

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on July 6, 2021, with Commissioners Joel Arends, Jim C. Jibben, Michael Poppens, and Jim Schmidt present. Deputy Auditor, Shaun Feilmeier, served as Clerk of the Board. Chief Civil Deputy State's Attorney, William Golden, was also present.

ROUTINE BUSINESS:

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

Payroll: \$296,556.46

Commissioner's \$4,664.00; FICA 273.52, Medicare 63.98
Auditor's \$10,487.20; FICA 552.93, Medicare 129.31, SDRS 629.23
Treasurer's \$16,760.10; FICA 973.71, Medicare 227.73, SDRS 1,005.60
States Attorney's \$41,050.81; FICA 2,284.36 Medicare 534.22, SDRS 2,404.28
Gen Gov Bldg \$13,634.54; FICA 715.35, Medicare 167.31, SDRS 801.57
DOE \$28,652.82; FICA 1,612.11, Medicare 377.02, SDRS 1,670.06
ROD \$6,373.53; FICA 338.10, Medicare 79.07, SDRS 343.10
VSO \$2,033.60; FICA 102.97, Medicare 24.08, SDRS 122.02
GIS \$4,902.40; FICA 264.46, Medicare 61.85, SDRS 294.14
IT \$7,768.80; FICA 460.57, Medicare 107.71, SDRS 466.13
HR \$4,507.20; FICA 265.58, Medicare 62.11, SDRS 270.43
WIC \$316.48; FICA 19.62, Medicare 4.59
Sheriff's \$74,489.83; FICA 4,385.72, Medicare 1,025.69, SDRS 5,277.06
County 4-H \$3,669.44; FICA 220.20, Medicare 51.50, SDRS 187.73
Weed Control \$4,824.84; FICA 299.14, Medicare 69.96, SDRS 289.49
P & Z \$11,217.45; FICA 680.88, Medicare 159.23, SDRS 570.73
Highway \$33,065.10; FICA 1,831.70, Medicare 428.39, SDRS 1,947.60
Communications \$23,036.00; FICA 1,317.01, Medicare 308.00, SDRS 1,382.16
EM MGMT \$2,948.40; FICA 160.06, Medicare 37.43, SDRS 176.90
24/7 \$2,153.92; FICA 126.70, Medicare 29.63, SDRS 172.31

Longevity: \$2,900.00

States Attorney's \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00
DOE \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00
Communications \$900.00; FICA 55.80, Medicare 13.05, SDRS 54.00

Reports:

An invitation from the South Dakota Department of Transportation to give input on the Tentative 2022-2025 Four Year Statewide Transportation Improvement Program at public meetings was presented.

Mileage reports were presented as follows: May 2021 Sheriff Civic Fee mileage report, June 2021 EM mileage report, June 2021 Hwy mileage report.

An invitation from the Greater Sioux Falls Chamber of Commerce to attend and participate in 2021 Ag Appreciation Day was presented.

A letter from the South Dakota Department of Agriculture and Natural Resources concerning Dakota Plains Dairy revised plan and specifications review was presented.

The Second Quarter Review of General Fund 2021 was presented.

A news release from the United States Small Business Administration regarding available economic injury disaster loans for South Dakota small businesses due to drought was presented.

CONSENT AGENDA:

MOTION by Schmidt and seconded by Poppens to approve Consent Agenda. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Schmidt and seconded by Poppens to approve County Commission Minutes: 6/22/2021 & 6/29/2021. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set Public Hearing to be on August 3, 2021, between 8:35 a.m. and adjournment for a Temporary Malt Beverage License Application submitted by Legends of Gold for property legally described as Woodfield Tr 2A N1/2 – 33-96-50, N 303’ OF W 88.1’ OF W 660’ of Lot 2 & N 243’ OF W 40’ LOT 3 Burns Sub Div NW1/4 – 33-96-50, Bethesda Tr1 in NW1/4 SE1/4 & SW1/4 SE ¼ - 33-96-50, Lincoln County, South Dakota for a fundraiser on August 21, 2021. Address: 47256 Hwy 46, Beresford. MOTION by Schmidt and seconded by Poppens. 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 and Second Reading/Public Hearing for an Ordinance of Lincoln County, SD, rezoning the property legally described as N1/2 NE1/4 (Ex: Long Tract 1 & The Meadow at Spring Creek), Section 27-T100N-R49W from the A-1 Agricultural District to the RR Rural Residential District and amending the Official Zoning Map of Lincoln County. Location: Parcel ID: 100.49.27.1010. (Dates: First Reading – July 29, 2021; Second Reading & Public Hearing – To occur between 8:35 a.m. and adjournment of the August 3, 2021 Board of Commissioners meeting.) MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for a Public Hearing for a Resolution of Lincoln County, SD, approving the Preliminary Subdivision Plan of Long Meadow Estates at Spring Creek Addition. Location: Parcel ID: 100.49.27.1010. (Date: To occur between 8:35 a.m. and adjournment of the August 3, 2021 Board of Commissioners meeting.) MOTION by Schmidt and seconded by Poppens. 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 and Second Reading/Public Hearing for an Ordinance of Lincoln County, SD, rezoning the property legally described as Lot 3, Hoffman’s Addition, SW1/4 SW1/4, Section 31-T100N-R50W from the A-1 Agricultural District to the I-1 Light Industrial District and amending the Official Zoning Map of Lincoln County. Location: 27284 470th Avenue. (Dates: First Reading – July 13, 2021; Second Reading & Public Hearing – To occur between 8:35 a.m. and adjournment of the July 29, 2021 Board of Commissioners meeting.) MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for a Public Hearing for a Resolution of Lincoln County, SD, approving the Preliminary Subdivision Plan of LaValley Business Park Addition Phase 2. Location: Parcel ID: 099.50.05.2040. (Date: To occur between 8:35 a.m. and adjournment of the July 29, 2021 Board of Commissioners meeting.) MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to adjust wages as follows: Steve Dobbe, Equipment Operator, to \$24.35/hour (Grade 106, Step 11) effective 6.28.2021; Doug Vietor, Equipment Operator, to \$24.35/hour (Grade 106, Step 11) effective 6.28.2021; Ryan Oltmans, Equipment Operator, to \$21.00/hour (Grade 106, Step 5) effective 6.28.2021; Monte Miller, Equipment Operator, to \$19.50/hour

(Grade 106, Step 2) effective 6.28.2021. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to reclassify and adjust the wage for David Myers, seasonal Lawn Maintenance Worker for the Building and Grounds Department to a part-time Lawn/Snow Removal Worker for the Building and Grounds Department at \$15.51/hour effective 2.28.2021. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to declare as surplus and remove from inventory the following items from the Sheriff's Office: Item 4608, digital cell recorder, Esonic MQ-U2, Serial 004759, broke; Item 4900, digital cell recorder, Forus FSV-U2, Serial 009014, broke; Item 5794, Motorola, CM300D, Serial 8661TJ0740, obsolete; Item 5803, Motorola, CM300D, Serial 866IRJ1695, obsolete, Item 5933, Motorola, CM300D, Serial 866IUJ1200, obsolete. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set Public Hearing to occur August 10, 2021, between 8:35 a.m. and adjournment for the purpose of adopting the following supplement to the 2021 Budget: A supplement adding \$5,000.00 in account 229-3447, and adding \$30,000.00 in account 229-4434-4992. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

None

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Jibben reported that he and Commissioner Poppens spoke with individuals interested in the Airport Advisory Committee and will bring recommendation to the Board soon.

Commissioner Schmidt reported that he will be attending the National Association of County Officials conference this week and will report back what he learns.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Ray Koens, Medical Coordinator, informed the Board of the necessary facts pertaining to the County Assistance medical claim before them.

RESOLUTION: BE IT RESOLVED to approve County Assistance payment of \$323.70 for medical claim case number 112041. MOTION by Schmidt and seconded by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Jake Oakland, Information Technology Director, informed the Board of the necessary facts pertaining to mapping software.

RESOLUTION: BE IT RESOLVED to approve the purchase of mapping software from Central Square totaling \$48,288.15: \$44,703.16 paid by SD 911 Coordination Board and \$3,584.99 paid by Lincoln County. MOTION by Poppens and seconded by Arends. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

SECOND PUBLIC HEARING & SECOND READING occurred to consider the adoption of an Ordinance of Lincoln County, SD, titled: An Ordinance to Regulate Medical Cannabis Within Lincoln County. William Golden, Chief Civil Deputy State’s Attorney, explained the ordinance and answered

questions from the Board. One individual from the public commented that the license fee was too high. He handed out a copy of SDCL 34-20G-72 & 60. He also handed out a copy of a February 12, 2021, article from Cannabis Business Times titled Your State-By-State Guide to Cannabis Cultivation Business Application and Licensing Fees which was also provided for the public in attendance.

RESOLUTION: BE IT RESOLVED to table the adoption of an Ordinance of Lincoln County, SD, titled: An Ordinance to Regulate Medical Cannabis Within Lincoln County and schedule its third public hearing to be held on July 29, 2021, between 8:35 a.m. and adjournment. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Jibben: "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 request for proposals.

RESOLUTION: BE IT RESOLVED to authorize the Request for Competitive Sealed Proposals To Lease of Additional Courthouse Space. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to pre-authorize the expense of \$5,000.00 to hire outside council services for the State's Attorney Office for the purposes of Courthouse Lease work. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Poppens left the meeting.

COMMISSIONER BRIEFING: Wendy Sweeter, 4-H Advisor, presented her Second Quarter Report to the Board and informed them the necessary facts pertaining to a request to hold a raffle for the Lincoln County Fairgrounds Foundation fundraiser.

RESOLUTION: BE IT RESOLVED to authorize the Lincoln County Fairgrounds Foundation to hold a raffle as a fundraiser with the drawing to occur on November 13, ticket sales to be from October 1-November 5. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Poppens returned to the meeting.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director, the preliminary plan tabled on June 22nd. The applicant spoke to the Board about their concerns.

A RESOLUTION OF LINCOLN COUNTY APPROVING THE PRELIMINARY PLAN OF I-29 AG AND INDUSTRIAL PARK.

BE IT RESOLVED BY LINCOLN COUNTY, SD:

That the preliminary plan of I-29 Ag and Industrial Park to Lincoln County, SD, is hereby approved, and the Auditor of Lincoln County is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

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

COMMISSIONER BRIEFING: Harold Timmerman, Emergency Manager, informed the Board of the necessary facts pertaining to the Fireworks Display Permit Application before them as well as a quarterly signature sheet needed for grant compliance.

RESOLUTION: BE IT RESOLVED to grant a Fireworks Display Permit to Joseph S. Cox for a display to occur at 9:30 p.m. on July 10, 2021, on the property legally described as Reiners Add TR2 NE ¼ 16-99-51. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair and Auditor to execute the 3rd Quarter Single Signature Sheet for the State of South Dakota Department of Public Safety-Office of Emergency Management Local Emergency Management Performance Grant. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Shaun Feilmeier, Deputy Auditor, informed the Board of the necessary facts pertaining to several alcoholic beverage resolutions before them as well as an updated publication fee resolution.

ALCOHOLIC BEVERAGE LICENSE- PACKAGE OFF-SALE LIQUOR

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of package off-sale liquor by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and WHEREAS, SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and WHEREAS, the Lincoln County Board of Commissioners wishes to make the license available to the public on a first-come, first-serve basis.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the number of package off-sale liquor licenses be set at 10 and the fee for such a license be \$1,000 with a renewal fee of \$500.

BE IT FURTHER RESOLVED that the Lincoln County Commission makes the following rules applicable to the issuance of new package off-sale liquor licenses:

1. Applicants may apply for the package off-sale liquor license.
2. Such application packet shall include the following:
 - A. Uniform Alcoholic Beverage Application. This must be completed fully and according to its instructions and bear the necessary original signatures.
 - B. License Purchase Fee. License purchase fee in the amount of \$1,000 plus publishing fee shall be presented at time of application.
3. In the event the first-come, first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application shall be next considered.
4. No county off-sale license may be issued for a retailer located within three miles of the exterior boundary of an incorporated municipality.

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

RESOLUTION OF THE COUNTY OF LINCOLN, SOUTH DAKOTA ESTABLISHING LICENSE COSTS FOR TEMPORARY SPECIAL ALCOHOLIC BEVERAGE LICENSES SDCL 35-4-124/35-4-125

WHEREAS, pursuant to South Dakota Law, the County of Lincoln, South Dakota, shall by resolution establish rules for regulating and restricting the issuance of special licenses for temporary malt beverage and temporary liquor licenses and; WHEREAS, the County of Lincoln, South Dakota, wishes to comply

with state law concerning operation of the special licenses, and to provide for the issuance of such licenses;

NOW, THEREFORE, BE IT RESOLVED by the County of Lincoln, South Dakota, to establish as follows:

- (1) A temporary special malt beverage retailers license in conjunction with a special event within the county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 35-4-111 or subdivision 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;
 - (2) A temporary special on-sale wine retailers license in conjunction with a special event within the county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 35-4-111 or subdivision 35-4-2(4), (6), or (12) or any farm winery licensee in addition to any other licenses held by the special events license applicant;
 - (3) A temporary special on-sale license in conjunction with a special event within the county to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to § 35-4-111 or subdivision 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; or
 - (4) A temporary special off-sale package dealers license in conjunction with a special event, conducted pursuant to § 35-4-124.1, within the county to any civic, charitable, educational, fraternal, or veterans organization.
 - (5) Any license issued pursuant to this Resolution may be issued for no longer than fifteen (15) consecutive days.
 - (6) The maximum number of licenses that may be issued pursuant to this Resolution to any person within any calendar year is six (6).
 - (7) Any license issued pursuant to this Resolution shall be issued only to the specific person and for the specific location specified on the application.
 - (8) The fees for licenses issued pursuant to this Resolution shall be as follows:
 - A temporary special malt beverage retailer's license \$25.00 per day.
 - A temporary special on-sale wine retailer's license \$25.00 per day.
 - A temporary special on-sale license may be issued \$50.00 per day.
 - A temporary special off-sale package dealers license \$50.00 per day.
- A publishing fee for each application shall be required unless a public hearing is not required by South Dakota Codified Law to issue the temporary special license.
- Any application brought pursuant to this Resolution shall be accompanied by the license fee and publishing fee (if applicable) at the time of submission to the County Auditor. The fees for licenses issued pursuant to this Resolution shall be placed in the County's general fund.

- (9) Temporary licenses issued pursuant to this Resolution may allow the sale of alcoholic beverages on public property or property owned by a nonprofit corporation during a special event in a publicly-owned facility.

BE IT FURTHER RESOLVED to rescind Resolution #1106-32 passed on 6/28/2011.

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

RESOLUTION OF THE COUNTY OF LINCOLN, SOUTH DAKOTA

ESTABLISHING THE NUMBER OF ON-SALE LIQUOR LICENSES WITHIN LINCOLN COUNTY
WHEREAS, pursuant to South Dakota Codified Law, the County of Lincoln, South Dakota, shall by resolution establish the quantity of on-sale liquor licenses available so long as said quantity does not exceed the maximum allowed by the State of South Dakota Department of Revenue; WHEREAS, the State of South Dakota has allotted Lincoln County a maximum of 11 total on-sale liquor licenses (RL) based on the 2010 Census data six (6) of which are already issued by the County;

NOW, THEREFORE, BE IT RESOLVED by the County of Lincoln, South Dakota, to set the total maximum quantity of Retail (on-sale) Liquor Licenses allowed in the County of Lincoln South Dakota at eleven (11) allowing an additional five (5) Retail (on-sale) Liquor Licenses to be applied for at the time of this resolution's adoption.

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

RESOLUTION OF THE COUNTY OF LINCOLN, SOUTH DAKOTA ESTABLISHING PUBLISHING FEES

BE IT RESOLVED by the County of Lincoln, South Dakota, that publishing fees be set as follows:

Alcoholic Beverage License, New or Transfer- \$120.00; Temporary Alcoholic Beverage License- \$120.00; Vacate Hwy, Plat, Right of Way, etc.- \$120.00; Road District- \$120.00; Airport Hangar Lease Transfer- \$120.00.

BE IT FURTHER RESOLVED that these fees be non-refundable unless publication costs are not incurred by the County.

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

COMMISSIONER BRIEFING: Auditor Sheri Lund explained the State rules pertaining to a Road & Bridge Improvement Levy per SDCL 10-12-13. Terry Fluit, Highway Superintendent, explained some projects these funds could pay for if passed. The Board discussed their responsibilities for public safety and fiscal responsibility.

MOTION by Poppens for a levy of \$0.30 for 10 years. Motion failed for lack of a second.

RESOLUTION: PROPERTY TAX INCREASE OF \$0.30 PER \$1,000 OF TAXABLE VALUATION

BE IT RESOLVED that the governing board of Lincoln County state that it is unable to properly maintain, repair, construct, and reconstruct its roads and bridges. SDCL 10-12-13 now permits the County to establish a tax amount which may be levied, and such amount can increase each year with the amount of inflation and new construction. Therefore, the Board of County Commissioners of Lincoln County does now establish a property tax increase of \$0.30 per \$1,000 of taxable valuation starting with calendar year 2021 taxes payable 2022 and ending calendar year 2023 taxes payable 2024.

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

COMMISSIONER BRIEFING: Commissioners Schmidt and Jibben introduced the proposals to sell the transfer station property. Proposals were submitted by NAI Sioux Falls, Don Dunham III LLC Real Estate, and Westra Atkins Land & Auction LLC.

RESOLUTION: BE IT RESOLVED to engage NAI Sioux Falls to draft a contract for services to sell the Transfer Station property. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Poppens started discussion on selling certain County owned properties. Department Heads Terry Fluit and John Rombough spoke to the portions of listed land that they still need and use. Board directed the State's Attorney Office to do a Quiet Title Action of the Old DOT property.

RESOLUTION: BE IT RESOLVED to plat the southern 20 acres of the Highway Shop parcel, parcel number 098.49.21.DA00 and give it a building eligibility. MOTION by Poppens and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the appraisal and sale of parcel number 240.28.76.1000. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to appoint Commissioners Michael Poppens, Joel Arends, and Jim C. Jibben as Appraisal Committee for parcel number 240.28.76.1000. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize request for proposals to sell parcel 240.28.76.1000. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Julia Disburg, Human Resources Director, informed the Board of several personnel items as well as a new Committee and Board Vacancy Process. The Board decided that vacancy recruitment will be handled case-by-case and directed by the Board.

RESOLUTION: BE IT RESOLVED to approve an additional Civil Deputy State's Attorney position for the State's Attorney's Office. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to hire Matt Wilson as a full-time Deputy Sheriff for the Sheriff's Office at \$23.11/hr (Grade SO1, Step 2) effective 7.19.2021. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commissioner Jibben left the meeting at 12:02 p.m.

RESOLUTION: BE IT RESOLVED to adopt the update to the Drug -Free Workplace Policy to include Medical Marijuana Policy as follows:

Criminal Background Checks

Criminal background checks may be completed as a precursor to employment with the County. In accordance with SDCL 7-18A-37 and by Lincoln County Ordinance #1008-01, the County may require any person seeking employment with the County to submit to both a state and federal criminal background investigation. A conviction will not automatically disqualify a candidate. The County will consider the type and seriousness of the crime, the frequency of the violations, the date of the conviction or the time elapsed since the conviction and completion of any sentence, the nature of the position sought, and other job-related criteria.

Pre-Employment Requirements for Safety Sensitive Positions

Lincoln County is committed to following all general operational standards set by federal and state government along with any applicable governing boards.

Telecommunicator positions: Prospective applicants for this position MUST successfully complete a pre-employment physical, drug-screen and hearing test.

Periodic hearing tests throughout the course of the dispatcher's employment may be issued at the Sheriff's discretion. Current dispatchers whose hearing test shows degraded capability to hear at or below required levels in both ears should be considered for reassignment to a position that does not have the same hearing demands as a 911 dispatcher.

Law Enforcement Officers: Prospective applicants for this position MUST successfully complete a pre-employment physical, drug-screen and polygraph test.

Equipment Operators: Prospective applicants for this position MUST successfully complete a pre-employment physical and drug screen.

DRUG FREE WORKPLACE

12.1 Purpose and Goal

In compliance with the Drug-Free Workplace Act of 1988, Lincoln County is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. The County recognizes that alcohol and drug abuse pose a significant threat to a safe working environment and the County's ability to provide efficient and effective services. The County has established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment.

12.2 Covered Workers

Any individual who is being considered for employment or is employed by the County is covered by the County's drug-free workplace policy. The policy includes, but is not limited to, full-time employees and part-time employees.

12.3 Applicability

This policy applies during all working hours, as well as while an employee is conducting business or representing the County, is on call, is on County property, and as otherwise provided herein as to off-duty conduct.

12.4 Prohibited Behavior

It is a violation of the drug-free workplace policy to unlawfully do any of the following: manufacture, distribute, dispense, possess, sell or use alcohol, illegal drugs, any controlled substance, or drug paraphernalia at any time on or off the job. It is also a violation of the policy for employees to have any detectable level of any unlawful controlled substance in the body at any time on or off the job; to have used or possessed alcohol while working; or to report to work while under the influence of alcohol or unlawful drugs.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her position. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify the department head and Human Resources and to request, if necessary, a leave of absence or change of duty to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deteriorates, or accidents occur.

It is also a violation of the policy for employees to have used or possessed alcohol while working or to report to work while under the influence of alcohol. Off duty arrests or convictions for alcohol related offenses have the potential to impact a DOT employee's driving record or a law enforcement related employee's effectiveness in their position. Therefore, arrests or convictions may lead to disciplinary action.

For employees who are certified law enforcement officers, who are fulfilling duties related to a federal contract, who are in DOT positions, or who are in safety sensitive positions are prohibited to use medical marijuana or cannabis products either on or off duty.

It is also a violation of the policy for any other employees to use or possess medical marijuana or cannabis products while working or to report to work while under the influence of medical marijuana or cannabis.

12.5 Searches

Searches can be conducted of County lockers, desks, work stations, vehicles, equipment and any other County property at any time without consent. If an individual is reasonably suspected of violating the drug-free workplace policy or is under a Return-to-Work Agreement, he or she may be asked to submit to

a search or inspection at any time. Refusal to consent may result in disciplinary action, including discharge, even for a first refusal.

12.7 Drug Testing

Drug testing will be conducted under the following circumstances:

Pre-employment/Transfer: (a) All applicants for any safety sensitive position in the Highway or Sheriff's Office and (b) Any existing employee who was not tested prior to County employment and is requesting a transfer to any safety sensitive position in the Highway or Sheriff's Office. A safety sensitive position means any position other than clerical within: Highway or Sheriff's Office.

Post-accident/Safety Violation: This includes any situation where there is an accident while working that resulted in a fatality OR an accident while working where an employee was cited for a moving violation and the accident resulted in disabling damage to a vehicle or serious bodily injury to anyone that required immediate medical treatment away from the scene of the accident. It also includes an employee who has been involved in a significant safety procedure violation where bodily injury was threatened.

Reasonable Suspicion: Any full or part-time employee, including temporary or seasonal, will be subject to reasonable suspicion drug and alcohol testing.

Random: Any individual employed in any safety sensitive position (non-clerical) within the Highway Department. Written notice will be provided to the employee that s/he is subject to random drug testing. As to any Department of Transportation covered position, the random testing will be done on a 25% for drug and 10% for alcohol basis; for any other areas, the random testing will be done on a 20% for drug and 5% for alcohol basis.

Periodic: Any employee who tests positive and returns to work under a Return-to-Work Agreement, under such duration and frequency as set forth in the Agreement.

The substances that will be tested for are, at a minimum: amphetamines/methamphetamines, cannabinoids (THC), cocaine, opiates/opioids, phencyclidine (PCP) and potentially alcohol. Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine. All drug-testing information will be maintained in separate confidential records outside of the employee's personnel file. Testing conducted for positions covered by the Department of Transportation will be compliant with DOT Testing requirements.

12.8 Consequences

As to any person applying for a position or a transfer for whom a drug test is required, any offer of employment will be withdrawn from any candidate who fails the drug test. As to the employee who failed the drug test required as part of a transfer request, the test results may be used as otherwise consistent with these policies.

As to any employee who tests positive, the employee will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and required to sign a Return-to-Work Agreement. Any employee will be subject to the same consequences of a positive test if s/he refuses the screening or the test or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Termination of employment will occur for any employee who tests positive a second time, who fails to pass any Return-to-Duty test, or who fails to sign or violates a Return-to-Work Agreement.

Nothing in this policy changes the employee's employment from at-will, nor does it prohibit the employee from being disciplined or discharged for other violations or performance problems.

12.9 Assistance

The County recognizes that alcohol and drug abuse and addiction are treatable illnesses. The County also realizes that early intervention and support improve the success of rehabilitation. To support employees, the County's drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

- Offers all employees and their family members' assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
 - Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- The goals of this plan are prevention and rehabilitation whenever reasonable, rather than discipline or termination. The County provides access to controlled substance and alcohol abuse counseling and rehabilitation services through an Employee Assistance Program (EAP) for all of its regular employees. The objectives of the Employee Assistance Program are retention of valued employees; early identification of medical/behavioral/substance abuse problems; motivation of employees to seek professional help; referral of employees to qualified counseling resources; and confidential handling of records.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

12.10 Confidentiality

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

12.11 Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Supervisors are to:

- Investigate reports of dangerous practices.
- Observe employee performance for potential concerns regarding drug or alcohol use.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

12.12 Communication

Communicating the drug-free workplace policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting the drug-free workplace program:

- All employees will receive either a written or electronic copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- Employees will verify that they are aware of the policy during the annual performance evaluation process.

MOTION by Schmidt and seconded 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 the second quarter adjustments to the 2021 Budget.

RESOLUTION: BE IT RESOLVED to approve the 2nd quarter budgeted cash transfers for the 2021 Budget as follows: \$1,900,000 from 101-4911-00000 (General) to 201-37100 (Highway); \$150,000 from 101-4911-00000 (General) to 207-37100 (911); \$25,000 from 101-4911-00000 (General) to 226-37100 (EMC). MOTION by Arends and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the 2nd quarter automatic budget supplements for Federal and State grants for the 2021 Budget as follows: \$1,741.10 to 101-33122 & 101-4211-4111; \$51,412.76

to 101-334 & 101-4214-4222. MOTION by Schmidt and seconded by Arends. Arends: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve the 2nd quarter distribution of funds in the Domestic Abuse Fund for the 2021 Budget as follows: \$1,539.00 for Children’s Inn; \$1,539.00 for The Compass Center; Lincoln County retains \$342.05. MOTION by Arends and seconded Schmidt. Arends: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Arends and seconded by Schmidt to adjourn at 12:07 p.m. until 8:30 a.m. on July 13, 2021. 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: July 13, 2021

Please publish the week of July 19, 2021.