

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on November 23, 2021, with Commissioners Joel Arends, Jim C. Jibben, and Jim Schmidt 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" Landeen: "Aye". Motion carried.

Claims: \$585,496.04

GENERAL FUND: United Healthcare, Cobra Health Ins \$835.69; Metlife, Employee Life Ins \$294.87; Argus Leader/Multimedia \$1640.92; Midco, Phone/Video \$2,516.49; Jensen Ins Agency, Insurance Premium \$138,483.40; Walter, Max, Crt Appt Atty \$1,565.00; Derhagopian, Jack, Crt Appt Atty \$1,298.70; Beck Law, Crt Appt Atty \$1,165.60; Jeff Larson Law, Crt Appt Atty \$2,050.20; Dakota Law Firm, Crt Appt Atty \$11,992.89; Tschetter & Adam, Crt Appt Atty \$3,292.79; Strange, Farrell, Crt Appt Atty \$1,689.90; Griesse Law Firm, Crt Appt Atty \$39.90; SD Human Service, Psych Eval \$600.00; Price Phd, Thomas, Competency Eval \$780.00; Reynolds Law, Llcrt Appt Atty \$188.10; Wilka, Welter & Ash, Crt Appt Atty \$1,259.20; Beck, Pat, Grand Jury Transcripts \$60.00; Skorczewski, Jena, Transcripts \$943.00; Cassel Meyer, Mary, Grand Jry Transcripts \$130.00; Jimmy Johns, Meals-Jurors \$173.93; Mcleod's Printing, Supplies-Envelopes \$384.80; Minnehaha County, Blood Draws \$7,695.27; Paragon Health, Blood Draws \$2,280.00; Thomson Reuters-West Publishing, Law Database \$664.51; State Bar Of Sd, 2022 State Dues \$4,070.00; Interstate Office Supplies-Toner/Drum/Planners \$320.24; Riverside Technologies, Supplies-Toner \$125.00; Associated Consulting, Project # 120096 \$603.00; Midwestern Mechanical, Annual Fire Sprinkler \$300.00; City Glass & Glazing, Repair 2 Fire Doors \$668.35; G & R Controls, Repair Pumps/Belts \$791.07; Jerry's Auto Sales, Tires/Oil Change \$923.55; Roto-Rooter, Cleaned Sink Line \$205.00; Grainger, Replace Receptacles \$938.82; Builders Supply, Lock Body/Spring \$367.35; Zee Medical Service, 1st Aid Supplies \$139.75; Safety Benefits, Conference Registration \$130.00; City Of Canton, Rubble Site Fee \$321.77; City Of Sioux Falls, 200-Rubble (C&D) \$24.82; Novak Sanitary, Garbage/Recycling \$301.65; Canton Home & Farm, Carpet-Auditor's Office \$6,177.90; Pro Flooring, Remove/Install Carpet \$2,884.00; Baete-Forseth Hvac, Courthouse Hvac Upgrade \$38,800.01; Woods Roofing, Remove Bat Exclusion \$1,633.37; Hillyard/Sioux Falls, Upright Vac W/Battery \$827.86; Autopros Tire & Srv, Oil Change/Tire Patch \$61.72; Kirbsey Car Wash, Car Washes \$39.00; Stitches, Jackets/Hoodies/T-Shirt \$136.00; Tyler Technologies, Software Support/Maintenance \$1,273.39; Governmentjobs.Com, Subscription For Candidate \$66.92; Graybar Electric Co, Patch Cables \$234.75; Greater Sioux Falls, 2022 Membership Dues \$50.00; CDW-G Inc, Computers \$16,749.82; Optum Bank, HSA Monthly Maint Fee \$33.00; Mulder, Hannah, Travel-Meals \$28.00; Leadsonline, 2022 Subscription \$1,532.64; Verizon Connect, Camera/Video Subscription \$233.87; Audio Playground, Window Tint \$89.95; Auto Dynamics, Oil Change-14-5, 21-1 \$144.10; B & E Autoworx, 21-3 Oil Change \$54.75; Dave's Service & Repair, Oil Change/Headlight/Tire \$181.88; Sioux Falls Ford Lincoln, Repair A/C System \$614.54; Graham Tire Co, Tires- 2019 Charger \$732.23; Voyager Fleet Systems, Statement-October \$1,453.88; Fed Ex, Evidence Return \$30.77; Frantzen Reporting, Transcripts \$212.00; Nexstar Broadcasting, Retargeting Display \$2,499.00; SD Sheriff's Assoc, Sheriff Patches \$308.80; Two Way Solutions, Wireless Headset \$3,229.00; Jack's Uniforms, Boots/Hidden Badge Wallet \$883.59; Kuntz, Christopher, Travel-Meals/Range Fees \$440.00; Silverstar Car Wash, Car Wash Membership \$199.80; Welsh, Garrett, Travel-Meals \$300.00; Glock Professional, Armorer's Course \$250.00; Southern Police Institute, Homicide Investigation \$2,034.46; Charles Mix Sheriff's Office, Boarding Fees-Oct \$260.00; Lauries Café, Prisoner Care \$8.00; Pennington Co Jail, Prisoner Transport \$848.33; Applied Concepts, DSR Enhanced Unit \$11,876.00; Axon Enterprise, Taser

Bundle \$3,555.98; Integrated Technology, Holding Cell Cameras \$3,765.88; Northern Safety, Lightbar/Inner Edge \$19,163.50; Med-Star Paramedic, Transport \$900.00; Sanford Lab, Blood Tests \$99.00; Southeastern Electric, County Assistance \$185.01; Anderson, Jennifer, MI Evals \$1,824.12; Loving, Philip, MI Evals \$3,840.90; Salem QMMP, Karla, MI Evals \$1,567.50; Lewno Law Office, MI Board- Yankton \$176.53; Lockwood, Darcy, MI Hearing- Yankton \$18.00; Katterhagen, Mark, MI Hearing- Yankton \$18.00; Yankton Co Sheriff's Office, MI Served Papers \$100.00; Southeastern Behavioral, Mobile Crisis-Oct \$209.26; Fox & Youngberg, MI Crt Appt Atty \$200.11; Imeg Corp, Project # 21000800.00 \$270.00; 4-H Club Leaders, Storage Rent-Oakland \$132.00; Sweeter, Wendy, Cricut Machine/Supplies \$252.41; Benco Products, Impeller/Repair Kit \$165.70; Vandiest Supply, Herbicides \$7,925.70; Johnson, Mark, Mileage \$19.66; Jongeling, Jerry, Mileage \$31.42; Hogan, Wendi, Mileage \$13.19; Enstad, Collin, Mileage \$18.14; Scott, Erik, Mileage \$6.30; Poppens, Michael, Mileage \$19.32

ROAD AND BRIDGE FUND: Metlife, Employee Life Ins \$51.90; Jensen Ins Agency, Insurance Premiums \$74,169.43; Brock White Constr, Crafcro Patcher Rental \$5,900.00; Dakota Fluid Power, Cylinder Repair \$2,167.34; Avera Occupational, Remote Drug Test \$313.00; Cintas, Mats/Towels \$68.04; Cole's Petroleum, Fuel \$17,380.00; Equipment Blades, Race Strap \$246.00; Mid-American Research, Tar Remover \$1,486.74; Napa Auto & Truck, Hose Fittings \$3,060.35; Boyer Trucks, Supplies \$38.68; Canton Home & Farm, Wood/Screws \$120.72; Fastenal, Brake Cleaner \$170.52; Inland Truck Parts, Shift Lever \$10.69; JFI Inc, Propane \$24.41; Zee Medical, 1st Aid Supplies \$97.25; Midco, Phone/Video \$99.32; Novak Sanitary, Garbage/Recycling \$310.24; Verizon Connect, Monthly Svc-Oct \$485.70; Xcel Energy, Electricity-Hwy \$60.14; Imeg Corp, Project Costs \$4,771.65; Loiseau Construction, Single Grind With Layback \$46,852.00; Blackstrap, Road Salt \$4,132.51; Architecture Inc, Project # R2887.20 \$1,000.00; Howe Heating & Plumbing, Maint Bldg Exhaust \$29,627.00 911: Metlife, Employee Life Ins \$31.57; Jensen Ins Agency, Insurance Premium \$1,993.00; Midco, Phone/Video \$158.26

EMS: Metlife, Employee Life Ins \$0.75; Jensen Ins Agency, Insurance Premium \$910.82; Cummins, Repair Generator \$1,550.90; Midco, Phone/Video \$68.04

AIRPORT: Jensen Ins Agency Insurance Premium \$3,782.90

24/7: Metlife, Employee Life Ins \$2.99; Intoximeters, As FST 3S High Use \$650.00; Pharm Chem Inc, Sweat Patch Analysis \$283.05; Midco, Phone/Video \$31.85

MODERN/PRESERVE FUND: Active Data Systems, Supplies-Labels/Thermal \$341.80

DEBT SERVICE-TIF #7: First Bank & Trust, TIF #7 Principal \$37,075.59; First Bank & Trust, TIF #7 Interest \$16,102.71

Payroll: \$307,256.39

Commissioner's \$4,664.00; FICA 273.52, Medicare 63.98

Auditor's \$10,117.84; FICA 530.03, Medicare 123.95, SDRS 607.07

Treasurer's \$16,867.29; FICA 979.82, Medicare 229.15, SDRS 1,012.02

States Attorney's \$47,141.20; FICA 2,625.69, Medicare 614.05, SDRS 2,769.71

Gen Gov Bldg \$13,121.45; FICA 683.54, Medicare 159.87, SDRS 787.28

DOE \$30,467.23; FICA 1,721.35, Medicare 402.57, SDRS 1,778.92

ROD \$7,757.99; FICA 412.48, Medicare 96.46, SDRS 429.84

VSO \$2,033.60; FICA 102.97, Medicare 24.08, SDRS 122.02

GIS \$4,902.40; FICA 273.76, Medicare 64.02, SDRS 294.14

IT \$7,768.80; FICA 460.57, Medicare 107.71, SDRS 466.13

HR \$4,507.21; FICA 263.26, Medicare 61.57, SDRS 270.43

Sheriff's \$81,519.33; FICA 4,795.29, Medicare 1,121.47, SDRS 5,831.70

WIC \$316.48; FICA 19.62, Medicare 4.59

County 4-H \$3,128.81; FICA 186.68, Medicare 43.66, SDRS 187.73
P & Z \$8,894.40; FICA 536.85, Medicare 125.55, SDRS 533.66
Highway \$35,933.64; FICA 1,982.30, Medicare 463.60, SDRS 2,158.72
Communications \$23,597.12; FICA 1,353.23, Medicare 316.48, SDRS 1,415.82
EM MGMT \$2,918.40; FICA 160.06, Medicare 37.43, SDRS 176.90
24/7 \$1,599.20; FICA 92.31, Medicare 21.59, SDRS 127.94

Reports:

The Human Services 3rd Quarter report & memo was presented.

A public meeting notice from the South Dakota Department of Transportation seeking community input on alternative interchange designs regarding the I-29 Exit 71 Interchange was presented.

Mileage reports were presented as follows: September 2021 Director of Equalization, October 2021

Buildings and Grounds, October 2021 Sheriff Civil Fee mileage report.

Public notice from the US Army Corps of Engineers regarding Application No. NWO-2021-00256-PIE sponsored by the City of Harrisburg for the Lower Big Sioux River watershed to establish and operate a mitigation bank was presented.

A notice of Sioux Falls MPO Citizen Advisory Committee Vacancy from South Eastern Council of Governments was presented.

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

CONSENT AGENDA:

MOTION by Schmidt and seconded Jibben to approve Commission Minutes: 11/9/2021. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to amend Resolution #2111-31 so that the legal description of the property awarded to Daniel Bogue instead reads as follows: The South 74' Of North 222' Of East 150', Block 7, Armours Addition To City Of Beresford, Lincoln County, South Dakota. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for FIRST READING to occur December 7, 2021, and SECOND READING & PUBLIC HEARING to occur between 8:35 a.m. and adjournment on December 14, 2021, at the Lincoln County Courthouse in the County Commissioners Meeting Room for an ordinance of Lincoln County SD, titled: An Ordinance to Establish Overweight-Oversize Permit Fees for Roads in Lincoln County, South Dakota, Under the Jurisdiction of the Lincoln County Highway Superintendent. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for FIRST READING to occur December 7, 2021, and SECOND READING & PUBLIC HEARING to occur between 8:35 a.m. and adjournment on December 14, 2021, at the Lincoln County Courthouse in the County Commissioners Meeting Room for an ordinance of Lincoln County SD, titled: An Ordinance to Establish Access Permit Fees for Accesses Abutting a Lincoln County, South Dakota, Road Under the Jurisdiction of the Lincoln County Highway Superintendent. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur December 14, 2021, and SECOND READING & PUBLIC HEARING to occur between 8:35 a.m. and adjournment of the December 28, 2021, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as Lot 1, Dakota Steel Addition, E1/2 NE1/4, Section 31-T97N-R49W from the A-1, Agricultural District to the I-1, Light Industrial District and amending the Official Zoning Map of Lincoln County. Location: 29029 477th Ave. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur December 14, 2021, and SECOND READING & PUBLIC HEARING to occur between 8:35 a.m. and adjournment of the December 28, 2021, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as Lot 4, 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: Parcel #100.50.31.J004. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to promote Joseph Carlson to Sergeant - SO2/Step 12 - \$32.54/hour effective 12.6.2021. MOTION by Schmidt and seconded Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Commissioner Landeen explained the new time-keeping device.

A resident from the Tea area commented on an email she sent to the Board the night before the meeting regarding the lack of a printed "author" for agenda items as well as the lack of information in the agenda item briefing forms. She also commented on the past purchase agreement for the Tea area land as well as a request to settle presumed litigation.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Jibben commented on the nice turnout at the redistricting meeting and the good information shared. Commissioner Landeen read the redistricting meetings listed at the bottom of the agenda.

Commissioner Schmidt commented on Representative Otten's proposed legislation to allow Counties to impose a sales tax to raise money to build jails, courthouses, roads, and bridges. Schmidt spoke of some additional bills that the County Association is evaluating for endorsement. Schmidt offered his support for Otten's bill.

Commissioner Arends commented on his grandfather's centennial birthday arriving on December 6th.

Poppens announced his presence via telephone.

REGULAR BUSINESS:

PUBLIC HEARING occurred 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. Planning Commission approved (4-0-1). Sending Parcel ID: 100.50.58.1000 (portion) & Receiving Parcel ID: 100.50.58.2010.

Planning & Zoning Director, Toby Brown, explained the permit appeal. The applicant spoke of transferring the eligibility in order to build closer to the road. Those in opposition spoke of traffic concerns, drainage concerns, rural water supply concerns. Discussion occurred regarding administrative process and powers of the Board.

RESOLUTION: BE IT RESOLVED to amend 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) to have the following conditions: 1. The Conditional Use Permit applies only to the transfer of one (1) building eligibility from Parcel ID: 100.50.58.1000 (portion) to Parcel ID: 100.50.58.2010. 2. A right-to-farm notice covenant shall be placed on the deed prior to issuance of a building permit for a single-family dwelling. 3. The site plan for any building permit shall be brought before the Board of County Commissioners for consideration if that building plan's proposed alterations may alter or impede the natural flow of water. MOTION by Arends and seconded by Schmidt (original and as amended for clarity). Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING occurred 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. Applicant was present to introduce his proposed business to cultivate medical marijuana. There was discussion on the importance of a security system and security plan. County staff commented that the application was in compliance with County ordinance. There were no other public comments on this item.

RESOLUTION: BE IT RESOLVED to approve the application submitted by Culture Shock LLC to acquire a Medical Marijuana Cultivation 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 Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

PUBLIC HEARING pursuant to SDCL 7-21-22, for the purpose of adopting the following supplements to the 2021 Budget: A supplement adding \$58,000 to Election for two referendum elections; \$60,000 to Support of Poor for large hospital claims paid in July; \$140,000 to Intergovernmental-Wheel Tax to Cities due to increase in Wheel Tax collections; \$435,000 to 911 Communications due to remodel in the dispatch center; \$23,500 to Domestic Abuse due to new policy to transfer all the funds in that account. Auditor Sheri Lund offered to answer questions. No public comment was given to the Board on this item.

RESOLUTION: BE IT RESOLVED to approve the following supplements to the 2021 Budget: A supplement adding \$58,000 to Election for two referendum elections; \$60,000 to Support of Poor for large hospital claims paid in July; \$140,000 to Intergovernmental-Wheel Tax to Cities due to increase in Wheel Tax collections; \$435,000 to 911 Communications due to remodel in the dispatch center; \$23,500 to Domestic Abuse due to new policy to transfer all the funds in that account. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Human Resources Director, Julia Disburg, presented to the Board the question as to whether or not they wanted to change the employee health insurance benefit. Commissioner Landeen commented that she wanted to bring this up again in case the Board wanted to

revisit it due to the feedback she heard after their decision. The Board discussed options and added numbers.

MOTION by Poppens to add diagnostic tests to be covered and to increase the amount the County pays for their employees' health insurance. MOTION withdrawn.

MOTION by Schmidt and seconded by Poppens to adopt the 8.1% health insurance option for 2022 employee benefits. Arends: "Nay" Jibben: "Nay" Poppens: "Nay" Schmidt: "Aye" Landeen: "Aye". Motion failed.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, presented the 2021 Bridge Inspection Report Results and answered the Boards questions.

COMMISSIONER BRIEFING: Auditor Lund asked for clarification on direction for the 20 acres south of the Highway Shop. The Board stated that they wanted it split into two parcels each with a building eligibility. The Board also said that they would take action on this when they approved the plats.

COMMISSIONER BRIEFING: Commissioner Arends offered some insight into the potential to split the parcel in Tea the County is trying to sell into a northern property that would be more desirable and a southern portion that buyers may be wary of. It was requested by the Board to schedule the contracted seller to be on the agenda to answer questions. Mr. Golden was also directed to contact the City of Tea regarding the southern section for use as water retention.

COMMISSIONER BRIEFING: Auditor Sheri Lund presented an update on the Financial Action Network (FAN) under her office. Lund also presented the FAN project charter and the questions she plans to have the FAN start with.

COMMISSIONER BRIEFING: Auditor Lund presented an Alcoholic Beverage License for renewal as well as a bid protest policy for airport projects.

RESOLUTION: BE IT RESOLVED to approve the Uniform Alcoholic Beverage License application for renewal as follows: Land-Lar LLC (My Bar RL-5723) at Carlson Tract 2 & Lot 1 of Carlson Tr 2 S1/2 SW 1/4 31-96-50. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION TO COMPLY WITH THE FAA'S BID PROTEST PROCEEDURE REQUIREMENTS WHEREAS the Federal Aviation Administration requires airport sponsors to have in place a bidder protest policy in order for said sponsor to be eligible for Airport Improvement Plan grant funds and WHEREAS Lincoln County is desirous to use said funds for the Marv Skie Lincoln County Airport, a public-use airport, then THEREFORE, BE IT RESOLVED to adopt the following Bid Protest Procedures Policy for airport projects: 1. Any bidder may protest the award of a contract. The protest must be submitted in writing to the Engineer/Consultant responsible for the contract or solicitation within five calendar days after the bids are read. 2. If a contract has been awarded, the Engineer/Consultant shall give notice of such protest within 24 hours to the awarded contractor. In the case of a pending award, a stay of award may be requested. A stay may be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the Owner. 3. The protest must contain the following: Name, address, phone number and email of the protestor. A concise statement of all the material facts alleged and of all of the rules, regulations, statutes, and legal provisions entitling the protestor relief. A statement indicating the relief to which the

protestor deems they are entitled. All other information as the protestor deems to be material to the issue. 4. If the protest cannot be resolved by mutual agreement within seven calendar days after receipt, the airport Engineer/Consultant (or Engineer/Consultant responsible for the contract or solicitation) shall within 24 hours, send by certified mail the final decision and the basis for the decision to the protestor. 5. Any bidder who is aggrieved in connection with the award of a contract may appeal the decision. Venue and jurisdiction for any appeals of the final decision are in the South Dakota Circuit Court in Lincoln County. Such protests and appeals regarding the request for bids and bid proposals are governed by and must be construed with South Dakota Law. 6. Failure to follow the bid protest procedures constitutes a waiver of protest and resulting claims. 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, requested the Board volunteer two of its members to participate in the union negotiations with the new Highway Union. Commissioners Landeen and Schmidt volunteered for this purpose.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 10:38 a.m. for the purposes of 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) & preparing for contract negotiations or negotiating with employees or employee representatives. SDCL 1-25-2(4). MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Poppens did not return to the meeting after Executive Session.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:54 a.m. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

MOTION by Arends and seconded by Jibben to adjourn at 10:00 a.m. until 8:30 a.m. on December 7, 2021. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

_____/s/
Tiffani Landeen, Lincoln County Chair

Attest: _____/s/
Sheri Lund, Auditor

Approved December 7, 2021
Please publish the week of December 13, 2021.