

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on August 3, 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 Schmidt to approve agenda. Jibben: "Aye" Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Longevity: \$5,665.32

Gen Gov Bldg \$850.00; FICA 52.70, Medicare 12.33, SDRS 51.00

Highway \$3,815.32; FICA 62.00, Medicare 14.50, SDRS 60.00; Special Pay Plan \$2,815.32

Communications \$1,00.00; FICA 62.00, Medicare 14.50, SDRS 60.00

Reports:

The Notice of Vacancy and Filing Deadline for East Dakota Water Development District Director for Area 7 was presented.

The meeting notes on the I-29/85th Interchange's 2021 INFRA grant application evaluation provided recently by US Department of Transportation staff were presented.

A Notice of Public Hearing of the City of Tea Planning Commission on the Creation of the Tax Increment District Number 2 was presented.

The June 2021 Sheriff Civil Fee mileage report 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 Commission Minutes: 7/29/2021. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Linnae Lee, full-time Records Clerk for the Register of Deeds Office at \$18.07/hr (Grade 104, Step 4) effective 7.16.2021. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve Application Affidavit for Replacement Warrant submitted by Michael Poppens for warrant number 98398 issued 7/9/2019 in the amount of \$231.84. 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 Peter's Addition. Location: Parcel ID: 100.50.73.2022 and Parcel ID: 100.50.73.2021. (Date: To occur between 8:35 a.m. and adjournment of the August 24, 2021 Board of Commissioners meeting.) MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

No one chose to offer comment at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioners reported on the success and services at the 4-H Achievement Days.

REGULAR BUSINESS:

PUBLIC HEARING was held to consider the following application for Temporary On-Sale Malt Beverage License to operate outside of a municipality for Legends of Gold on 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. The applicant was not present to speak about their event. No one spoke in favor nor opposition of the application.

RESOLUTION: BE IT RESOLVED to approve the application for and grant a Temporary On-Sale Malt Beverage License to operate outside of a municipality for Legends of Gold on 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. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Kris Graham, Director of Southeastern Behavioral Health, presented to the Board statistics on population served and use of tax money contributions. Graham also answered questions from the Board.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 8:44 a.m. for the purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3) MOTION by Poppens and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 9:00 a.m. MOTION by Jibben and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING & SECOND READING was held 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. Toby Brown, Planning & Zoning Director, explained the application. The applicant was also present. None spoke in favor of the ordinance. One individual spoke in opposition commenting with concerns regarding traffic safety, , road access, extra road use, and emergency service access.

MOTION by Poppens and seconded by Schmidt to approve and adopt 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. Arends: "Nay" Jibben: "Aye" Poppens: "Nay" Schmidt: "Aye" Landeen: "Nay". Motion failed.

PUBLIC HEARING for a Resolution of Lincoln County approving the Preliminary Subdivision Plan of Long Meadow Estates at Spring Creek Addition. Toby Brown, Planning & Zoning Director, introduced the plan and answered questions. The applicant spoke to the plan and its updates and answered questions. None spoke in opposition to the resolution. One individual spoke in favor of the resolution commenting on his anger at the denial of the rezone ordinance immediately heard before this item.

RESOLUTION: BE IT RESOLVED to table indefinitely a Resolution of Lincoln County approving the Preliminary Subdivision Plan of Long Meadow Estates at Spring Creek Addition. BE IT FURTHER RESOLVED that if this item is ever removed from the table, it be referred back to the Planning Board for recommendation. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director, introduced and answered questions about the tabled ordinance from 7/29/2021.

AN ORDINANCE OF LINCOLN COUNTY, SD, AMENDING THE 2009 REVISED ZONING ORDINANCE BY 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.

BE IT ORDAINED BY LINCOLN COUNTY, SD:

That the property legally described as Lot 3, Hoffman's Addition, SW1/4 SW1/4, Section 31- T100N-R50W is hereby rezoned from the A-1 Agricultural District to the I-1 Light Industrial District, and the official zoning map of Lincoln County referred to in Section 2.03 of the 2009 Revised Zoning Ordinance is amended to include the rezoning.

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

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining to the 2021 Striping Agreement as well as an easement and Right of Way agreement for a structure.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute An Agreement to Provide for the Striping and Continuing Maintenance of County Roads within Lincoln County with State RSI Federal Funding. MOTION by Poppens and seconded 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 temporary easement agreement, Utility Certificate and Right of Way Certificate for 42-200-125. MOTION by Arends and seconded by Jibben. 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 the proposed records destruction plan for Human Services.

RESOLUTION: BE IT RESOLVED to approve the following record destruction plan for Human Services: Any records from 1940 and prior will be boxed up and will go to State Archivist. All Medical file documentation from 2017-2021 will be saved; these will remain in their current file folders in our

filing cabinets. Medical file documentation from 2014-2017 will be labelled/scanned in (if not already scanned in) and then will be placed in shred bin. ER applications from 2014-2019 will be checked to see if they are scanned in; if not, they will be labelled/scanned in and then will be placed in shred bins; applications from 2020 and 2021 will be placed in separate boxes which are labelled by year. ER applications from prior to 2014 will be placed in shred bin. Any copies of Social Security cards, birth certificates, or ID's from the old files will be scanned in and can then be shred.

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

COMMISSIONER BRIEFING: Sheri Lund, Auditor, introduced the tabled action to surplus county property 100.49.36.300, appoint appraisal committee, and authorize Auditor to advertise for sealed bids. The Board discussed its potential use to the public.

MOTION by Poppens and seconded by Arends to declare surplus and remove from inventory the following parcel: 100.49.36.300. Arends: "Nay" Jibben: "Nay" Poppens: "Nay" Schmidt: "Nay" Landeen: "Nay". Motion Failed.

The Board and Auditor discussed changes to the 2022 Provisional Budget.

RESOLUTION: BE IT RESOLVED to approve for publication only the 2022 Provisional Budget.

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

MOTION by Arends and seconded by Jibben to adjourn at 10:21 a.m. until 8:30 a.m. on August 10, 2021. Arends: "Aye" Jibben: "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: August 10, 2021
Please publish the week of August 16, 2021.