

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on September 27, 2022, with Commissioners Joel Arends, Jim C. Jibben, 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 Schmidt and seconded by Arends to approve the agenda with item number two under Regular Business removed. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$498,552.71

GENERAL: Metlife, Employee Life Insurance \$324.71; United Healthcare Premium Billing, Cobra Health Insurance-DG \$885.83; American Legal Publishing Corporation, Supplement Editing Pages \$1,608.30; Imeg Corp, Boundary Survey/Subdivision/Plat Reviews \$3,094.26; Canton Civil War Days, Civil Way Days Contribution \$2,500.00; Lennox Independent Llc, Publishing \$2,754.14; Argus Leader/Multimedia Holding Inc., Publishing \$1,412.46; Sweeter, Marlene, Southeast District Mtg Meal \$960.00; Sdacc, Convention Registration/CLERP Reimbursement \$247.27; Midco, Phone/Video/Internet \$1,906.05; Election Systems & Software Inc, Activation Card/Ballots \$15,917.75; Sentencing Advocacy Group Of Evanston, Mitigation Specialist \$8,874.21; Beck Law, Crt Appt Atty \$1,022.87; Knecht, Andrew J, Crt Appt Atty \$4,776.30; Dematteo Law Firm, Prof Llc, Crt Appt Atty \$489.90; Resolute Law Firm Pc, Crt Appt Atty \$4,214.55; Law Office Of Michael J Butler, Crt Appt Atty \$1,770.73; Walter, Max, Crt Appt Atty \$1,046.00; Carper, Nichole, Crt Appt Atty- Juv \$1,491.30; A To Z World Languages Inc, Interpreter \$239.65; Certified Languages International, Interpreter \$123.75; Guzman, Sandra, Interpreter \$112.56; Price Phd, Thomas L, Competency Eval \$4,800.00; Ciox Health, Med Records \$20.00; Computer Forensic Resources Inc, Computer Forensic Expert \$150.00; Lembcke-Schildhauer, Terri, Transcript \$400.00; Jurors, Fees, Mileage \$4,463.56; Otis Elevator, Service Contract For The Rest Of 2022 \$229.32; Tr Repair, Repair To Case Skid Steer \$230.50; Jerry's Auto Sales Inc, Service For 2019 Chevy Silverado \$128.42; Short Excavating, Repair To Roof Drain Connection To Storm Sewer \$508.67; Grainger, Work Gloves/Batteries/Folders \$157.95; Prochem Dynamics Llc, Cleaning Supplies \$485.00; United Laboratories, Urinal Cleaner \$379.59; Zee Medical Service, Supplies For First Aid Kits \$136.95; Bomgaars, Mower Oil/Diesel Tank/Gun Safe \$1,700.92; Menards-West, Wall Clock/Furnace Filters/Deck Sealant \$149.13; Mcleod's Printing, Envelopes \$689.70; Vanderbroek, Becky, Dinner- Convention \$20.00; Optum Bank, Monthly Maint Fee-Aug \$30.25; Well365, Llc, Online Portal/Coaching \$1,800.00; B & E Autoworx Llc, 21-7, 21-1 Tire Repair \$100.00; Workforce-South, Pre-Employment Physical \$140.00; Streicher's, Misc Weapons Equipment \$2,110.20; Red D Haul Llc, Transport New Vehicle \$300.00; Lamb Motor Co, New Vehicle - 22 Ford Explorer \$36,945.00; Wilson, Rachel, 2001 Chevy Silverado 1500 \$3,000.00; Knutson, David, Reimbursement Fuel \$50.66; Nesmoe, Kaysee, Boots \$191.65; Blue Knight Security Llc, Inmate Transport \$3,525.00; Hughes Co Jail, Inmate Boarding \$285.00; Lennox Ambulance, Transport \$360.00; Med-Star Paramedic Ambulance Inc, Transport \$530.00; Minnehaha Co Regional Jdc, Comm Sprvs/Chd/Shltr Car \$19,824.00; Minnehaha Co Human Services, Monthly Poor Relief-Sept \$6,707.95; Sanford Health Home (Vna), Public Health Svc \$1,250.00; Southeastern Behavioral Healthcare, Mobile Crisis-Aug \$382.53; Ver Beek Law Prof Llc, Mi Board Chair- August \$2,979.50; Loving, Philip, Mi Evals \$2,209.22; Anderson, Jennifer Marie, Mi Evals \$2,419.94; Salem Qmhp, Karla, Mi Evals \$1,787.50; Schiltz, Ann, Mi Hearings \$128.00; Kennedy Pier Loftus & Reynolds Llp, Mi Crt Appt Atty \$383.80; Maendel, Jayda, Post Event Cleaning Services \$120.00; Lennox Ace Hardware, Mounting Hardware For Diesel Fuel Tank \$221.12; Cintas, Rug Cleaning And Change Out For 4-H Building \$75.98; Century Business Products, Copier \$69.63; Sweeter, Corissa, Summer

Mileage \$129.74; Johnson, Mark, Mileage 9/19/2022 \$19.32; Jongeling, Jerry, Mileage 9/19/2022 \$15.71; Green, Scott, Mileage 9/19/2022 \$16.80; Quadient Finance Usa, Inc, Postage \$4,000.00
ROAD AND BRIDGE: Metlife, Employee Life Insurance \$41.86; Overhead Door Of Sf Inc, Service/Adjust Door \$1,663.25; Lennox Independent Llc, Publishing \$47.76; Argus Leader/Multimedia Holding Inc, Publishing \$38.31; Cintas, Mats, Towels \$78.91; Pedersen Machines Inc, Parts \$632.43; Fastenal Company, Supplies \$944.29; Zee Medical Service, Medical Supplies \$63.85; Napa Auto & Truck Parts Of Sioux Falls, Parts \$166.14; Bomgaars, Grass Seed, Parts \$494.58; Pedersen Machines Inc, Parts \$449.20; Lyle Signs Inc, Solar Lights \$550.00; Transource, Parts \$321.96; Fluit, Terry, Meals-County Convention \$60.00; Midco, Phone/Video \$77.99; Presto-X, Pest Control \$284.00; Xcel Energy, Rab 8.10-9.11 \$78.84; Dakota Traffic Services Inc, Road Paint \$3,163.78; Knife River, Asphalt/Crshd Cncrte/Rubb \$9,206.64; Truenorth Steel, Culverts & Band \$3,118.75; Jfi Inc, Road Salt \$12,397.80; Imeg Corp, Project Costs \$41,863.34; Sioux County Engineer, State Line Bridge Deck Overlay \$250,678.94
911: Metlife, Employee Life Insurance \$32.89; Two Way Solutions Inc, Restarted Repeater \$300.00; Midco, Phone/Video \$224.46; Modern Office, Desk Chairs \$1,747.00
EMS: Metlife, Employee Life Insurance \$0.75; The Crossroads Hotel & Huron Event Center, Room For Conference \$167.50; Midco, Phone/Video \$111.62
AIRPORT: Legacy Aviation Llc Corp, Airport Mgmt Fee-Aug/Sept \$5,833.34; A-1 Pumping & Excavating Inc, Pumping Holding Tank \$160.00
24/7: Metlife, Employee Life Insurance \$2.99; Midco, Phone/Video \$29.00
MODERN/PRESERV: Us Records Midwest Llc, New Burial & Cremation Record Books \$989.74

Payroll: \$353,742.73

Commissioner's \$5,248.00; FICA 310.72, Medicare 72.67
Auditor's \$12,502.03; FICA 656.80, Medicare 153.61, SDRS 750.11
Treasurer's \$19,619.48; FICA 1,131.57, Medicare 264.64, SDRS 1,177.17
States Attorney's \$54,052.23; FICA 3,055.22, Medicare 714.54, SDRS 3,175.19
Gen Gov Bldg \$15,687.33; FICA 875.41, Medicare 204.72, SDRS 916.10
DOE \$35,435.02; FICA 2,017.52, Medicare 471.83, SDRS 2,069.38
ROD \$9,005.25; FICA 498.02, Medicare 116.45, SDRS 494.88
VSO \$2,376.21; FICA 121.18, Medicare 28.34, SDRS 142.57
GIS \$5,716.40; FICA 314.06, Medicare 73.45, SDRS 342.98
IT \$9,051.00; FICA 535.45, Medicare 125.22, SDRS 543.06
Sheriff's \$99,141.52; FICA 5,799.17, Medicare 1,356.27, SDRS 7,216.36
WIC \$365.60; FICA 22.67, Medicare 5.30
County 4-H \$2,504.29; FICA 155.27, Medicare 36.32, SDRS 150.26
Weed Control \$4,336.00; FICA 265.91, Medicare 62.19, SDRS 260.16
P & Z \$11,888.85; FICA 716.75, Medicare 167.64, SDRS 713.33
Highway \$31,936.89; FICA 1,788.05, Medicare 418.16, SDRS 1,919.08
Communications \$29,659.83; FICA 1,715.64, Medicare 401.24, SDRS 1,779.58
EM MGMT \$3,368.80; FICA 186.63, Medicare 43.65, SDRS 203.75
24/7 \$1,848.00; FICA 107.34, Medicare 25.10, SDRS 147.84

Reports:

A letter from the South Dakota Department of Agriculture & Natural Resources regarding a revised nutrient management plan was presented.

A letter from the South Dakota Department of Agriculture and Natural Resources regarding a manure management system was presented.

A public hearing notice regarding a Conditional Use Permit to allow motor vehicle sales was presented. August 2022 Clerk of Courts report was presented totaling \$50,811.75.

Mileage reports were presented as follows: May-August 2022 Assessor's Office mileage reports, August 2022 Civil Fee mileage report, August 2022 Patrol mileage report, August 2022 Highway mileage report.
August 2022 Veterans Services Office report was presented.

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

CONSENT AGENDA:

MOTION by Schmidt and second by Arends to approve the Commission Minutes: 9/15/2022 & 9/19/2022. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the TASC User-System Access Change Forms authorizing Sheri Lund and Jean Massey as agency contacts. 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 Tri-Party Succession Agreements with U.S. Bank National Association. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set date and time for a second public hearing to occur between 8:30 a.m. and adjournment of the October 25, 2022, County Commission meeting for an Ordinance of Lincoln County Regarding the Issuance of Local Medical Cannabis Establishment Permits by Amending Ordinance 2106-30. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to promote/reclassify Christopher Kuntz from Sheriff Deputy to Sergeant at SO2/Step 6, \$31.88/hr, effective 10.10.2022. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

An individual from Fairview commented on pending litigation and election records.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt reported on a speaking event he and Auditor Lund attended regarding the budget. Schmidt also commented on Lincoln County's recent awards for safety, thanking John Rombough, Buildings & Grounds Superintendent, for his work for said awards.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Mark Jensen and Zack Jensen of Jensen Insurance informed the Board of the necessary facts pertaining to a renewal of insurance with their company.

Commissioner Poppens arrived at 8:56 a.m.

SECOND READING & PUBLIC HEARING occurred for an Ordinance of Lincoln County, SD, rezoning 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). Location: 46622 278th Street. Toby Brown, Planning & Zoning Director, informed the Board of the application. The Applicant was able to explain her plans and answer questions via telephone. None else spoke in favor nor opposition of the proposed ordinance.

AN ORDINANCE OF LINCOLN COUNTY, SD, REZONING A PORTION (APPROXIMATELY 2.40 ACRES) OF THE PROPERTY LEGALLY DESCRIBED AS TRACT 3, POPPENGAS 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

BE IT ORDAINED BY LINCOLN COUNTY, SD:

That a portion (approximately 2.40 acres) of the property legally described as Tract 3, Poppengas Addition, SW1/4, Section 28-T99N-R51W Perry Township is hereby rezoned from the “A-1” Agricultural District to the “C” Commercial District, and the official zoning map of Lincoln County is amended to include the rezoning.

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

COMMISSIONER BRIEFING: Jared Narum, Highway Operations Supervisor, informed the Board of the necessary facts regarding several Highway related items before them including grant agreements, bridge deletion, and a construction contract.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the contract with BX Civil for structure 42-148-050 (PCN 08XA). MOTION by Poppens and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED that the Lincoln County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory (NBI) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION: 42-200-125 3 E & 1.5 N of Canton Structure was removed as part of the 2020 Removal Program PCN 08AA.

The Commission is aware of the following stipulations once a structure is deleted from the NBI: Federal Bridge funds will not be available for structure replacement or rehabilitation, and the structure will only be added to the NBI following replacement, using County funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.

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 agreements with SD DOT for Preliminary Engineering grants for structures: 42-200-226 PCN 0993, 42-200-249 PCN 0994, 42-120-158 PCN 0091, 42-120-283 PCN 0992. MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Auditor Lund informed the Board of the need to reschedule a meeting due to the November General Election.

RESOLUTION: BE IT RESOLVED to reschedule the November 8, 2022, Lincoln County Commission Meeting to instead occur on November 10, 2022, starting at 8:30 a.m. MOTION by Poppens and second

by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

Discussion occurred regarding location and schedule of the public meetings regarding the courthouse needs and the proposed solutions.

COMMISSIONER BRIEFING: Commissioner Arends and Commissioner Poppens started discussion regarding purchase of the bank property across from the Courthouse.

RESOLUTION: BE IT RESOLVED to authorize the State’s Attorney Office to enter negotiations with the intent to purchase the property located on parcel 200.10.13.009 in Canton. MOTION by Poppens and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Commissioner Jibben informed the Board of the facts regarding a request from Alliance Communications to purchase an acre of land. Discussion occurred on how to legally sell the land as well as the implications and ramifications it would have.

RESOLUTION: BE IT RESOLVED to direct the State’s Attorney’s Office to engage in discussions with Alliance Communications regarding their desire to purchase one acre of land from the County and return to the Board with additional information. MOTION by Schmidt and second by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 9:34 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 Arends and second by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

Commissioner Landeen left the meeting during Executive Session.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:37 a.m. MOTION by Poppens and second by Jibben. Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Arends: “Aye”. Motion carried.

Discussion continued regarding location and schedule of the public meetings regarding the courthouse needs and the proposed solutions.

MOTION by Poppens and second by Schmidt to adjourn at 10:40 a.m. until 8:30 a.m. on October 4, 2022. Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Arends: “Aye”. Motion carried.

Lincoln County Board of Commissioners

/s/
Tiffani Landeen, Lincoln County Chair

Attest: /s/
Shaun Feilmeier, Deputy Auditor

Approved October 4, 2022
Please publish the week of October 10, 2022.