

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on August 23, 2022, with Commissioners Jim C. Jibben, Michael Poppens, and Jim Schmidt present and Joel Arends via telephone. Auditor Sheri Lund served as Clerk of the Board. William Golden, Chief Civil Deputy State's Attorney, was also present.

ROUTINE BUSINESS:

Chair Landeen requested the claims number be updated on the agenda to \$463,357.35 MOTION by Poppens and seconded by Schmidt to approve the agenda with the correction. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$463,357.35

GENERAL: Metlife, Employee Life Insurance \$330.69; Lennox Independent Llc, Publishing \$1,310.16; Argus Leader/Multimedia Holding, Publishing \$799.29; New Century Press, Publishing \$249.76; Sdacc, Convention Registration \$975.00; Midco, Internet/Phone/Video \$1,734.24; Jlg Architects, Project 21030 Lincoln Co Courthouse \$17,850.00; Owen G Dunn Co Inc, Plastic Wire Seals \$119.14; Lund, Sheri, Travel-Fuel \$88.94; Ramkota Hotel-Pierre, Travel-Lodging \$160.00; Roemen, Kayla, Travel-Meal \$54.00; Sdacc, Clerp Reimbursement \$4.80; Sentencing Advocacy Group, Mitigation Specialist \$44,814.85; Heidepriem, Purtell & Siegel, Crt Appt Atty \$6,421.15; Angel Law, Prof Llc, Crt Appt Atty \$2,719.00; Beck Law, Crt Appt Atty \$1,857.20; Strange, Farrell, Johnson & Brewers, Crt Appt Atty \$2,091.45; Dematteo Law Firm, Prof Llc, Crt Appt Atty \$583.30; Eich Law Office Prof Llc, Crt Appt Atty \$454.50; Griesse Law Firm, Crt Appt Atty \$1,051.70; Laughlin, Nicole, Crt Appt Atty \$804.30; Certified Languages International, Interpreter \$108.90; All Nations Interpreters, Interpreters \$757.00; Dakota Psychological Services, Psychosexual Eval \$2,500.00; Great Plains Psychological Services, Eval \$2,375.00; Computer Forensic Resources Inc, Computer Forensic Expert \$2,970.00; Osborn, Roxane, Transcript \$57.00; Skorczewski, Jena, Transcript \$475.00; Reeves, Megan, Transcripts \$26.60; Jurors, Fees, Mileage \$1,121.36; Interstate Office Products, Monitor Arms \$3,435.36; Thomson Reuters-West Publ Corp, Subscription Charges \$687.25; La County Sheriff Dept, Tax Deed Notice Service \$40.00; Sarasota Co Sheriff's Office, Tax Deed Notice Service \$40.00; Olson's Pest Technicians, Pest Control – Crthse \$375.00; Howe Heating & Plumbing Inc, Holding Cell Toilet Repair \$1,443.64; Midamerican Energy Co, Courthouse Natural Gas \$545.73; Novak Sanitary Svc Corp, Garbage And Recycling \$395.83; Kirbside Car Wash, Car Washes \$74.00; Preheim, Austin, Travel-Meals \$154.00; Optum Bank, Hsa Monthly Maint \$27.50; Sd Div Of Criminal Investigation, July Dci Background \$43.25; Sioux Falls Area Humane Society, Contract/After Hrs/Mileage \$1,084.74; Fee, Don, Vehicle Parts/Repair \$3,800.00; Auto Dynamics Inc, 21-2, Oil Change, Program Module \$270.90; Graham Tire Co Llc-Corp, 20-4, Tires \$490.96; Sturdevant's Auto Parts, 21-4, Floorliner. Wash/Fluid \$119.34; Dave's Service & Repair, 20-3, Battery \$188.95; B & E Autoworx Llc, 21-2 (7/7/22); 20-2; 20-4; 21-7 \$1,778.74; Frantzen Reporting/Pgr8r Inc, Transcription Service & Invoices \$182.30; Riverside Technologies Inc, Toner Cartridge \$62.44; Two Way Solutions Inc, Antenna \$15.99; Sd Sheriff's Association, Association Patches \$209.90; Workforce-South, Pre-Employment Physicals \$140.00; Preferred Printing Inc, Envelopes \$684.16; Jack's Uniforms & Equipment, Glock; Badges \$833.49; Forest River, Inc, Mobile Command Center \$91,830.00; Pennington Co Jail, Inmate Transportation \$138.41; Siouxland Oral & Maxillofacial Surgery, Prisoner Care Oral Exam \$49.27; Buddi Us Llc, Tagging Days \$532.00; Med-Star Paramedic Ambulance Inc, Transport \$450.00; Minnehaha Co Regional Jdc, Shltr/Jvnle Cre/Comm Spvn \$28,101.65; Southeastern Behavioral Healthcare, Mobile Crisis-July \$216.04; Gates, Laurie, Mi Board Hearing \$32.00; Anderson, Jennifer Marie, Mi Evals \$2,053.30; Loving, Philip, Mi Evals \$3,675.88; Penning, Leslie, Mi Hearing \$24.00; Salem Qmhp, Karla, Mi Evals \$2,062.50; Larson, Valerie, Mi Hearing- Yankton \$15.00; Schiltz, Ann, Mi Hearings \$32.00; Lockwood, Darcy, Mi Hearing- Yankton \$15.00; Lewno Law Office, Lucy M Lewno, Mi

Hearing- Yankton \$166.57; Lewis & Clark Behavioral Health Services, Bmi Intake \$184.00; Ver Beek Law Prof Llc, Mi Board- July \$3,016.87; Johnson Pllc, Katie, Mi Board- July \$3,333.00; Helseth, Ramona, Mi Hearing \$8.00; Avera Mckennan Hospital, Mi Hold \$4,520.00; Imeg Corp, Final Engineering Bill For The 4-H Showring Project \$552.50; Abc Rentals, Portable A/C Rental \$423.50; Cintas, Rug Cleaning/Rental For 4-H Event Center \$154.03; Century Business Products, 6/19-7/18 \$83.22; Andersen, Barbara, Open Class Judge \$50.00; Dewitt, Marty, Open Class Judge/Judge \$100.00; Gesick, Martha, Open Class Judge/Judge \$100.00; Gustad, Ginny, Open Class Judge \$50.00; Homan, Anne, Open Class Judge \$50.00; Kamps, Angela, Open Class Judge/Judge \$100.00; Keierleber, Jonathan, Open Class Judge \$50.00; Markle, Dorothy, Open Class Award Ribbons \$98.00; Pankratz, Linda M, Open Class Judge \$50.00; Shields, June, Open Class Judge/Judge \$100.00; Tornberg, Ann, Open Class Judge \$50.00; Turner County Fair, 300 Open Class Exhibit Tags \$9.00; Winterboer, Bev, Open Class Judge/Judge \$100.00; Hoffman, Rebecka, Judge \$175.00; Loecker, Reynold, Judge \$200.00; Bruns, Sharon, Judge \$50.00; Tipton, Jan, Judge \$50.00; Becker, Sydney, Judge \$50.00; Tinker, Rachel, Judge \$50.00; Miller, Joan, Judge \$50.00; Lounsbery, Amber, Judge \$50.00; Huffman, Teresa, Judge \$50.00; Sweeter, Marlene, Judge \$50.00; Stratmeyer, Joyce, Judge \$50.00; Rops, Kristi, Judge \$50.00; Loewe, Paula, Judge \$50.00; Pearson, Jill, Judge \$50.00; Reith, Crystal, Judge \$50.00; Leber, Marya, Judge \$50.00; Gillespie, Pam, Judge \$50.00; Munk, Steve, Judge \$50.00; Verhey, Dorothy, Judge \$50.00; Sweeter, Robbie, Judge \$50.00; Dolby, Leslie, Judge \$50.00; Vanhove, Deb, Judge \$50.00; Effling, Cagney, Beef Show Judge \$200.00; Eilertson, John, Swine Show Judge \$200.00; Jensen, Andrew, Rabbit Show Judge \$200.00; Martinez, Jennifer, Horse Show Judge \$250.00; Norman, Tommy, Sheep/Meat Goats Show Judge \$200.00; Tipton, Macy, Display Exhibit Judge \$50.00 ROAD AND BRIDGE: Metlife, Employee Life Insurance \$41.86; G & K Supreme Auto Sales Inc, Windshield \$320.00; Interstate Power Systems Inc, Generator Inspection & Service \$430.00; Avera Occupational Medicine-Mitchell, Tpa Service \$98.00; Lennox Independent Llc, Publishing \$47.58; Argus Leader/Multimedia Holding Inc, Publishing \$38.31; Fastenal Company, Marker/Gloves/Pumps \$335.02; Transource, Hose \$21.41; Cintas, Mats, Towels \$78.91; Jfi Inc, Propane/Road Salt \$2,005.10; Detco, Hand Wipes \$1,994.65; Cole's Petroleum Inc, Ethanol \$22,275.00; Zee Medical Service, Medical Supplies \$132.95; Midway Service/Vollan Oil, Diesel \$20,782.50; Midco, Phone/Video \$125.89; Midamerican Energy Co, 6/30-8/1 \$81.99; Novak Sanitary Svc Corp, Trash \$336.63; Presto-X, Pest/Insect Control \$296.00; Micheal's Purple Petunia, Pump West Tank \$150.00; Dakota Traffic Services Inc, Paint \$7,486.75; Knife River, Asphalt \$108,193.80; Imeg Corp, Project Costs \$10,071.56; Truenorth Steel, Culverts \$10,312.20; Dustbusters, Inc, Dustgard \$3,193.00; L G Everist, Riprap \$3,911.68 911: Metlife, Employee Life Insurance \$32.89; Language Line Services Inc, Interpretation \$200.00; Workforce-South, Pre-Employment Physicals \$330.00; Midco, Phone/Video \$225.26 EMS: Metlife, Employee Life Insurance \$0.75; Interstate Power Systems Inc, Annual Service On Fire Station Generators \$3,165.03; Scott's Automotive, Oil Change And Tire Rotation \$109.09; Midco, Phone/Video \$112.51; Sturdevant's Auto Parts, Floor Dry For Fuel Spill Hwy 11 & 269th \$98.91 AIRPORT: Empire Hvac Corp, Cleaned Outdoor Coil And Freon \$281.12 24/7: Hermanson, Donald Gilbert, Scram Refund \$11.00; Metlife, Employee Life Insurance \$2.99; Midco, Phone/Video \$29.00 MODERN/PRESERV: Tyler Technologies Inc, Annual Fee For Doc Pro \$8,904.47 STATEWIDE SOBRIETY: Hermanson, Donald Gilbert, Scram Refund \$55.00

Payroll: \$355,416.19

Commissioner's \$5,248.00; FICA 310.72, Medicare 72.67

Auditor's \$12,681.20; FICA 672.00, Medicare 157.16, SDRS 760.86

Treasurer's \$19,659.23; FICA 1,134.04, Medicare 265.21, SDRS 1,179.56

States Attorney's \$53,994.81; FICA 3,042.55, Medicare 711.58, SDRS 3,171.74

Gen Gov Bldg \$14,357.56; FICA 793.33, Medicare 185.53, SDRS 817.26

DOE \$35,435.01; FICA 2,017.52, Medicare 471.83, SDRS 2,069.38
ROD \$9,373.00; FICA 499.00, Medicare 116.69, SDRS 516.34
VSO \$2,376.20; FICA 121.18, Medicare 28.34, SDRS 142.57
GIS \$5,716.40; FICA 314.06, Medicare 73.45, SDRS 342.98
IT \$9,051.01; FICA 535.45, Medicare 125.22, SDRS 543.06
HR \$3,224.72; FICA 206.63, Medicare 48.32, SDRS 193.48
Sheriff's \$95,697.12; FICA 5,578.14, Medicare 1,304.58, SDRS 6,808.65
WIC \$365.60; FICA 22.67, Medicare 5.30
County 4-H \$5,202.33; FICA 313.19, Medicare 73.25, SDRS 246.93
Weed Control \$4,336.00; FICA 265.91, Medicare 62.19, SDRS 260.16
P & Z \$12,409.00; FICA 747.34, Medicare 174.79, SDRS 744.54
Highway \$34,948.39; FICA 1,975.13, Medicare 461.91, SDRS 1,921.92
Communications \$26,089.16; FICA 1,494.26, Medicare 349.46, SDRS 1,565.33
EM MGMT \$3,368.80; FICA 186.81, Medicare 43.69, SDRS 203.93
24/7 \$1,882.65; FICA 109.49, Medicare 25.61, SDRS 150.61

Reports:

The July 2022 Auditor's Account with the County Treasurer Report was presented as follows: Total amount of deposits in bank \$25,959,104.11; total amount of actual cash \$10,410.46; Total amount of checks and drafts in Treasurer's Possession not exceeding three days \$91,591.02; Total Cash Items \$89.50; Funds Invested \$ 7,671,460.91; TOTAL \$33,732,656.00.

The July 2022 Revenue & Expense report and Expenditure report were presented.

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

The July 2022 Clerk of Courts report was presented totaling \$44,586.42.

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: 8/9/2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to transfer the following inventory from the Weeds Department to the Highway Department: Item 1630 HD, 2007 GMC 3/4 Ton Pickup, VIN #

1GTHK24K37E590244. Transfer the following inventory from the Highway Department to the Weeds Department: Item 1528 HD, 2005 Sterling Tandem Dump Truck, VIN # 2FZHAZDE85AN90683.

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 a step increase for the following individual in the Sheriff's Office effective the first day of the biweekly pay period following 08.18.2022: Aaron Bartscher- Patrol Sergeant- to SO2/Step 13- \$37.88/hr. 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 September 13, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the September 27, 2022, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as a portion (approximately 2.40 acres) of the

property legally described as Tract 3, Poppenga's Addition, SW1/4, Section 28-T99N-R51W Perry Township, from the "A-1" Agricultural District to the "C" Commercial District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommends approval (5-0). 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 Chair to execute E-3 from South Dakota Retirement, appointing William Golden, Chief Civil Deputy and Karisa Neels, Civil Paralegal as authorized agents for the South Dakota Retirement Plan. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to appoint Commission Chair Tiffani Landeen to the South Dakota Association of County Commissioners Board. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Citizens from Lincoln County were present and showed videos and spoke on election issues.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Jibben reported that he had attended the Lincoln County Civil War Days on August 13, 2022, it was well attended. He commended Jeff Tanner on putting on a nice program. Commissioner Schmidt spoke on the South Dakota Association of County Commissioners and welcomed Commissioner Landeen onto the Board.

REGULAR BUSINESS:

Board Discussion and public input regarding Lincoln County Justice Center was held. The Board discussed holding further public meetings and will work on a scheduled for the next meeting.

PUBLIC HEARING was held as advertised to consider an application for a Temporary On-Sale Malt Beverage License to operate outside of a municipality for the Lennox Booster Club for a fundraiser on September 24, 2022, located at 34.12 Acres in Northeast Quarter including Railroad Property 29-9-51, Lincoln County, South Dakota (a/k/a parcel #099.51.29.1010). The applicant was present to explain his intentions and answer questions. No one else spoke in favor nor opposition to the proposed license.

RESOLUTION: BE IT RESOLVED to approve the application for a Temporary On-Sale Malt Beverage License to operate outside of a municipality for the Lennox Booster Club for a fundraiser on September 24, 2022, located at 34.12 Acres in Northeast Quarter including Railroad Property 29-9-51, Lincoln County, South Dakota (a/k/a parcel #099.51.29.1010). Motion by Jibben and seconded by Schmidt Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

SECOND READING & PUBLIC HEARING was held as advertised for an Ordinance of Lincoln County, SD, rezoning 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). Toby Brown, Planning & Zoning Director, introduced the proposed ordinance. The applicant also spoke and answered questions from the Board. Residents spoke in opposition no one else spoke in favor.

RESOLUTION: BE IT RESOLVED to approve the Ordinance of Lincoln County, SD, rezoning 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. MOTION by Schmidt and seconded by Poppens. Arends: "Nay" Jibben: "Nay" Poppens: "Nay" Schmidt: "Aye" Landeen: "Aye". Motion failed.

Southeastern Behavioral rescheduled the presentation of their annual report until 09.27.2022.

FIRST READING was held for an Ordinance of Lincoln County South Dakota Regarding the Issuance of Local Medical Cannabis Establishment Permits by Amending Ordinance 2106-30. Second Reading & Public Hearing scheduled for September 15th meeting.

COMMISSIONER BRIEFING: William Golden, Chief Civil Deputy State's Attorney, informed the Board of the necessary facts pertaining to the space needs of the State's Attorney's office. Discussion was had to try to find additional areas to place departments in. Commissioners Arends and Poppens will be looking at additional areas.

COMMISSIONER BRIEFING: Karla Goossen, Director of Equalization, informed the Board of the necessary facts pertaining to the application for abatement.

RESOLUTION: BE IT RESOLVED: to abate property taxes for 2021 payable 2022 submitted by Jason Benson of Bentwood Place Inc in the amount of \$686.79 for the property legally described as Murray Tr A S1/2 SE1/4 - 18-100-50- , a/k/a parcel number 100.50.18.J100, due to: improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. MOTION by Schmidt and seconded by Jibben Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Sheri Lund, Auditor, informed the Board of the necessary facts pertaining to two tax deed parcels within the City of Sioux Falls. Lund also informed the Board of the facts pertaining to the Rural Access Infrastructure Funds (RAIF).

RESOLUTION: BE IT RESOLVED to declare tax deed properties as surplus (Tax Sale Certificate #100489, Parcel No. 281.07.10.008; Tax Sale Certificate #100490, Parcel 281.07.11.000) and authorize Chair to execute Quit Claim Deeds to the City of Sioux Falls on said properties. MOTION by Poppens and seconded by Schmidt Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to appoint Commissioners Schmidt and Jibben to serve on a committee to review and recommend grant applications for Rural Access Infrastructure Improvement Funds (RAIF). MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining the bid for structure 42-148-050. Four bids were presented. BX Civil & Construction, Inc. in the amount of \$1,120,126.00, Nolz Dragline & Construction Inc in the amount of \$1,252,850.54, Prahm Construction, Inc. in the amount of \$1,293,846.10, Journey Group Companies in the amount of \$1,432,291.70. Information was also presented regarding the bids for structure 42-020-

201. Two bids were presented. Journey Group Companies in the amount of \$1,089,950.15, and PCI Roads, LLC in the amount of \$1,102,800.53. Fluit requested and explained why all bids for structure 42-020-201 needed to be rejected.

RESOLUTION: BE IT RESOLVED to approve and award bid BX Civil & Construction, Inc. in the amount of \$1,120,126.00. MOTION by Poppens and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve to reject all bids for a preservation project for structure 42-020-201. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to enter into executive session at 11:00 a.m. per SDCL 1-25-2(1) 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(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(4) Preparing for contract negotiations or negotiating with employees or employee representatives. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

Commissioner Arends left the meeting at 11:00 a.m.

RESOLUTION: BE IT RESOLVED to exit executive session at 12:04 p.m. Schmidt and seconded by Poppens. Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Schmidt and second by Jibben to adjourn at 12:05 p.m. until 8:30 a.m. on September 6, 2022. 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 September 6, 2022.
Please publish the week of September 12, 2022.