

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on November 9, 2021, with Commissioners Joel Arends, Jim C. Jibben, Jim Schmidt and Michael Poppens present. Auditor Sheri Lund served as Clerk of the Board. Chief Civil Deputy State's Attorney, William Golden, was also present.

ROUTINE BUSINESS:

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

Claims: \$1,993,224.72

GENERAL: Sioux Valley News, Mins/Ntces/Hlp Wntd/Sples \$2,099.34; Argus Leader/Multimedia, Mins/Ntces/Ballot \$2,376.65; Star Publishing, Mins/Ntces/Hlp Wntd/Ballot \$3,227.89; Independent Publishing, Mins/Ntces/Hlp Wntd/Ballot \$2,918.34; Midco, Phone/Video/Internet/Cross Connect/Data-Hrsbg \$3,026.69; Greater Sioux Falls, Membership Dues \$408.00; A & B Pure Water, Water \$59.02; Hofer, Francene, Travel-Meals/Milage, \$270.00; Roemen, Kayla, Travel-Meals \$60.00; Ramkota Hotel-Pierre, Travel-Lodging \$308.00; Peterson, Stuart, Public Defender \$66,666.66; Heidepriem, Purt, Crt Appt Atty \$7,118.65; Tschetter & Adam, Crt Appt Atty \$8,851.26; Walter, Max, Crt Appt Atty \$898.33; Vuong Law, Crt Appt Atty- Juv \$915.75; Jeff Larson Law, Crt Appt Atty- Juv \$1,563.70; All Nations Interpreters, Interpreter \$1,495.00; Jvr Counseling, Psychosexual Eval \$2,000.00; Price Phd, Thomas, Competency Eval \$2,400.00; Knecht, Andrew J, Crt Appt Atty- A & N \$890.80; Jurors, Fees, Mileage \$1,943.96; Century Business, Copier Maint \$843.60; Cole Paper, Copy Paper \$1,202.88; Riverside Technology, Supplies-Toner \$550.00; Sd State Treasurer, Sd State Treasur -\$5.00; Mcleod's Printing, Supplies-Rubberbands \$17.98; Sd Dept Of Health, Blood Draws \$6,585.00; Avera Mckennan, Er Visit \$54.00; Beck, Pat, Grand Jury Transcripts \$26.25; Cassel Meyer, Mary, Grand Jury Proceedings \$500.00; Pmb 0112, Executive, Network Tech Access \$67.00; Heeren-Graber, Krista, Expert Witness/M \$537.06; Interstate Office, Supplies-Office \$260.37; Sommervold, Jessica, Water For Juror \$10.65; Matthew Bender & Co, Inc, Court Rules 21 3 Vol \$132.43; Us Bank, Statement 10/20/2021 \$217.26; Otis Elevator, Cont Cjf05161 Svc \$1,219.53; Olson's Pest Techicians, Bi-Monthly Service \$375.00; Graybar Electric, Dimmer Switches \$273.38; Prochem Dynamics, Paper Towels/Big \$107.17; Titan Machinery, Supplies-Tube/Pin,Locking \$453.00; Canton Home & Farm, Fuse/Antifreeze/Duct Tape \$49.56; Sturdevant's Auto Parts, Fuse \$1.78; Us Bank, Statement 10/20/2021 \$283.72; Vast Broadband, Transfer Station/Sheriff \$116.19; City Of Canton, Water/Sewer \$717.00; South Lincoln Rural Water, Water \$109.90; Xcel Energy, Electricity \$9,837.36; Midamerican Energy, Monthly Gas Usage \$1,967.61; Southeastern Electric, Electricity \$41.71; Grainger, Mop Bucket/Wring \$637.94; Schoeneman Bros, Safety Hat \$16.99; Sdaao, 2022 Membership \$900.00; Us Bank, Statement 10/20/2021 \$1,594.20; Us Bank, Statement 10/20/2021 \$383.47; At&T Mobility, Mobile Internet \$2,566.18; Sd State Treasurer, Predatory Animal \$1,503.44; Shi International, Acrobat Multiple \$4,801.20; Us Bank, Statement 10/20/2021 \$60.00; Us Bank, Statement 10/20/2021 \$1,516.15; Us Bank, Statement 10/20/2021 \$408.96; Well365, Llc, Biometric Screen \$4,610.00; Us Bank, Statement 10/20/2021 \$1,295.00; Family Services, Eap Individual Counseling \$140.00; Auto Dynamics Inc, Oil Changes/Exhaust/Brakes \$1,441.88; B & E Autoworx Llc, 19-2 Oil Change \$46.95; Genesis Autowork, 19-1 Durango-Fen \$500.00; Frantzen Reporting, Transcripts \$344.00; Monitor Systems, Speed Trailer Ke \$12.00; Harrisburg Ace Hardware, Bait Nugget/Stat \$117.96; Jack's Uniforms, Uniform \$182.89; Transunion Risk, Search Engine \$75.00; Us Bank, Statement 10/20/2021 \$593.37; Minnehaha County Jail, Boarding Fees/Prisoner Care \$165,317.71; Union Co Sheriff, Boarding Fees/Prisoner Care \$1,043.50; Myers Enterprise, Stun-Cuff Single \$5,025.00; Us Bank, Statement 10/20/2021 \$18.63; Avera Mckennan, Prisoner Care \$518.31; Buddi Us Llc, Tagging Days \$2,444.00; Lincoln Co Sheriff, Em

Refund For Jail Brdng Fees \$1,195.00; Sd Div Of Motor, Titles/Plates/Postage \$21.20; Axon Enterprise, Taser Bundles \$9,000.00; Us Bank, Statement 10/20/2021 \$756.00; Sanford Health, Coroner Calls-Sept \$1,650.00; Lennox Ambulance, Transport \$360.00; Med-Star Paramed, Transport \$1,800.00; Sanford Medical, Transports \$720.00; Stantec Consulting, Project # B00769 \$5,883.96; Us Bank, Statement 10/20/2021 \$165.00; Minnehaha Co Human, Monthly Poor Relief \$6,995.27; Anderson Funeral, County Assistance \$2,500.00; Sanford Health, Public Health Svc \$1,250.00; Sd State Treasurer, Mentally Ill \$1,805.15; Ringing Shield, Mi Evals \$1,182.50; Koch, Elizabeth, Mi Hearing \$24.00; Loving, Philip, Mi Evals \$788.35; Johnson Pllc, Erin, Mi Board- Aug/Sept \$4,375.80; Anderson, Jennifer, Mi Evals \$898.32; Johnson Pllc, Katie, Mi Board- October \$2,994.75; 4-H Club Leaders, Storage Rent \$528.00; Lennox Ace Hardware, Supplies \$3.20; Goeman, Jeff, Goeman Bldg Purchase \$52,875.00; Us Bank, Statement 10/20/2021 \$200.00; Us Bank, Statement 10/20/2021 \$396.04; Benco Products Inc, Flowmeter Kit/Co \$2,014.00; Vandiest Supply, Herbicide \$20,315.50; Nutrien Ag Solution, Weed Chemicals \$6,750.00; Billion Southtown, Repair-#2017 Traverse/Replace \$822.70; Us Bank, Statement 10/20/2021 \$80.00;

ROAD AND BRIDGE: A-Ox Welding Supply, Q/K Cyl/Ws Acet \$47.65; Graham Tire Co Llc, Tires \$775.50; Hot Steel Custom, Rework Plow Mount \$648.00; Sanitation Product, Repairs- #46,47 \$140.40; Transource, Repairs-#46,28 \$243.30; Cole Paper, Copy Paper \$71.60; Avera Occupational, Mileage/Cancellation \$78.80; Century Business, Copier Maint-Hwy \$138.29; Sioux Valley News, Help Wanted-Equip \$144.00; A & B Pure Water, Water \$0.88; Argus Leader/Multi, Publishing \$27.37; Star Publishing, Publishing \$32.29; Independent Publishing, Publishing \$48.00; Independent Publishing, Publishing \$48.00; Us Bank, Statement 10/20/2021 \$199.00; Bomgaars, Wire Clip/Cable \$183.71; Cintas, Mats/Towels/Towel Cans \$68.04; Cole's Petroleum, Diesel \$14,705.37; Fastenal Company, Batteries \$65.69; Jfi Inc, Propane \$97.68; Sanitation Product, Repairs- #46,47 \$3,794.39; Benco Products Inc, Flowmeter Kit/Co \$1,031.40; Boyer Trucks Corp, Jumpers \$143.31; Fastenal Company, Paint Marker \$27.11; Equipment Blades, Snow Plow Blade \$14,040.00; Fastenal Company, Bitshkl/Sftshack \$69.33; Sturdevant's Auto, Supplies- #82,81 \$273.16; A-Ox Welding Supply, Q/K Cyl/Ws Acet \$294.19; Force America, Cables \$78.00; Us Bank, Statement 10/20/2021 \$37.51; Midco, Phone/Video \$65.20; Midco, Internet \$15.75; Midco, Phone/Video \$14.44; At&T Mobility, Mobile Internet \$105.32; Xcel Energy, Electricity-Hwy \$61.51; Presto-X, Commerical Pest \$142.00; South Lincoln Rural, Water-Hwy \$149.45; Vast Broadband, Interenet-Hwy \$550.61; Micheal's Purple, Pump Out Holding \$140.00; Micheal's Purple, Pump Out Holding \$140.00; Midamerican Energy, Monthly Gas Usage \$1,403.67; Southeastern Electric, Electricity-Hwy \$1,824.08; Action Electric, 106 & Louise Ro \$2,836.47; Blackstrap, Inc, Road Salt \$2,088.75; Brock White Construction, Plexi Melt Masti \$60,060.00; Hancock Concrete, Concrete Pipes/G \$20,622.56; Sd Dept Of Transporation, Project # Cs6378 \$76,165.75; Concrete Material, Concrete Sand \$4,778.53; Truenorth Steel, Helical/Band Gal \$17,003.40; Brock White Construction, Detack/Lid Switch \$712.90; 911: Cole Paper, Copy Paper \$157.52; Riverside Technology, Supplies-Ink \$65.00; A & B Pure Water, Water \$29.95; Midco, Phone/Video \$213.19; Xcel Energy, Electricity \$9.00; Midco, Internet \$39.39.

EMS: Midco, Phone/Video \$57.48; Midco, Internet \$7.87; Sd Redbook, Firefighter Class \$869.00; AIRPORT: Legacy Aviation, Monthly Mgmt Fee \$2,916.67; Vast Broadband, Airport \$47.19; Lincoln Co Rural, Water-Airport \$43.00; Southeastern Electric, Electricity \$320.92; Helms & Associate, Project Cost \$405.00;

24/7: Rose, Erik, Cam Refund \$10.00; Midco, Phone/Video \$14.44;

Modern/Preserv: Century Business, Copier Maint-Rod \$30.25; Mcleod's Printing, Calculator \$99.99;

Debt Service-Courthouse: Us Bank St. Paul, Part Cert 2013 Series \$2,000.00;

Debt Service-Hwy Building: Us Bank St. Paul, Part Cert 2016 Series \$2,000.00;

LAW LIBRARY: Lexisnexis/Relx, Law Library \$280.00;

STATEWIDE SOBRIETY: Sd Attorney General, Sd Attorney General \$171.00; Sd Attorney General, Sd Attorney General \$2,598.00;
Rose, Erik, Cam Refund \$30.00; Sd Attorney General, Sd Attorney General \$9,338.00;
MODERN/PRESERV: Sdaco, Sdaco M & P Fund \$2,678.00;
STATE MOTOR VEHICLE: Sd State Treasurer, Sd State Treasurer \$270,725.36;
SALES TAX: Sd State Treasurer, Sd State Treasurer \$1,008,270.99;
BIRTHS, DEATHS, & TITLES: Sd State Treasurer, Sd State Treasurer \$850.00;

Reports:

The Pipeline Safety guide from Magellan Midstream Partners L.P. was presented.

The October 2021 Register of Deed report totaling \$133,537.60 was presented.

Mileage reports were presented as follows: October 2021 Emergency Management, October 2021 Highway Department.

The resolution and Order Vacating Statutory Highway of Springdale Township was presented.

The consolidated financial statements of Southeastern Behavioral Health Care for June 30, 2020, and 2021 were presented.

A letter regarding the revised nutrient management plan for Van Berkel Farms from South Dakota Department of Agriculture and Natural Resources.

The September and October 2021 Veterans Services Officer report was presented.

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

CONSENT AGENDA:

MOTION by Schmidt and seconded Poppens to approve Commission Minutes: 11/2/2021. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set PUBLIC HEARING to occur the 23rd day of November 2021, between 8:35 A.M. at the Lincoln County Courthouse in the County Commissioners' Meeting Room, to consider an application submitted by Culture Shock LLC to acquire a Medical Marijuana License to operate outside of a municipality on the property legally described as Timmerman Addition TR1 – SE ¼ - 17-100-51, aka parcel 100.50.57.D100, adjacent to the east of 46560 270th St. MOTION by Schmidt and seconded Poppens. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set PUBLIC HEARING to occur between 8:35 a.m. and adjournment of the November 23, 2021 Board of Commissioners meeting for the appeal of Conditional Use Permit USE-0103-2021: Conditional Use Permit to transfer one (1) building eligibility from the property legally described as W209' S209', SW1/4 NE1/4, Section 18-T100N-R51W to S1/2 Government Lot 2, NW1/4, and Government Lot 1, NW1/4 (Ex. Tracts 1 and 2 of LUFCO Addition thereof and ex. Tracts 1 and 2 of White's Addition thereof and ex. N908' of Government Lot 1, NW1/4), Section 18-T100N-R51W. Applicant/Owner: Platinum Properties LLC. Location: Sending Parcel ID: 100.50.58.1000 (portion) and Receiving Parcel ID: 100.50.58.2010. MOTION by Schmidt and seconded Poppens. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

No member of the public offered comment to the Board at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Arends made comment reminding of the public meeting tonight at 6:00 p.m. to be held in Harrisburg at Liberty Elementary.

Commissioner Schmidt commented that on Sunday the 4-H group had their awards ceremony which was well attend.

Commissioner Landeen commented that Commissioner Poppens and her had attended a meeting with the City of Sioux Falls regarding growth plans and infrastructure.

REGULAR BUSINESS:

RESOLUTION: BE IT RESOLVED to enter Executive Session at 8:34 a.m. for the following purpose: 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" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 8:51 a.m. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

MOTION by Poppens and seconded by Arends to remove from the Table for discussion the agenda item: Approve the plat of Lot 1 in Tract A in the West Half (W1/2) of the Northwest Quarter (NW1/4) of Section 21, Township 98 North, Range 9 West of the 5th P.M. Lincoln County South Dakota and Authorize the Chair to execute. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

MOTION by Schmidt seconded by Jibben to approve the plat of Lot 1 in Tract A in the West Half (W1/2) of the Northwest Quarter (NW1/4) of Section 21, Township 98 North, Range 9 West of the 5th P.M. Lincoln County South Dakota and Authorize the Chair to execute. Schmidt and Jibben withdrew motion and second.

RESOLUTION: BE IT RESOLVED to approve the plat of Lot 1 in Tract A in the West Half (W1/2) of the Northwest Quarter (NW1/4) of Section 21, Township 98 North, Range 9 West of the 5th P.M. Lincoln County South Dakota and Authorize the Chair to execute. MOTION by Poppens seconded by Schmidt, Arends: "Nay" Jibben: "Nay" Schmidt: "Nay" Poppens: "Nay" Landeen: "Nay". Motion failed.

COMMISSIONER BRIEFING: Toby Brown Director of Planning and Zoning discussed the details of the Sub-Recipient Agreement between Lincoln County and South Eastern Council of Governments for the CY 2022 Unified Planning Work Program (UPWP) Agreement.

RESOLUTION: BE IT RESOLVED to Approve and authorize the Chair to Sign the Sub-Recipient Agreement between Lincoln County and South Eastern Council of Governments for the CY 2022 Unified Planning Work Program (UPWP) Agreement. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

MOTION by Arends and seconded by Jibben to remove from the Table for discussion the agenda item: Agreement Between Pictometry International Corp. ("Pictometry") and Lincoln County, SD

("Customer"). Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Jon Peters Director of Geographic Information Services and Karla Goossen Director of Equalization gave the pertinent information regarding the contract between Lincoln County and Pictometry International Corp.

RESOLUTION: BE IT RESOLVED to authorize the Chair to execute the agreement between Lincoln County and Pictometry International Corp in the amount of \$264,420.00 over a six-year period.

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

COMMISSIONER DISCUSSION: Discussion was had regarding the recently passed health insurance renewal. There was also discussion regarding the recently passed wellness bonus and clarification of qualified participants that would be eligible.

RESOLUTION: BE IT RESOLVED to clarify the motion that the wellness benefit would be available to full time employees that are benefit eligible. MOTION by Poppens and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

There was not a motion to remove from the Table for discussion the following item: Authorize Grant Writer/Administrator Request for Proposals. There was no motion to remove from the Table; the item will remain tabled.

COMMISSIONER BRIEFING: William Golden Chief Civil Deputy State's Attorney presented the facts pertaining to the Thomas Reuters Agreement.

RESOLUTION: BE IT RESOLVED to authorize the Chair to execute the agreement with Thomas Reuters for \$677.27 per month for West Proflex product and direct the Chief Civil Deputy State's Attorney to present proposals from like agencies for review. MOTION by Arends and seconded Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: William Golden Chief Civil Deputy State's Attorney presented the facts pertaining to a voucher for catastrophic poor relief voucher, for the Chair to execute.

RESOLUTION: BE IT RESOLVED to authorize the Chair to execute the voucher to Catastrophic Poor Relief for a reimbursement of \$28,812.01 for Minnehaha County Assistance case #109139/ circuit court docket #41CIV19-674. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize Chair to execute the bid letting authorization for the South Dakota Department of Transportation for project #BRO 8042(50) PCN 08AA. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Quit Claim Deed for property legally described as Worthing Original, South two (2) of Lot 14 Block 5, West of the 5th PM, Lincoln County, South Dakota., a/k/a Lincoln CO. Parcel #230.10.05.014, to Jerry Flanagan.

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

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Quit Claim Deed for property legally described as Beres Armours Addition South Seventy-Four (74) feet of the North two hundred twenty-two (222), West of the 5th PM, Lincoln County, South Dakota., a/k/a Lincoln Co. Parcel #260.20.07.003, to Daniel Bogue. MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Poppens: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Sheri Lund Auditor presented the facts pertaining to the 2022 Alcoholic Beverage renewals.

RESOLUTION: BE IT RESOLVED to approve the Uniform Alcoholic Beverage License Applications for renewal as follows: Hungry’ s Resturant (RL-5201) at Lot 1 SE ¼ (exH-2-3) & S 50’ E 1007.10’ Muellers Lot 2 and Lot A in H-2 SE 1/4 19-100-50; GL Management (RL-5214) at Bakker Crossing First and SE ¼ lot 11 Blk 4 29-100-50; Lenkota Country Club (RL-5714) at 65.65 AC Lying W of Hwy 44 EX RR & Tr in SE ¼ 31-99-51; Spring Creek Country Club (RL5893) at NW ¼ NW ¼ 26-100-49; The Canton Barn LLC (RL-24411) at Lot A and M.k. Tract 1, an addition in the E ½ of the SE ½ of the SE ¼ of Section 11, T98n, R49W; Stacey’s LLC (RW-26670) at Albers Tract NE ¼ Tract 19; The Good Earth Farm LLC (RW-27455) at Kroger's Addition Tract 2C, NW1/4, 28-98-51. MOTION by Poppens and seconded by Arends. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Poppens: “Aye” Landeen: “Aye”. Motion carried.

MOTION by Jibben and seconded by Schmidt to adjourn at 10:00 a.m. until 8:30 a.m. on November 23, 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/
Sheri Lund, Auditor

Approved November 23, 2021
Please publish the week of November 29, 2021.