

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on August 2, 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 Jibben and second by Arends to approve the agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Longevity: \$2,450.00

Gen Gov Bldg \$900.00; FICA 55.80, Medicare 13.05, SDRS 54.00

Sheriff's \$550.00; FICA 34.10, Medicare 7.98, SDRS 44.00

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

Reports:

A letter from the Department of Agriculture & Natural Resources pertaining to a State General Permit Application was presented.

A letter from the Department of Agriculture & Natural Resources pertaining to a Revised Nutrient Management Plan was presented.

A letter from the Department of Agriculture & Natural Resources pertaining to notice of General Surface Water Discharge Permit for Water Treatment and/or Distribution Systems was presented.

Mileage reports were presented as follows: July 2022 Patrol mileage report.

The February 2022 through June 2022 Auditor's Account with the County Treasurer Reports were presented as follows: February 28, 2022; Total amount of deposits in banks \$17,950,137.96; Total amount of actual cash \$11,853.87; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$286,329.56; Total Cash Items \$50.00; Funds Invested \$7,649,152.21; TOTAL \$25,897,523.60. March 31, 2022; Total amount of deposits in banks \$20,807,509.28; Total amount of actual cash \$10,129.41; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$217,948.80; Total Cash Items \$285.96; Funds Invested \$7,652,589.38; TOTAL \$28,688,462.83. April 30, 2022; Total amount of deposits in banks \$67,259,662.78; Total amount of actual cash \$13,765.05; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$922,288.29; Total Cash Items \$50.00; Funds Invested \$7,657,872.56; TOTAL \$75,853,638.68. May 31, 2022; Total amount of deposits in banks \$26,768,496.81; Total amount of actual cash \$8,213.77; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$207,769.05; Funds Invested \$ 7,661,555.06; TOTAL \$34,646,084.69. June 30, 2022; Total amount of deposits in banks \$26,538,238.87; Total amount of actual cash \$6,331.15; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$151,953.66; Funds Invested \$7,665,383.96; TOTAL \$34,361,957.64.

The February 2022 through June 2022 Revenue & Expense Reports and Expenditure Reports were presented.

MOTION by Schmidt 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 Schmidt and second by Jibben to approve the Commission Minutes: 7/26/2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Jordan Moses, full-time Deputy Sheriff for the Sheriff's Office at \$27.58/hr (Grade SO1/Step 4) effective 08.01.2022. 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 and authorize the Chair and Chief Civil Deputy State's Attorney to electronically execute the Grant Offer for Airport Improvement Program (AIP) Project No. 3-46-0078-020-2022 at Marv Skie-Lincoln County Airport. 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 Auditor to Execute the Application for Replacement Warrant submitted by Becky VanderBroek for the amount of \$52.00; original warrant number 107267 issued 05/25/2021. 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 August 9, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the August 23, 2022, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as a portion (proposed Lot 1, Block 1, MCC Addition) of the property legally described as Tract 2, DeJong Addition, SW1/4, Section 32-T100N-R50W Delapre Township, from the "C" Commercial District to the "I-1" Light Industrial District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommendation for approval of the rezone failed (0-4). MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Joint Powers Agreement for Juvenile Detention Services. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

None chose to address the Board at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt requested to have the Lennox Ambulance District topic placed on a future agenda for Board discussion. Schmidt also stated that the 4-H Achievement Days were occurring and offered his condolences to Commissioner Poppens on the loss of his mother.

Commissioner Jibben reported on his attendance at the Hudson Library's celebration of their 100-year anniversary. Jibben also commented on the good quality of "Spur Avenue" near Hudson.

REGULAR BUSINESS:

PUBLIC HEARING was held to consider an application to acquire Manufacturing and Dispensary Medical Marijuana License for Dalton Grimmus (Dakota Herb LLC) to operate outside of a municipality on the property legally described as Muellers LOT 4 SE1/4-19-100-50, a/k/a parcel number 100.50.19.A400. The applicant was present to explain his intentions and answer questions. None else spoke in favor nor opposition to the proposed license.

RESOLUTION: BE IT RESOLVED to approve the application to acquire a Manufacturing and Dispensary Medical Marijuana License for Dalton Grimmus (Dakota Herb LLC) to operate outside of a

municipality on the property legally described as Muellers LOT 4 SE1/4-19-100-50, a/k/a parcel number 100.50.19.A400, contingent on the cancelation of the Dispensary Medical Cannabis License issued via resolution 2201-48.

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

COMMISSIONER BRIEFING: Robert Gehm, Real Estate Representative for NorthWestern Energy, informed the Board of the necessary facts pertaining to an application for County Natural Gas Franchise Renewal. Commissioner comment included examples of the trouble caused by placing utilities in the Right-of-Way.

- I. WHEREAS, NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy (NorthWestern), has filed an application with the Lincoln County Board of Commissioners pursuant to SDCL Section 7-8-23 on July 19, 2022, seeking the right to construct, lay, maintain and operate natural gas pipelines and mains along the County highways located in Lincoln County, South Dakota.
- II. WHEREAS, the Lincoln County Board of Commissioners has the jurisdiction and authority to grant the application of NorthWestern as set forth in paragraph I above, subject to such conditions as it may desire to impose.

THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners as follows:

1. That the application of NorthWestern dated July 19, 2022, for permission to construct, lay, maintain and operate natural gas pipelines and mains on and along Lincoln County Roads is granted subject to the conditions set forth herein.
2. That this grant is for a period of twenty (20) years from and after July 19, 2022, or as may be extended by the Lincoln County Board of Commissioners in writing as a subsequent date.
3. That as consideration for this grant, NorthWestern agrees to indemnify and hold harmless Lincoln County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, laying, operating, inspecting, repairing, maintaining, replacing and removing of pipes, mains, valves and all other devices used in connection with the operation of its natural gas pipeline located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the negligence of the County, its officers, employees or agents.
4. That as additional consideration for this grant, NorthWestern agrees to restore, at its expense, the affected areas in as good condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the the county road should be rebuilt or construction and maintenance of the county road requires the removal or relocation of the pipeline, it shall be solely and the expense of NorthWestern.
5. That the rights and conditions by this grant shall be binding upon the successors and assigns of NorthWestern.
6. This grant shall further be subject to all rules and regulations as are prescribed by the State of South Dakota relating to the construction, operation and maintenance of gas pipelines and mains.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by Northwestern.

I, Robert Gehm, Real Estate Representative for NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy acknowledge that I have reviewed the terms and conditions of the resolution set forth above and, being authorized so to do on behalf of NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy, do hereby accept all of the term and conditions set forth in such resolution.

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

COMMISSIONER BRIEFING: Jeff Tanner from the Canton Chamber of Commerce again informed the Board of the necessary facts available pertaining to his request for County contribution for the Civil War Days event. Board members' comments included the importance of History education, the potential precedent set by contributing to special events, fiscal concerns, and the need for honoring those who have sacrificed for our country. There was also discussion about this being a one-time ask.

RESOLUTION: BE IT RESOLVED to contribute \$2,500.00 to the Canton Civil War Days event. MOTION by Poppens and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Jibben and Deputy Auditor Shaun Feilmeier informed the Board of the necessary facts pertaining to the propane sales agreement before them. Commissioner Poppens volunteered to work with John Rombough, Buildings & Grounds Superintendent, on feasibility of purchasing a large tank for propane in order to potentially secure a cheaper cost per gallon.

RESOLUTION: BE IT RESOLVED to accept the lowest bid from CHS and authorize the chair to execute their Propane Sales Contract from 10/01/2022 through 4/30/2022 for 3,500 gallons of propane at \$1.9690 per gallon. MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Nay" 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 the courtroom lease before them. Golden also commented on the fact that the Minnehaha courthouse is also running out of space and will not be able to offer a lease in the future.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Lease Agreement with Minnehaha County from 7/1/2022 until 6/30/2022 for the amount of \$8,333.00 per month. MOTION by Poppens and second by Schmidt. Arends: "Nay" Jibben: "Nay" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

MOTION by Schmidt and second by Arends to remove from the Table the item titled: Award Airport Management RFP. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Poppens informed the Board of the necessary facts pertaining to a tabled item for Airport Manager services.

RESOLUTION: BE IT RESOLVED to award the Airport Management position to Premier Aviation LLC and authorize the State's Attorney's Office to negotiate a contract. MOTION by Arends and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 9:02 a.m. for the following purposes: 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); Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3); Preparing for contract negotiations or negotiating with employees or employee

representatives. SDCL 1-25-2(4). MOTION by Schmidt and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:27 a.m. MOTION by Poppens and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Poppens and second by Arends to adjourn at 10:27 a.m. until 8:30 a.m. on August 9, 2022. All Board members voted “Aye”. Motion carried.

Lincoln County Board of Commissioners

_____/s/
Tiffani Landeen, Lincoln County Chair

Attest: _____/s/
Shaun Feilmeier, Deputy Auditor

Approved August 9, 2022
Please publish the week of August 15, 2022.