

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on July 5, 2022, with Commissioners, Joel Arends, Jim C. Jibben, Michael Poppens present, and Jim Schmidt participating via telephone. 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 Poppens and second by Arends to approve the agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Longevity: \$2,950.00

States Attorney's \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00

DOE \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00

Communications \$950.00; FICA 58.90, Medicare 13.78, SDRS 57.00

Reports:

The November 2021 through January 2022 Revenue & Expense reports and Expenditure reports were presented.

Auditor's Account with the County Treasurer reports were presented as follows:

November 2021-Total amount of deposits in banks \$21,472,869.84; Total amount of actual \$9,240.92;

Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$206,467.45;

Total Cash Items \$1,907.05; Funds Invested \$ 7,637,643.57; TOTAL \$29,328,128.83.

December 2021-Total amount of deposits in banks \$15,976,156.86; Total amount of actual cash

\$8,196.84; Total amount of checks and drafts in Treasurer's Possession not exceeding three days

\$221,372.65; Total Cash Items \$50.00; Funds Invested \$7,640,445.08; TOTAL \$23,846,221.43.

January 2022-Total amount of deposits in banks \$20,483,381.09; Total amount of actual cash \$7,262.82;

Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$652,297.50;

Funds Invested \$ 7,645,396.01; TOTAL \$28,788,387.42

A letter from the South Dakota Department of Transportation regarding their Tentative 2022-2025 Four Year Statewide Transportation Improvement Program (STIP) was presented.

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

CONSENT AGENDA:

MOTION by Poppens and second by Jibben to approve the Commission Minutes: 6/28/2022. Arends:

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

RESOLUTION: BE IT RESOLVED to accept the resignation of Austin Rhodes, Deputy Sheriff, effective 07.09.2022. 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 hire of Kelli King, full-time Office Assistant for the Sheriff's Office at \$21.40/hr (Grade 104/Step 6) effective 06.27.2022. 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 and authorize the Chair to execute the contracts with OTIS for elevator services in the total amount of \$475.00 per month. 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 and authorize the Chair to execute the agreement with Xcel Energy to bring additional electricity to the new 4-H building. MOTION by Poppens and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

None chose to give comment to the Board at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Jibben reported on his progress in working with the City of Lennox to acquire water and sewer services from the City of Lennox to the Lincoln County Fairgrounds; cost estimates are being worked on and will be presented in the future.

Commissioner Arends and Commissioner Jibben reported on the desire for the new owner of the bank property near the Courthouse to enter a long-term lease with the County for those premises.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Sheriff Steve Swenson informed the Board of the difference in pay between Lincoln County Deputies and the law enforcement officers of the City of Sioux Falls and Minnehaha County being 15-32% depending on position and certification. Swenson also commented on the fairness of increasing one class of employee wages by 10% but not another. Members of the public spoke on the importance of supporting our law enforcement officers and military veterans, the dangers the deputies face day-to-day, and that the wage increase for law enforcement should be increased 15% instead of 10%. Commissioner discussion included concerns over budget, health benefits, retention needs, current quality of service, the futility of competing with City of Sioux Falls and Minnehaha County wages, and the importance of public safety.

RESOLUTION: BE IT RESOLVED to extend the 10% wage increase given to non-union employees on 6/28/2022 to the FOP employees as well.

MOTION by Arends and second by Jibben to amend the motion by Schmidt to instead be a 6% increase for FOP wages through the rest of 2022 only. Arends: “Aye” Jibben: “Aye” Poppens: “Nay” Schmidt: “Nay” Landeen: “Nay”. Motion failed.

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

SECOND READING & PUBLIC HEARING occurred for an Ordinance of Lincoln County, SD, amending Chapter 154: Zoning, Sections 154.021, 154.057(8), 154.117(E), 154.137(F), 154.137(G), 154.137(H), and the addition of Section 154.137(I) for cannabis establishments. Toby Brown, Planning & Zoning Director, introduced and explained the ordinance. No one else spoke in favor nor opposition of the proposed ordinance.

AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE CODE OF ORDINANCES FOR THE COUNTY BY AMENDING CHAPTER 154: ZONING.

BE IT ORDAINED BY LINCOLN COUNTY, SD:

Section 1. That the following definitions in Section 154.021 of the Code of Ordinances of Lincoln County, SD, are hereby amended to read:

MEDICAL CANNABIS CULTIVATION FACILITY or CULTIVATION FACILITY. An entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.

CANNABIS PRODUCTS. Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

MEDICAL CANNABIS PRODUCT MANUFACTURING FACILITY or *MANUFACTURING FACILITY.* An entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a dispensary.

MEDICAL CANNABIS TESTING FACILITY OR TESTING FACILITY. An entity that analyzes the safety and potency of cannabis.

MEDICAL CANNABIS DISPENSARY or DISPENSARY. An entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders.

Section 2. That Section 154.057(8) of the Code of Ordinances of Lincoln County, SD, is hereby amended to read:

(8) Cannabis cultivation facility.

(a) Medical cannabis cultivation facilities shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or conditional use shall immediately become void.

(b) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a facility to the nearest property line of a public or private school.

(c) The facility must operate entirely within an indoor, enclosed, and secure facility.

(d) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

Section 3. That Section 154.117(E) of the Code of Ordinances of Lincoln County, SD, is hereby amended to read:

(E) Cannabis dispensary, provided:

(1) Medical cannabis dispensaries shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or conditional use shall immediately become void;

(2) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a facility to the nearest property line of a public or private school;

(3) The facility must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services;

(4) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

Section 4. That Section 154.137(F) of the Code of Ordinances of Lincoln County, SD, is hereby amended to read:

(F) Cannabis testing facility, provided:

(1) Medical cannabis testing facilities shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or

conditional use shall immediately become void;

(2) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises of a facility to the nearest property line of a public or private school;

(3) The facility must operate entirely within an indoor, enclosed, and secure facility;

(4) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

Section 5. That Section 154.137(G) of the Code of Ordinances of Lincoln County, SD, is hereby amended to read:

(G) Cannabis cultivation facility, provided:

(1) Medical cannabis cultivation facilities shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or conditional use shall immediately become void;

(2) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a facility to the nearest property line of a public or private school;

(3) The facility must operate entirely within an indoor, enclosed, and secure facility;

(4) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

Section 6. That Section 154.137(H) of the Code of Ordinances of Lincoln County, SD, is hereby amended to read:

(H) Cannabis product manufacturing facility, provided:

(1) Cannabis product manufacturing facilities shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or conditional use shall immediately become void;

(2) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a facility to the nearest property line of a public or private school;

(3) The facility must operate entirely within an indoor, enclosed, and secure facility;

(4) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

Section 7. That the Code of Ordinances of Lincoln County, SD, is hereby amended by adding a section to be numbered 154.137(I) to read:

(I) Cannabis dispensary, provided:

(1) Medical cannabis dispensaries shall provide proof of registration with the State Department of Health, and shall, at all times, maintain a valid, accurate, and up-to-date registration with the State Department of Health. Should registration be revoked at any time, any permitted special use or conditional use shall immediately become void;

(2) The facility shall not operate within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises of a facility to the nearest property line of a public or private school;

(3) The facility must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services;

(4) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.

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

COMMISSIONER BRIEFING: Wendy Sweetser, 4-H Advisor, presented the 4-H Quarterly Report and answered questions from the Board.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts regarding a speed limit reduction request.

RESOLUTION: BE IT RESOLVED to reduce the speed limit from 55 MPH to 45 MPH on the following segments of LC 106 (271st St): from Tallgrass Ave (471st Ave) to Louise Ave (472nd Ave), from Louise Ave (472nd Ave) to Western Ave (473rd Ave), from Western Ave (473rd Ave) to Minnesota Ave (474th Ave), from Minnesota Ave (474th Ave) to Cliff Ave (475th Ave). MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Sheriff Steve Swenson informed the Board of the necessary facts pertaining to a reclassification and agreement for police services before them.

RESOLUTION: BE IT RESOLVED to approve reclassification of an SO1 to an SO2 in the Sheriff's Office. MOTION by Arends and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Commission Chair, Lincoln County Auditor and the Lincoln County Sheriff to execute and enter into a three-year contract with the City of Harrisburg for providing Law Enforcement services to the City of Harrisburg for the amount of \$900,014.36 with a 3% increase annually. MOTION by Arends and second by Poppens. 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 a law book agreement and a hangar lease transfer.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the contract with Thompson Reuters for the SDCL Book Subscription in the amount of \$17.66 per month. 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 Chair to execute the Termination of Ground Lease Agreement with Jim Ihnen and the Ground Lease Agreement with Dan & Jeanne Noteboom Living Trust and Justin Noteboom for hangar site M-3. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

FIRST READING occurred for an Ordinance of Lincoln County, SD, rezoning the property legally described as E1/2 N1/2 of the Subdivision of N1/2 (Ex. Lots H-1 and H-4), Section 6-T99N-R50W LaValley Township, from the "C" Commercial District to the "PD" Planned Development District, and amending the Official Zoning Map of Lincoln County.

FIRST READING occurred for an Ordinance of Lincoln County, SD, rezoning the property legally described as Olsen's Tract No. 1 (Ex. Lots H-1 and H-2), NE1/4 NW1/4, Section 19-T98N-R50W Lynn Township, from the "C" Commercial District to the "I-1" Light Industrial District, and amending the Official Zoning Map of Lincoln County.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to an agreement with the State.

RESOLUTION: BE IT RESOLVED to approve and authorize the Auditor to execute the State of South Dakota Department of Health Division of Family and Community Health Sub-Recipient Agreement for WIC services grant; total grant amount: \$6,988.00. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Discussions occurred regarding the 2023 Budget. Veteran Services Office, 4-H, Information Technologies, Buildings & Grounds, and Human Resources presented their budgets and answered questions.

MOTION by Arends and second by Schmidt to adjourn at 10:05 a.m. until 8:30 a.m. on July 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 July 12, 2022.

Please publish the week of July 18, 2022.