$173.06; Laughlin, Nicole, Crt Appt Atty \$363.00; Certified Language, Interpreter Serv \$97.35; Price Phd, Thomas, Competency Eval \$4,800.00; Dakota Psychology, Psychosexual Eval \$2,000.00; Frantzen Reporting, Transcript \$619.10; Reeves, Megan, Transcript \$1,037.40; Jurors Fees, Mileage \$982.80; Ramkota Hotel-Pierre, Lodging \$435.98; Sdaco, 2022 Deputy Workshop \$255.00; Minnehaha County Jail, Blood Draws \$400.00; Paragon Health & Wellness, Blood Draws \$1,200.00; Lutheran Social Services, Interpreter \$38.80; Century Business, 3.20-4.19 Copies \$196.28; Riverside Technology, Toner \$149.00; Oakland, Paul, Carpet & Tile Repair \$175.00; G & R Controls Inc, Data Room Alarm \$293.00; City Of Sioux Falls, Rubble \$60.62; Novak Sanitary, Recycling/Garbage \$440.83; Midamerican Energy, Monthly Gas Usage \$1,573.77; Ron's Classic, Oil Changes \$125.85; Przybilla, April, Fuel & Meals \$127.59; Ncraao, Ncraao/Sdaao Reg \$650.00; Pictometry, Imagery License \$44,070.00; Rural Route 1 Services, Camera Mounting \$133.00; Tyler Technologies, Software-Vetraspec \$898.00; Optum Bank, Apr Hsa Maint \$27.50; Nexstar Broadcast, Deputy Sheriff Job \$5,699.00; Sioux Falls Area, Apr Contract \$917.64; Autopros Tire & Service, Pentine/Alter \$91.86; Auto Dynamics Inc, #18-1 Misc Repair \$532.42; Dave's Service, #19-5,20-3,20-4 \$2,781.01; Fee, Don, #21-7 Build \$3,750.00; Genesis Autowork, #21-3 Repairs-De \$1,000.00; Graham Tire Co Llc, #18-1 Tires \$572.04; Sturdevant's Auto, #19-4 Wiper Blade \$43.96; Dash, Nitrile Gloves \$170.66; Fed Ex, Shipping \$33.11; Go Law Enforcement, Deputy Sheriff Job \$80.00; Jack's Uniforms, Holster \$462.73; Northern Safety, Misc Parts \$787.89; Ppct Management, Tpr Uof Student \$753.68; Streicher's, Pants \$178.00; Two Way Solution, Apx Mobile Mic \$299.97; Silverstar Car Wash, May Carwash \$259.74; Sd Div Of Motor, #22-1 Title/Plate \$24.20; Aj's Automotive, #17-2 Oil Change \$53.12; Pennington Co Jail, Prisoner Transport \$375.05; Charles Mix Sheriff, Inmate Housing \$70.00; Avera Mckennan, Medical Fees \$1,042.15; Buddi Us Llc, Tagging Days \$1,964.00; Dakota Embalming, Transport \$915.80; Med-Star Paramed, Transport \$450.00; Ramsey County, Toxicology \$1,542.00; Sanford Health, Autopsy \$2,715.00; Minnehaha Co Regional Jdc, Child Care/Comm Sprvs \$18,610.10; Sanford Health, Public Health Svc \$1,250.00; Southeastern Behavioral, Apr Mobile Crisis \$443.17; Loving, Philip, Mi Evals \$1,980.03; Lewno Law Office, Mi Board- Yankton \$165.03; Katterhagen, Mark, Mi Hearing- Yankton \$15.00; Lockwood, Darcy, Mi Hearing- Yankton \$15.00; Koch, Elizabeth, Mi Hearings \$66.67; Schiltz, Ann, Mi Hearings \$224.00; Penning, Leslie, Mi Hearings \$42.67; Anderson, Jennifer, Mi Evals \$3,501.60; Johnson Pllc, Erin, Mi Board- March \$5,292.40; Avera Mckennan Hospital, Mi Hold \$746.00; Avera Med Group, Mi Hold \$1,273.47; Koletzky Law Office, Crt Appt Atty \$187.80; Precision Dirtworks, Strip Topsoil \$2,551.03; Cintas,

Mats \$303.57; Lennox Ace Hardware, Chain Coil, Spri \$47.88; Chs Eastern Farm, Lp Gas \$662.52; Benco Products Inc, #Wb17 Elbowgauge \$43.69; Bomgaars, Misc Supplies \$43.96; Stantec Consulting, Project B007692-19-001 \$602.50; Hogan, Wendi, Mileage 05162022/05112022 \$26.38; Johnson, Mark, Mileage 05162022 \$19.32; Jongeling, Jerry, Mileage 05162022/05112022 \$31.42; Green, Scott, Mileage 05162022/05112022 \$33.60; Poppens, Michael, Mileage 05112022 \$19.32

ROAD AND BRIDGE: Metlife, Employee Life In \$44.85; Brock White Construction, Pvmnt Ctrs/Switch/Detack \$11,487.86; G & K Supreme Auto, #21 Windshield \$245.00; Transource, Scr Codes/Key Switch/Pipe \$3,219.18; Autopros Tire & Service, #7/102 Tires \$1,399.78; Inland Truck Part, Syncro Fcng/Brake Chmbr \$2,710.04; Jfi Inc, #15 Mount Tire \$31.09; Argus Leader/Multimedia, Publishing \$28.56; Independent Publishing, Publishing \$37.06; New Century Press, Publishing \$19.80; Cintas, Hwy Towels, Mats \$80.92; Jfi Inc, Propane/Road Salt \$2,001.16; Light And Siren, #27 Led Beacon \$398.00; Dakota Fluid Power Inc, Steel Plug \$22.65; Fastenal Company, Nuts, Bolts, Screws, Sples \$206.52; Butler Machinery, Mirror/Adapter/Seal \$326.86; Bomgaars, Misc Supplies \$108.96; Graham Tire Co Llc, Loader Spare Tire \$200.00; Midco, Phone/Video \$124.67;

Midamerican Energy, Apr - Hwy \$1,467.86; Novak Sanitary, Apr - Hwy \$277.63; Verizon Connect, Apr - Hwy \$474.36; City Of Canton, Rubble Site \$35.00; Knife River, G1 & G2 Asphalt \$5,565.60

911: Metlife, Employee Life In \$29.90; Midco, Phone/Video \$229.27

EMS: Metlife, Employee Life In \$0.75; Midco, Phone/Video \$112.02; Dakota Traffic Services, Tea Substation B \$698.98

24/7: Mohr, Jessy L, Cam Refund \$44.00; Metlife, Employee Life In \$2.99; Midco, Phone/Video \$28.65

STATEWIDE SOBRIETY: Mohr, Jessy L, Cam Refund \$220.00

Payroll: \$318,868.28

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

Elections \$1,785.00; FICA 110.67, Medicare 25.88

Auditor's \$10,009.20; FICA 515.74, Medicare 120.62, SDRS 600.54

Treasurer's \$17,816.53; FICA 1,018.23, Medicare 238.14, SDRS 1,068.99

States Attorney's \$48,895.76; FICA 2,726.41, Medicare 637.62, SDRS 2,872.01

Gen Gov Bldg \$12,623.14; FICA 685.59, Medicare 160.35, SDRS 759.17

DOE \$32,192.34; FICA 1,816.46, Medicare 424.82, SDRS 1,882.65

ROD \$8,527.08; 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 \$79,580.93; FICA 4,587.86, Medicare 1,072.95, SDRS 5,609.42

WIC \$332.32; FICA 20.60, Medicare 4.82

County 4-H \$3,337.22; FICA 197.56, Medicare 46.21, SDRS 200.23

Weed Control \$4,071.13; FICA 249.50, Medicare 58.35, SDRS 244.26

P & Z \$8,967.08; FICA 537.26, Medicare 125.65, SDRS 538.03

Highway \$35,710.04; FICA 1,984.95, Medicare 464.23, SDRS 2,146.01

Communications \$25,109.31; FICA 1,440.95, Medicare 337.00, SDRS 1,506.56

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:

Mileage reports were presented as follows: April 2022 Sheriff Civil mileage, April 2022 Director of Equalization mileage.

The April 2022 Clerk of Courts Report was presented totaling \$50,631.02.

CONSENT AGENDA:

MOTION by Poppens and second by Arends to approve Commission Minutes: 5.10.2022. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION BE IT RESOLVED to approve the hire of Alecia Halvorson, part-time Deputy Sheriff for the Sheriff's Office at \$24.46/hr (SO1/Step 3) effective 05.11.2022. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION BE IT RESOLVED to approve the promotion of Krista Bast, full-time Deputy Sheriff to full-time Sergeant- Jail Division in the Sheriff's Office at \$28.28/hr (SO2/Step 5) effective 05.23.2022. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION BE IT RESOLVED to approve the 2022-2023 renewal of Uniform Alcoholic Beverage License Applications for structures only submitted by the following: Horsted Enterprises LLC, RB-25443, South 105' of N 565' of the west 370' of the west 1002.3 ft to the south 300' of the North 565' of the East 6323' of the West 1002.3 Ft Gov Lot 2 SW1/4 Sec 19-100.49. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Residents from Beresford commented on the concentrated animal feeding operation.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

No Commissioner reports were given at this time.

REGULAR BUSINESS:

Commissioner Schmidt joined the meeting at 8:42 a.m.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 8:42 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). MOTION by Poppens and second by Arends. Arends: "Aye" Poppens "Aye" Jibben: "Nay" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 9:15 a.m. MOTION by Jibben and second by Poppens. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

TABLED ITEM- Appeal of a decision by the Lincoln County Planning Commission to approve Conditional Use Permit #USE-0008-2022 to allow an existing Class A Cattle Concentrated Animal Feeding Operation to expand from 1,000 head to 2,000 head on the property legally described as Tract 1A, SW1/4, Section 34-T97-N-R49W.

RESOLUTION: BE IT RESOLVED to approve the Conditional Use Permit #USE-0008-2022 with the conditions that the applicant shall notify the Moe Parish Church 48 hours prior to manure application. Applicant will not apply within one mile of the Moe Parish Church. The applicant must prove it has obtained and carries property casualty insurance for environmental damage. MOTION by Arends and second by Jibben. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING was held as advertised 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). The applicant was present and offered answers to questions from the Board. None spoke in favor or opposition to the petition.

Correction to the petition under the public hearing to change the Highway from 11 to Highway 111. MOTION by Arends and seconded by Poppens. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the petition to vacate the following described highway: Starting point Highway 111 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 111. 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). MOTION by Poppens and second by Arends. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

SECOND READING & PUBLIC HEARING occurred as advertised for an Ordinance of Lincoln County, SD, rezoning property legally described as N1/2 NE1/4 (Ex. Long Tract 1 & The Meadow at Spring Creek), Section 27-T100N-R49W Springdale Township, from the "A-1" Agricultural District to the "RR" Rural Residential District, and amending the Official Zoning Map of Lincoln County. The Planning Commission vote to recommend approval failed (0-7). Toby Brown, Planning and 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. Several people adjacent to the area spoke in opposition to the rezone.

RESOLUTION: BE IT RESOLVED to approve an Ordinance of Lincoln County, SD, rezoning property legally described as N1/2 NE1/4 (Ex. Long Tract 1 & The Meadow at Spring Creek), Section 27-T100N-R49W Springdale Township, from the "A-1" Agricultural District to the "RR" Rural Residential District, and amending the Official Zoning Map of Lincoln County. The Planning Commission vote to recommend approval failed (0-7). MOTION by Schmidt and second by Jibben. Arends: "Nay" Poppens "Nay" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING for a Resolution of Lincoln County, SD, approving the Preliminary Subdivision Plan of 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. The Planning Commission vote to recommend approval failed (2-5). Toby Brown, Planning and 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. Several people adjacent to the area spoke in opposition.

RESOLUTION: BE IT RESOLVED to approve the Preliminary Subdivision Plan of 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. To include a drainage easement in favor of adjacent neighbors. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to rescheduling the June 7th commission meeting to June 9th due to the primary election.

RESOLUTION: BE IT RESOLVED to reschedule the June 7th commission meeting to June 9th due to the primary election. MOTION by Schmidt and second by Poppens. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: William Golden, Civil Deputy State's Attorney, informed the Board of the necessary facts pertaining to a couple items to include Agreement for Ground Lease Agreement for hangar site I2, and contract with JLG Architects for services on Lincoln County Justice Center and.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Termination of Ground Lease Agreement for hangar site I2 with One Sky Inc and the new Ground Lease Agreement for hangar site I2 with G36 Holdings LLC. MOTION by Schmidt and second by Jibben. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize Chair to execute contract with JLG Architects for services on Lincoln County Justice Center, MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Poppens informed the Board of the necessary facts pertaining to hiring someone to maintain Tea land at 272nd St. aka parcel 240.28.76.1000.

RESOLUTION: BE IT RESOLVED to hire Allen Rippentrop to maintain the Tea land at 272nd St. aka parcel 240.28.76.1000 at \$20.00 an acre to cultivate, \$25.00 an acre for planting beans, \$60.00 an acre to combine cart and truck, and \$200.00 to spray the field edges. MOTION by Poppens and second by Schmidt. Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Ethan Pieske, Deputy Director of Equalization, informed the Board of the necessary facts pertaining to a veteran exemption abatement.

RESOLUTION: BE IT RESOLVED to approve the abatement due to veteran exemption, SDCL 10-4-40 with the condition of the veteran exemption for one out of the twelve months for when the qualification

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

RESOLUTION: BE IT RESOLVED to enter Executive Session at 11:17 a.m. for the following purposes: Executive Session: Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor. SDCL 1-25-2(1); 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). MOTION by Schmidt and second by Jibben. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 11:25 a.m. MOTION by Schmidt and second by Jibben. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

MOTION by Poppens and second by Schmidt to adjourn at 11:26 a.m. until 8:30 a.m. on June 9, 2022. Arends: "Aye" Poppens "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

/s/
Tiffani Landeen, Lincoln County Chair

Attest: /s/
Sheri Lund, Auditor

Approved June 9, 2022.

Please publish the week of June 12, 2022.