

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on October 11, 2022, with Commissioners Joel Arends and Jim C. Jibben 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 seconded by Arends to approve the agenda. Arends: "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

Claims: \$2,184,764.11

GENERAL:Jlg Architects, Proj 21030 Lincoln County Courthouse \$13,101.15; Minnehaha Co Auditor, Court Room Rental Addtl Charge Revised Contract \$3,502.00;Rippentrop, Allen, Combine- Tea Ground \$2,070.00; New Century Press, Publishing \$639.96; Sioux Valley News Inc, Mins/Notices/Hlp Wanted/Supplies \$975.55; A & B Pure Water Online Corp, Water \$155.21; Us Bank, Statement 09/20/2022 \$9,091.42; At&T Mobility, Mobile Internet \$.3022.82; Sdacc, Clerp-4th Qtr \$3,756.00; Peterson, Stuart & Klentz, Prof Llc, Public Defender Contract-Sept \$67,666.67; Tschetter & Adams Law Office, Pc, Crt Appt Atty \$8,818.74; Griesse Law Firm, Pc, Crt Appt Atty \$992.20; Resolute Law Firm Pc, Crt Appt Atty \$150.00; Eekhoff Law Pro Llc, Crt Appt Atty- Ivc \$1,083.70; Guzman, Sandra, Interpreter \$312.50; Nguyen, Lam, Interpreter \$50.00; Sd Human Services Center, Med Record \$28.80; Kading, Kunstle & Goodhope Llp, Crt Appt Atty - A&N \$1,225.20; Jurors, Fees, Mileage \$1,124.90; Century Business Products, Copier Maint \$800.37; Tyler Business Forms, 1099 Forms \$115.66; Midco, Cross-Connect/Internet \$2303.03; Sd State Treasurer, Sd State Treasurer \$-10.00; Beck, Pat, Gj Transcripts \$728.45; Minnehaha County Jail, August Blood Draws/Boarding Fees/Prisoner Care \$132631.70; Lembcke-Schildhauer, Terri, Gj Transcripts \$282.00; Pmb 0112, Executive Mgmt Finance Office, Access Fees/Microfilm \$108.61; Skorczewski, Jena, Transcripts \$108.80; Sioux County Sheriff's Office, Document Service \$46.00; Redwood Toxicology Laboratory, Testing \$549.61; Cassel Meyer, Mary Anne, Gj Transcript \$28.00; Sanford Health, Medical Services \$148.93; Accurate Reporting, Inc, Gj Proceedings/Transcripts \$620.00; Sd Dept Of Health, Testing Fees \$3,125.00; Thomson Reuters-West Publ Corp, Online Subscription Charges \$677.25; Canton Pizza Ranch, Gj Meals \$106.94; Riverside Technologies Inc, Ink Cartridges \$379; Interstate Office Products, Supplies \$139.29; Prochem Dynamics Llc, Custodial Supplies – Courthouse/4h Event Center \$2,307.76; Sturdevant's Auto Parts, 2012 Chevy Parts/Wipers/Tank \$79.33; Grainger, Marking Paint \$36.00; Canton Home & Farm Supply, Drywall Hangers And Fuses \$16.97; Dakota Supply Group, Replacement Lav Faucets \$176.64; City Of Canton, City Water Usage \$1,496.31; Midamerican Energy Co, Gas Usage – Courthouse \$987.77; Xcel Energy, Electricity \$12,271.83; Novak Sanitary Svc Corp, Refuse Collection \$413.22; City Of Sioux Falls Public Works, Rubble Drop Off \$34.45; Przybilla, April, 9-18-22 Thru 9-23-22 Meals \$170.00; Bentz, Sarah, 9-18-22 Thru 9-23-22 Meals \$170.00; Erdmann, David, 9-18-22 Thru 9-23-22 Meals \$170.00; Preheim, Austin, 9-18-22 Thru 9-23-22 Meals \$170.00; Nagel, Matthew, 9-18-22 Thru 9-23-22 Meals \$170.00; Pieske, Ethan, 9-18-22 Thru 9-23-22 Meals \$170.00; Sehr, Heather, 9-18-22 Thru 9-23-22 Meals \$170.00; Ekle, Donna, 9-18-22 Thru 9-23-22 Meals \$170.00; Tyler Technologies Inc, Ptm Data Conversion \$2,600.00; Newegg Business, Server Parts \$705.90; Route 1, Panel Adapter \$168.90; Uline Inc, Storage Bins \$315.17; Cdw-G Inc, Veeam Maintenance \$11,406.00; Well365, Llc, Annual Wellness Platform/Coaching \$2,200.00; Jensen Ins Agency, Add Cargomate Trailer \$47.00; Verizon Connect Fleet Usa Llc, Verizon Connect \$233.87; Sioux Falls Area Humane Society, City Contract-August 2022 \$750.60; Auto Dynamics Inc, Tire/Vehicle Repairs \$911.68; B & E Autoworx Llc, Vehicle Repairs \$416.08; Graham Tire Co Llc-Corp, 1-Tire \$160.62; Harrisburg Ace Hardware, Misc Items \$316.50; Voyager Fleet Systems Inc, 09/24/22 Closing Statement \$462.96; Jack's Uniforms & Equipment, Uniform/Equipment \$1,068.90; Transunion Risk & Alternative, September 2022 Billing \$75.00; Applied Concepts Inc, Cable Kits \$272.00; Sd Secretary Of State, Notary App, Oath & Bond \$30.00; Stroschein, Leah, Meal Per Diem

\$100.00; Red D Haul Llc, Vehicle Transport \$280.00; Silverstar Car Wash, Membership \$269.73; Verizon Wireless, Mobile Internet \$80.02; Sd Div Of Motor Vehicle, Title, County Plates, Postage \$34.20; Aj's Automotive Llc, Oil Change, Rotate Tires \$77.82; Anesthesiology Assoc Inc, Prisoner Care \$152.70; Paramedics Logistics South Dakota, Prisoner Care \$270.15; Lincoln Co Sheriff, Em Transfer Payment \$500.00; Sanford Health Pathology Clinic, Coroner Calls-Sept \$900.00; Med-Star Paramedic Ambulance Inc, Transport \$530.00; Stantec Consulting Services Inc, Drainage/Devlpmt Plan Review \$2,004.50; Schwartzle Companies, Rental Assistance \$600.00; Sd State Treasurer, Mentally Ill \$1,303.80; Johnson Pllc, Erin M, Mi Board- July/Aug \$5,534.80; Dean Schaefer Court Reporting, Mi Court Reporter \$30.00; Johnson Pllc, Katie, Mi Board- September \$5,100.50; Anderson, Jennifer Marie, Mi Evals \$2,832.40; Loving, Philip, Mi Evals \$2,704.20; Ringing Shield, Nichole, Mi Evals \$247.25; Schiltz, Ann, Mi Hearings \$96.00; Miller, Francie, Mi Hearing \$88.00; Southeastern Behavioral Healthcare, Mobile Crisis-Sept \$317.68; Avera Med Group University Psychiatry, Mi Hold \$59.26; Maendel, Jayda, Post Event Cleaning \$90.00; Lennox Ace Hardware, Striping Paint/Straps \$55.88; Ace Hardware Tea, Chainsaw Chain \$43.99; South Lincoln Rural Water, Water Usage - 4-H Event Center \$92.76; Sd Federal Property Agency, Tool Set And Bottle Jack \$140.00; 4-H Club Leaders, Achievement Days Premiums \$3,577.50; Hazel, Todd, Water Tank For Achievement Days \$994.13; Sweeter, Wendy, Achievement Days Supplies \$97.18; Vandiest Supply Company, Milestone/Chemical \$28,762.83; Nutrien Ag Solutions, Tordon \$9,580.00; Billion Southtown Inc, Vehicle Maint \$133.30; Radisson Hotel Bismarck, Sdpa Conference \$297.00;

ROAD AND BRIDGE: A-Ox Welding Supply Inc, Cylinders \$125.20; Graham Tire Co Llc-Corp, Repair Tire/Tires \$8,514.69; Electric Construction Company, Rab Light Repair \$265.31; Autopros Tire & Service Center, Tires \$1,449.66; Avera Occupational Medicine-Mitchell, Tpa Services \$375.60; Century Business Products, 8.19-9.18 Copies \$61.15; New Century Press, Publishing \$16.24; Sd Dept Of Revenue, Dec 21/Jun 22 Excise Ta Tax Return 1039-1200-Et \$38.78; Us Bank, Statement 09/20/2022 \$31.06; Fastenal Company, Parts \$2,131.28; Cintas, Mats,Towels \$78.91; Napa Auto & Truck Parts Of Sioux Falls, Parts \$987.91; Bartlett Tools In, Shop Tools \$1,037.40; Pedersen Machines Inc, Parts \$62.51; Cole's Petroleum Inc, Fuel \$22,280.94; Rock Valley Tractor Parts, Parts \$225.00; Ramkota Hotel-Pierre, Travel-Lodging \$198.00; Us Bank, Statement 09/20/2022 \$103.23; Midco, Internet \$15.77; Xcel Energy, Hburg 8.17-9.18 \$63.69; At&T Mobility, Mobile Internet \$95.32; Bluepeak, Internet 10/3-11/2 \$530.61; Southeastern Electric Co-Op Inc, 8/29-9/28 \$1,633.85; Midamerican Energy Co, 8/30-9/29 \$288.21; South Lincoln Rural Water, Oct \$197.76; Verizon Connect Fleet Usa Llc, Fleet \$767.85; Novak Sanitary Svc Corp, Sept \$277.63; Micheal's Purple Petunia, Pump Tanks \$150.00; Knife River, Crushed Concrete, Asphalt \$5,896.92; Jfi Inc, Road Salt \$2,124.55; Sd Dept Of Transportation \$Cs8042(50)08aa/Inspctn \$10,667.21 911: Midco, Internet \$39.41; Xcel Energy, Electricity \$9.00; Centurylink, Phone Service-911 \$162.03; Bluepeak, Internet Services \$969.05 EMS: Us Bank, Statement 09/20/2022 \$5.00; Midco, Internet \$7.89; Verizon Wireless, Mobile Internet \$40.01 AIRPORT: Jensen Ins Agency, Airport Liability Premium \$4,574.00; Legacy Aviation Llc Corp, Airport Management Fee-Oct \$2,916.67; Justice Fire & Safety Inc, High Flow Fire Extinguisher \$450.00; A-1 Pumping & Excavating Inc, Pump Holding Tank \$160.00; Bluepeak, Airport \$47.76; Lincoln Co Rural Water, Water-Airport \$50.50; Southeastern Electric Co-Op Inc, Electricity \$125.39 24/7: Pharm Chem Inc, Sweat Patch Analysis \$251.60 MODERN/PRESERV: Century Business Products, Montly Printer Copies Fees \$27.07; Riverside Technologies Inc, Vital Printer Toner \$80.00 LAW LIBRARY: Lexisnexis/Relx Inc, Law Library \$280.00 STATEWIDE SOBRIETY: Sd Attorney General's Office, State 24/7 Fees \$7,489.00 MODERN/PRESERV: Sdaco, Sdaco M & P Fund \$2,076.00 STATE MOTOR: Sd State Treasurer, Sd State Treasurer \$414,919.61 SALES TAX: Sd State Treasurer, Sd State Treasurer \$1,318,559.25 BIRTHS, DEATHS, & TITLES: Sd State Treasurer, Sd State Treasurer B & D \$780.00

Reports:

The September 2022 Register of Deeds report was presented totaling \$127,349.90.

Mileage reports were presented as follows: September 2022 Buildings & Grounds mileage report, September 2022 Emergency Management mileage report, September 2022 Highway No.100 mileage report, Third Quarter 2022 Planning & Zoning mileage report
A letter from Heartland Greenway was presented regarding public meetings.

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

CONSENT AGENDA:

MOTION by Jibben and second by Arends to approve the Commission Minutes: 10.04.2022. Arends: "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to accept the resignation of Robert Corsini, Deputy Sheriff, effective 09.29.2022. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "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 bi-weekly pay period following 10.12.2022: Joseph Carlson-Sergeant SO2/step 13-\$37.88/hour. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "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 bi-weekly pay period following 10.06.2022: Evan Olson-Deputy Sheriff-SO1/Step 7-\$29.70/hr. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "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 10.05.2022: Chris Kuntz-Sergeant-SO2/Step 7-\$32.69/hour. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize Auditor to Execute the Application for Replacement Warrant submitted by Lisa Eernisse for the amount of \$289.20; original warrant number 31771 issued 07.29.2022. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the 4th quarter single signature sheet for the Local Emergency Management Performance Grant. MOTION by Jibben and second by Arends. Arends: "Aye" Jibben: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Individuals from the Sioux Falls and Fairview areas commented on a pending litigation topic as well as their election concerns.

Individuals from the Tea and Fairview areas commented on the proposed Public Input Policies on this agenda.

An individual from the Tea area commented on the courthouse expansion options as well as the need for a Lincoln County jail.

Commissioner Poppens arrived at the meeting at 8:37 a.m.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Arends and Commissioner Landeen reported on the public meetings being held across the State regarding the proposed Heartland Greenway application.

Commissioner Schmidt, who then began participating in the meeting via telephone, reported on the progress of the 85th Street Interchange project.

Commissioner Jibben reported on the regional wastewater study presented by the Sioux Metro Growth Alliance at a meeting which occurred at the Canton Depot.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Kris Graham, Southeastern Behavioral CEO, verbally presented her annual report to the Board and answered questions.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to her request for authorization to apply for funds.

RESOLUTION: BE IT RESOLVED to authorize the Auditor to apply for Local Assistance and Tribal Fund (LATCF). MOTION by Arends and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Landeen and William Golden, Chief Civil Deputy State's Attorney, addressed the comments presented on this topic during this meeting's Opportunity for Public Comment as well as the comments made during the October 4, 2022, Commission Meeting. Board discussion focused on this policy's expansion of public input opportunities during Board meetings as well as the prohibition of videos and the place/time of general opportunity for public comment on the agendas.

MOTION by Poppens and second by Schmidt to approve the Public Input Policies as presented with the following amendments: Remove #9 about videos and add that Opportunity for Public Comment will not occur before 9:30 a.m. Arends: "Nay" Jibben: "Nay" Poppens: "Aye" Schmidt: "Aye" Landeen: "Nay". Motion failed.

RESOLUTION: BE IT RESOLVED to approve the Public Input Policies with the removal of the item reading, "9. Video presentations are prohibited without prior approval from the Chairperson." MOTION by Arends and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC COMMENT POLICY

The Lincoln County Board of Commissioners provides time for public comment at each meeting pursuant to SDCL 1-25-1. All comments and suggestions are subject to the following rules:

1. Each person who would like to speak shall sign in on the register at the entrance to the Commission room when they arrive.
2. The Commission shall hear public comment regarding items not on the regular-business Agenda at the end of each regular meeting and prior to executive session unless an executive session is specified in the regular-business agenda.
3. Public comments shall be germane to the services or policies of Lincoln County.
4. To ensure everyone who wishes to speak can do so, comments are limited to three (3) minutes per speaker.
5. A maximum of thirty (30) minutes per meeting is allotted for public comment.
6. There shall be no more than five (5) speakers on the same topic. If several people wish to speak on the same topic, the group is encouraged to appoint a spokesperson, so repetition is avoided.

7. Speakers shall address the Board of Commissioners from the podium at the front of the room and begin their remarks by stating their name and address for the record. Speakers who require special accommodations should contact the Lincoln County Auditor's Office not less than twenty-four (24) hours prior to the meeting.

8. Speakers who have prepared written remarks or supporting documents must leave six (6) copies of such remarks and documents with the Commission Clerk or Auditor's Office.

~~9. Video presentations are prohibited without prior approval from the Chairperson. DELETED~~

10. Public Comment does not require the Board of Commissioners to answer any impromptu questions. Speakers shall address all comments to the entire Board and not to individual Commissioners. Speakers should expect the Commissioners to refrain from engaging in dialogue, except to the extent necessary to clarify the speaker's position. The Board will not entertain questions or comments called out from the audience. Discussions between speakers and members of the audience must not occur.

11. Public comments regarding pending or tabled items are prohibited. The proper time for comment on such items shall be at the date and time set for public hearing or regular-business agenda items.

12. Speakers shall not discuss the following:

- Candidacy of any person seeking public office, including the candidacy of the person addressing the Board
- Subjects discussed in executive session
- Matters within the attorney-client privilege
- Anticipated or pending litigation
- Personnel
- Property acquisition
- Any other matters which are confidential by law

13. The Commission will not act on any item(s) presented during the Public Comment portion of the meeting on any issues brought forth which are not properly noticed on the Agenda. When appropriate, the Board may refer inquiries and items brought up during Public Comment to the proper department.

14. Speakers shall maintain proper decorum, being courteous in their language and presentation. Failure to abide by this requirement may result in forfeiture of the speaker's time to speak. Speakers may not use profanity or racial slurs. All comments must be civil and without obscene, derogatory, or slanderous remarks. Personal attacks are prohibited.

15. The Chairperson may interrupt or terminate an individual's statement when it is too lengthy, personally directed, abusive, obscene, repetitive, irrelevant, or relates to prohibited discussions as set forth herein.

LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS' POLICY REGARDING AGENDA ITEMS NOTICED FOR PUBLIC HEARING

1. Lincoln County staff will present the Agenda item.

2. The Chairperson will ask the applicant for testimony.

3. The Chairperson will ask any other proponents for testimony.

4. The Chairperson will ask any opponents for testimony.

5. The Chairperson will ask for any proponent rebuttal testimony.

6. The Chairperson will close testimony, and Commission discussion will open. The Commission may ask proponents and opponents to provide additional testimony.

LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS' POLICY REGARDING REGULAR-BUSINESS AGENDA ITEMS NOT FALLING WITHIN THE PUBLIC HEARING POLICY

1. Public input may be given for any item under Regular Business.

2. Individuals may speak for three (3) minutes.

3. Comments must relate only to the Agenda item under consideration.

4. For items on the regular-business Agenda, if a member of the public wishes the Board of County Commissioners to consider written comments or documents, they must submit six (6) copies of the

materials at least twenty-four (24) hours in advance of the meeting to allow for Commissioners to consider the information.

5. If the Chairperson anticipates a substantial number of members of the public intend to speak on an agenda item or during the public comment period, the Chairperson may further limit the time for each speaker. The Chairperson may make provisions for additional time at his/her discretion. The Chairperson may also ask for a spokesperson to represent members of the public.

6. Speakers shall maintain proper decorum, being courteous in their language and presentation. Failure to abide by this requirement may result in forfeiture of the speaker's time to speak. Speakers may not use profanity or racial slurs. All comments must be civil and without obscene, derogatory, or slanderous remarks. Personal attacks are prohibited.

7. The Chairperson may interrupt or terminate an individual's statement when it is too lengthy, personally directed, abusive, obscene, repetitive, irrelevant, or relates to prohibited discussions as set forth herein.

COMMISSIONER BRIEFING: William Golden, Chief Civil Deputy State's Attorney, informed the Board of the necessary facts pertaining to a County Confidentiality Policy. Board comment included the need for annual or semi-annual training on this for staff as well. Golden also informed the Board on the status of the Airport Manager Contract negotiations and counteroffer. Discussion occurred regarding a County employee as Airport Manager.

RESOLUTION: BE IT RESOLVED to approve the Confidentiality agreement as presented for staff to sign. MOTION by Arends and second by Jibben. MOTION by Arends and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to deny Premier Aviation the Airport Manager Contract. MOTION by Poppens and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

MOTION by Poppens to create a new County position and authorize steps to fill said position appropriately. MOTION dies for lack of a second.

RESOLUTION: BE IT RESOVLED to authorize Human Resources to create a job description for an Airport Manager position and present it to the Board. MOTION by Poppens 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 9:52 a.m. for the following purposes: Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, SDCL 1-25-2(3); 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). MOTION by Arends and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commissioner Schmidt did not return to the meeting from Executive Session.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:32 a.m. MOTION by Jibben and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOVED to authorize a letter be sent regarding a Lincoln County TIF.
MOTION by Arends and second by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the State's Attorney's Office to make an offer to the applicant. MOTION by Arends and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

MOTION by Jibben and second by Arends to adjourn at 10:34 a.m. until 8:30 a.m. on October 25, 2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

/s/
Tiffani Landeen, Lincoln County Chair

Attest: /s/
Shaun Feilmeier, Deputy Auditor

Approved October 25, 2022.
Please publish the week of October 31, 2022.