

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on November 22, 2022, with Commissioners Joel Arends, 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. Commissioner Schmidt expressed empathy regarding the family tragedy preventing Commissioner Jibben from attending this meeting.

### **ROUTINE BUSINESS:**

MOTION by Schmidt and second by Arends to approve the agenda with the removal of Regular Business item #8 titled, "Board action to approve and authorize the Chair to execute a proposed union contract". Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$787,866.27

GENERAL: Jlg Architects, Proj 21030 Lincoln County Courthouse \$8,570.24; Argus Leader/Multimedia Holding Inc, Publishing \$1,121.53; Lennox Independent Llc, Publishing \$2,825.74; Midco, Phone/Video \$1,476.51; 2022 General Election, 2022 General Election \$31,301.03; Tschetter & Adams Law Office, Pc, Crt Appt Atty \$2,073.90; Sdacc, Clerp Reimbursement \$3.52; Dakota Law Firm Prof Llc, Crt Appt Atty \$2,999.15; Knecht, Andrew J, Court Appt Atty Juv \$447.00; Griese Law Firm, Pc, Court Appt Atty Juv \$571.30; Ciox Health, Med Records \$20.56; A To Z World Languages Inc, Interpreter \$63.90; Guzman, Sandra, Interpreter \$180.00; Laughlin, Nicole, Court Appt Atty A&N \$8,170.04; Skorzewski, Jena, Transcript \$93.80; Jurors, Fees, Mileage \$4,679.36; Metlife, Employee Life Insurance \$321.72; Thomson Reuters-West Publ Corp, Software/Library Plan Charges \$1,729.21; Osborn, Roxane, Transcripts \$1,472.20; Paragon Health & Wellness, Blood Draws/Boarding Fees/Prisoner Care \$138,186.34; Minnehaha County Jail, Blood Draws \$475.00; Sechser, Jenna, Grand Jury Appearance \$400.00; Capital Reporting Services, Deposition \$111.25; Heeren-Graber, Krista, Testimony \$1,037.06; State Bar Of Sd, 2023 Bar Dues \$4,070.00; K C Video Productions, Deposition \$345.00; Golden, William, Water \$12.78; Midwestern Mechanical Inc, Quarterly Fire System Check \$300.00; Otis Elevator, Quarterly Elevator Inspection \$375.00; Justice Fire & Safety Inc, Fire Extinguisher For New Vehicle/Annl Maint \$218; Cintas, Rug Cleaning, Rental, And Replacement \$347.22; Stan Houston Equip, Lift/Trailer For Vestibule Lighting \$290.63; Cintas (First Aid), First Aid And Medical Supplies \$138.93; Americinn Fort Pierre, Hotel Stay For 2022 Safety And Risk Mngmt. Conf. \$91.99; Safety Benefits Inc, Conference Registration \$75.00; Rombough, John, Lunch Meals For Safety And Risk Mngm. Conf. \$28.00; Midamerican Energy Co, Gas Utilities – Courthouse \$1,563.64; Novak Sanitary Svc Corp, Refuse Collection – Courthouse/4-H \$452.81; Xcel Energy, Electricity \$8,692.78; Kirbside Car Wash, Car Washes \$39.00; Stitches, Uniforms \$520.00; Cdw-G Inc, Software, Equipment, Computers \$40,045.55; Tyler Technologies Inc, Software Support & Maintenance \$1,539.37; Avi Systems Inc, Tricaster \$10,230.29; Dell Marketing Lp, Montiors \$13,926.00; Route 1, Dome Ant Kit \$1,263.21; Riverside Technologies Inc, Switch Parts/Toner \$4,282.64; Go Law Enforcement Llc, Deputy Sheriff Job Posting \$280.00; Sioux Falls Area Humane Society, October 2022 Contract \$750.60; Leadsonline, 2023 Subscription Service \$1,640.00; Parker Ford Inc, 21-2, Battery \$246.20; B & E Autoworx Llc, 22-1, Repair Tire 11/14/2022 \$30.00; Applied Concepts Inc, Misc Vehicle Equipment \$2,794.50; Silverstar Car Wash, Platinum Plus Car Wash Membership \$269.73; Eastgate Towing & Storage, 19-3, Tow \$170.00; Auto Dynamics Inc, 20-2, 17-1, 19-3, Vehicle Maintenance \$440.79; Graham Tire Co Llc-Corp, 19-3, 20-2 Tires \$1,302.32; All State Window Tinting, Tint Front Windows \$90.00; Fed Ex, Evidence Return \$36.08; Streicher's, Misc Uniform – Lord \$200.00; Jack's Uniforms & Equipment, Misc Uniforms \$565.36; Frantzen

Reporting/Pgr8r Inc, Transcription \$123.40; Sisson Printing, Inc, Dui Advisement Cards \$77.67; Aj's Automotive Llc, 07-2, Oil Change, Tire Repair \$73.53; Pennington Co Jail, Transportation Billing \$581.56; Buddi Us Llc, Em Tagging Days \$1,284.00; Med-Star Paramedic Ambulance Inc, Transport \$535.60; Sanford Medical Center, Transport \$360.00; Minnehaha Co Regional Jdc, Chld/Shltr Care/Comm Sprvs \$20,488.00; Anderson, Jennifer Marie, Mi Evls \$1,154.98; Loving, Philip, Mi Evls \$2,640.05; Tiede, Pamela, Mi Hearings \$16.00; Johnson Pllc, Erin M, Mi Board Chair \$1,656.40; Lockwood, Darcy, Yankton Mi Hearing \$15.00; Larson, Valerie, Yankton Mi Hearing \$15.00; Lewno Law Office, Lucy M Lewno, Atty, Yankton Mi Hearing \$165.07; Salem Qmhp, Karla, Mi Evls \$1,347.50; Southeastern Behavioral Healthcare, Mobile Crisis-October \$457.45; Avera Mckennan Hospital, Mi Hold \$2,370.00; Avera Med Group Specialty Clinic, Mi Hold \$59.26; Rent-All Inc, Lift Rental For Painting/Wall Project - 4h \$533.00; Maendel, Jayda, Post Event Cleaning \$120.00; Menards-West, Wall Patching Materials For 4-H Event Center \$26.21; Knife River, 3/4" Cnstrctn Stone/Crshed Cncrt \$192.13; Lennox Ace Hardware, Nuts, Bolts, And Screws \$48.24; Canton Home & Farm Supply, Painting/Sheet Rocking Materials/Supplies \$357.79; Grainger, Panic Bar For 4-H/Noise Rdctn Pnl \$896.24; City Of Canton, Old 4-H Grounds Cleanup \$50.00; Napa Auto & Truck Parts Of Sioux Falls, Parts \$42.03; Imeg Corp, Imeg Plat Review \$700.00; New Century Press, New Century Publishing \$30.80; Hogan, Wendi, Pz Mileage \$13.27; Jongeling, Jerry, Pz Mileage \$15.71; Green, Scott, Pz Mileage \$16.80; Quadient Finance Usa, Inc, Postage \$8,080.00

ROAD AND BRIDGE: Metlife, Employee Life Insurance \$50.83; A-Ox Welding Supply Inc, Cylinder & 5-Yr Lease \$203.30; North Central Rental & Leasing Llc, Excavator/Mini Hydraulic \$14,108.00; Sioux Equipment Inc, Nov Ac Service \$265.10; Avera Occupational Medicine-Mitchell, Tpa Services \$79.00; Workforce-South, D/A Screening \$80.00; Light And Siren, Lights \$805.55; Autopros Tire & Service Center, Tires \$495.94; Malloy Electric, Parts \$244.43; Rockmount Research And Alloys Inc, Zeta Wear Strip \$1,749.12; Cintas, Towels, Mats \$78.91; Napa Auto & Truck Parts Of Sioux Falls, Parts \$574.24; Dakota Fluid Power Inc, Parts \$333.64; Presto-X, Pest Control \$160.46; Mid-American Research Chemical, Supplies \$2,068.00; Canton Home & Farm Supply, Parts & Supplies \$121.41; Jfi Inc, Propane \$27.23; Cintas (First Aid), Supplies \$51.73; Bartlett Tools In, Tools \$61.50; Butler Machinery CO, Parts \$377.21; Sturdevant's Auto Value, Parts \$24.98; Midco, Phone/Video \$77.52; Xcel Energy, Rab Light 10/10-11/08 \$68.68; Novak Sanitary Svc Corp, Oct Service \$381.24; Prahm Construction, Inc, 42-010-109 Replacement \$391,284.22; Imeg Corp, 42-010-109 Rplcmt/Lc152 Design \$14,682.69; Lyle Signs Inc, Object Markers \$1,277.24; Knife River, Asphalt \$186.60

911: Metlife, Employee Life Insurance \$32.89; Language Line Services Inc, Interpretation Line \$100.00; Cdw-G Inc, 911 Headsets \$341.10; Innovative Office Solutions Llc, Misc Office Supplies \$71.07; Midco, Phone/Video \$224.31; Xcel Energy, Electricity \$9.00

EMS: Metlife, Employee Life Insurance \$0.75; Midco, Phone/Video \$111.07

AIRPORT: A-1 Pumping & Excavating Inc, Pump Holding Tank \$160.00; Lincoln Co Rural Water, Airport \$45.00

24/7: Aspaas, Mahli Jane, Remote Breath Refund \$25.00; Konjevic, Elvis, Cam Refund \$7.00; Nystrom, Philip Daniel, Cam Refund \$1.00; Metlife, Employee Life Insurance \$2.99; Midco, Phone/Video \$28.85

DEBT SERVICE-COURTHOUSE: Us Bank St. Paul, Part Cert 2013 Series Agent Fee \$2,500.00

DEBT SERVICE-HWY BUILDING: Us Bank St. Paul, Part Cert 2016 Series Agent Fee \$2,500.00

STATEWIDE SOBRIETY: Noble, Ashley, Remote Breath Refund \$30.00; Aspaas, Mahli Jane, Remote Breath Refund \$96.00; Konjevic, Elvis, Cam Refund \$35.00; Nystrom, Philip Daniel, Cam Refund \$5.00

Payroll: \$352,002.65

Commissioner's \$5,248.00; FICA 310.72, Medicare 72.66

Elections \$1,950.00; FICA 120.90, Medicare 28.28

Auditor's \$12,681.20; FICA 671.99, Medicare 157.16, SDRS 760.86

Treasurer's \$19,659.21; FICA 1,134.02, Medicare 265.20, SDRS 1,179.56

States Attorney's \$54,119.91; FICA 3,054.79, Medicare 714.45, SDRS 3,179.25

Gen Gov Bldg \$15,241.24; FICA 847.75, Medicare 198.26, SDRS 912.42

DOE \$35,435.02; FICA 2,017.52, Medicare 471.83, SDRS 2,069.38

ROD \$7,763.20; FICA 421.01, Medicare 98.45, SDRS 420.96

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

HR \$3,396.80; FICA 205.50, Medicare 48.06, SDRS 203.81

Sheriff's \$94,305.01; FICA 5,508.01, Medicare 1,288.18, SDRS 6,681.77

WIC \$365.60; FICA 22.67, Medicare 5.30

County 4-H \$2,051.41; FICA 127.19, Medicare 29.75, SDRS 123.08

P & Z \$12,409.00; FICA 749.00, Medicare 175.18, SDRS 744.54

Highway \$38,730.24; FICA 2,199.41, Medicare 514.36, SDRS 2,270.10

Communications \$26,061.17; FICA 1,492.52, Medicare 349.07, SDRS 1,563.65

EM MGMT \$3,368.80; FICA 186.25, Medicare 43.56, SDRS 203.39

24/7 \$2,073.23; FICA 121.31, Medicare 28.37, SDRS 165.86

#### Reports:

A Public Notice from the US Army Corps of Engineers regarding the South Dakota Department of Transportation's South Veterans Parkway project was presented.

A pipeline safety brochure was presented.

An audit report from Southeastern Behavioral HealthCare was presented.

Mileage reports were presented as follows: October 2022 Sheriff Civil Fee mileage report, October Buildings & Grounds mileage report.

MOTION by Arends and second by Schmidt to approve the Consent Agenda. Arends: "Aye"

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

#### **CONSENT AGENDA:**

MOTION by Arends and second by Schmidt to approve the Commission Minutes: 11.10.2022.

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

RESOLUTION: BE IT RESOLVED to apply Detective differential pay of \$1.00/hour to Deputy Sheriff Andrew Steinburg effective 12.18.2022. MOTION by Arends and second by Schmidt.

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

RESOLUTION: BE IT RESOLVED to set PUBLIC HEARING on December 13, 2022, between 8:30 a.m. and adjournment, pursuant to SDCL 7-21-22, for the purpose of adopting the following supplements to the 2022 Budget: A supplement adding \$250,000 to Board of Commissioners Budget for fees and contracts not budgeted for; \$4,000 to Auditors Budget for a IRS penalty received in processing 1099's; \$6,000 to Treasurers Budget for training and supplies; \$2,000 to Geographical and Information Services Budget because of mid-year wage increase; \$4,000 to the postage revolving account change in accounting for the funds; \$15,483.90 to the Highway Department Intergovernmental Expenses for the Wheel Tax for Cities/Townships paid more wheel tax out; \$18,000 Emergency and Disaster for operating

transfer in cash short because of wage increase; \$762,218.75 to Debt Service- Courthouse did a pay down of debt and increased agent fees; \$45,000 to Debt Service-Tif#7 for additional principal paid out. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the 2023 memorandum of understanding with South Dakota State University for 4-H program. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to accept the resignation of Dina Collins, full-time Records Clerk, for the Register of Deeds effective 11.10.2022. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to accept the resignation of Mark Wiebrecht, part-time Prisoner Transport, for the Sheriff's Office effective 11.10.2022. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

### **REGULAR BUSINESS:**

COMMISSIONER BRIEFING: Commissioner Landeen summarized a letter received by the Board from the Second Circuit of the South Dakota Unified Judicial System regarding the need for emergency space for court proceedings. Presiding Judge Robin Houwman presented on the potential additional caseload and space needs for Lincoln County starting January 2, 2023, which is when Lincoln County will no longer be able to rent court space in Minnehaha County. Judge Houwman and the Board also discussed the retrofitting needed in the Commission Chambers for proceedings to occur in them. There was no public input offered to the Board on this item at this time.

COMMISSIONER BRIEFING: Discussion occurred regarding if the courthouse expansion project should be paired with a jail. Dick Strassburg, Tegra Group, presented an Option #4 which included courtrooms as well as a 120-bed jail on the greenfield site. Myron Adams, City of Canton Engineer, commented on the availability to use Canton sewer which currently exists in the Highway Right-of-Way to service the industrial park. Adams also commented on the capacity being more than adequate for the courthouse/jail project in question this day. Courthouse Citizens Group representative Larry Nelson reported that the committee he was part of agreed that the time was right for courthouse and jail project. Tom Grimmond, Collier Securities LLC, presented bond and levy estimates as well as answered questions about the nature of growth and property taxes. Sheriff Swenson commented on the expense of prisoner care as well as the uncertainty with the current means to house prisoners. Public input included comments about the need to choose a courthouse with jail option on the greenfield site as well as the small percentage of property tax that the County receives to accomplish statutory requirements and provide services.

A PUBLIC HEARING occurred for an appeal of a decision by the Lincoln County Planning Commission to deny Conditional Use Permit #USE-0068-2022 to allow a public utility facility (maintenance facility). Toby Brown, Director of Planning & Zoning, introduced the application and explained changes made to address concerns brought up in the Planning Commission hearing. The applicant presented on the project and its need. No other member of the public spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to amend the decision of the Planning Commission by approving Conditional Use Permit #USE-0068-2022 with the following conditions: 1. The construction and operation shall be substantially in accordance with the Site Plan (dated October 10, 2022). 2. Any expansion or intensification of the use, beyond that which has been proposed by the applicant, shall be treated in the same manner as a request for new conditional use permit, as per the Lincoln County Code of Ordinances. 3. The permit holder shall comply with the road authority's (LaValley Township) access requirements, improvements and/or standards, if any. 4. All materials and equipment shall be stored in an enclosed building or secured outdoor storage. 5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line. 6. All solid waste materials generated by the operation shall be done by contract with a licensed company. 7. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances. 8. The permit holder is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements. MOTION by Schmidt and second by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: John Rombough, Buildings & Grounds Superintendent, informed the Board of the necessary facts pertaining to development projects at the Lincoln County Fairgrounds. Public input was offered from a Tea area resident regarding the amount of money the County pays into the fairgrounds and its projects while other needs go unfunded; that the Fairgrounds Foundation should be paying for more of these facilities.

RESOLUTION: BE IT RESOLVED to accept the only bid received for electrical work at the Lincoln County Fairgrounds: Miller Electric of Ethan, South Dakota, for \$15,950.03. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the chair to sign a proposal from DGR Engineering for civil site design improvements and topographic survey of the 4-H Grounds for an estimated \$8,500.00. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Sheriff Steve Swenson informed the Board of the necessary facts pertaining to a cost-saving reclassification. There was no public input offered to the Board on this item at this time.

RESOLUTION: BE IT RESOLVED to reclassify a current position in the Sheriff's Office from an SO1 (Deputy) to an SO2 (Sergeant). MOTION by Schmidt and second by Arends. Arends: "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 quote to scan court records the County no longer has room to store safely. There was no public input offered to the Board on this item at this time.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Active Data quote of \$52,800 to scan court records. MOTION by Poppens and second by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to needed adjustments to the 2022 budget as well as the annual agreement for juvenile detention services. There was no public input offered to the Board regarding these items at this time.

RESOLUTION: BE IT RESOLVED to approve the following adjustments to the 2022 Budget: Budgeted Cash Transfer from the General Fund to the 911 Communications fund in the amount of \$155,302.00; Automatic Budget Supplement Federal Grant and Furniture and minor equipment in the amount of \$92,756.14 for the command post; Transfer cash from the DARE fund to the general fund and to close the fund as the program is over in the amount of 7.26. MOTION by Schmidt and second by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Agreement for Detention Services Between Minnehaha County Lutheran Social Services South Dakota and Lincoln County for per diem rates for 01.01.2023 through 12.31.2023 as follows: JDC & Shelter Care (LSS) at \$278.07/day; Community Supervision at \$75.24/day; Evening Report Center (ERC) services at \$25.81/day. MOTION by Arends and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT:**

An individual from Fairview commented on pending litigation with the County and was stopped by the Chair per Lincoln County Public Input Policies.

**COMMISSIONER REPORT (INFORMATIONAL ONLY):**

Commissioner Arends reported on the public meetings put on by the Public Utilities Commission regarding the Heartland Greenway pipeline.

Commissioner Schmidt commented on the coverage of County business by the Lennox Independent and expressed hope that other news entities within the County would do so as well.

**EXECUTIVE SESSION:**

RESOLUTION: BE IT RESOLVED to enter Executive Session at 10:28 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" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 12:44 p.m. MOTION by Poppens and second by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

**ADJOURNMENT:**

MOTION by Poppens and second by Arends to adjourn at 12:44 p.m. until 8:30 a.m. on December 6, 2022. Arends: "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 December 6, 2022.

*Please publish the week of December 12, 2022.*