

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on December 14, 2021, with Commissioners Joel Arends, Jim C. Jibben, and Jim Schmidt present. Deputy Auditor Shaun Feilmeier served as Clerk of the Board. William Golden, Chief Civil Deputy State's Attorney, was also present.

ROUTINE BUSINESS:

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

Claims: \$2,004,547.37

GENERAL: Sdml Workers' Comp, 2022 Workers Comp \$83,431.00; Independent Publishing, Minutes/Notices \$2,075.90; Sioux Valley News, Mins/Ntces/Hlp Wnted/Sbscrptn \$1,236.87; Lincoln Development, Design For Linco \$20,000.00; A & B Pure Water, Water \$59.02; Us Bank, Statement 11/20/2021 \$135.50; Peterson, Stuart, Public Defender \$66,666.67; Skorczewski, Jena, Transcripts \$248.60; Strange, Farrell, Crt Appt Atty \$430.65; Jeff Larson Law, Crt Appt Atty \$3,208.90; Walter, Max, Crt Appt Atty \$528.25; Vuong Law, Crt Appt Atty- Juv \$702.90; All Nations Interpreter, Interpreter \$742.50; Isi, Llc, Interpreters \$480.00; Price Phd, Thomas, Testify By Phone \$300.00; Sd Human Service, Crt Orderd Psych \$600.00; Dakota Law Firm, Med Records \$71.92; Great Plains Psych, Forensic Eval \$2,022.50; Frieberg Nelson, Crt Appt Atty \$345.20; Knecht, Andrew J, Crt Appt Atty \$246.00; Eckhoff, Carin, Transcripts/Grand Jury Reporting \$430.00; Jurors, Fees, Mileage \$10,346.66; Tasc, 2022 Plan Admin \$2,365.73; Century Business, Copier Maint \$975.21; Tyler Business Forms, Tax Forms/Envelope \$214.86; Us Bank, Statement 11/20/2021 \$202.85; Midco, Internet/Cross Connect \$1,938.51; Sd State Treasurer, Sd State Treasurer/Mentally Ill \$3,091.90; Sd Div Of Criminal, Background Check \$86.50; Avera Mckennan Hospital, Er Blood Draw \$54.00; Frantzen Reporting, Court Reporting/Transcripts \$1,136.25; Osborn, Roxane, Transcripts \$418.20; Redwood Toxicology, Drug Tests \$145.97; Sanford Health, Er Visits \$2,773.85; Sd Dept Of Health, Blood Draws/Expert Testimony \$16,540.00; Thomson Reuters-Westlaw, Westlaw Proflex/Library \$586.23; Paragon Health & Blood, Blood Draw \$120.00; Minnehaha County Jail, Blood Draws/Brdng Fees/Prsnr Care \$177,356.80; Pmb 0112, Executive, Network Tech Access \$33.50; Canton Pizza Ranch, Grand Jury Meals \$134.92; Thorin, Deya, Interpreter \$184.56; Sd States Atty Association, 2022 Membership \$2,250.00; Us Bank, Statement 11/20/2021 \$244.48; Sommervold, Jessica, Water For Grand Jurors \$10.65; Jerry's Auto Sale, Oil Change- 2012 \$53.18; Prairie Wind Trailer, Wheel Bearing Re \$233.00; Brian Eich Plumbing, Flush Valve/Sink/Filter \$828.88; Grainger, Batteries \$42.69; Menards-West, Bit Holder/Hex B \$38.44; Prochem Dynamics, Supplies-Cleaning/Ice Melt \$2,159.01; Canton Home & Farm, Charcoal Cove/Keys \$643.12; Us Bank, Statement 11/20/2021 \$868.28; City Of Canton, Water/Sewer \$368.19; Midamerican Energy, Monthly Gas Usage \$4,141.70; Novak Sanitary Svc, Garbage/Recycling \$394.08; Xcel Energy, Electricity \$5,936.09; Southeastern Electric, Electricity \$27.86; Bomgaars, Digger/Point Bar \$106.16; Us Bank, Statement 11/20/2021 \$633.32; International Assoc Of Assessors, Membership Dues \$2,250.00; Active Data System, Labels/Ribbon/File Director \$1,055.89; Stitches, Embroidered Hood \$532.00; Arrowwood Resort, Travel-Lodging \$211.90; At&T Mobility, Mobile Internet \$2,669.13; Us Bank, Statement 11/20/2021 \$118.99; Conference Technology, Master Agreement \$15,498.00; Cdw-G Inc, Batteries/Phones/Computers \$27,540.58; Us Bank, Statement 11/20/2021 \$2,827.71; Riverside Technology, Supplies-Toner \$145.00; Family Services, Eap Individual Counseling \$70.00; Sd Sheriff's Association, Sheriff Association \$1,844.84; Sioux Falls Area, Contract/Aft Hr \$833.60; Verizon Connect, Camera/Video Subscription \$233.87; Auto Dynamics Inc, Oil Change/Balance Tire \$118.00; Autopros, Tire & Battery \$197.60; B & E Autoworx Llc, 19-1,19-2,20-1/Oil Change \$240.85; Fee, Don, Remove/Install New Radio \$3,000.00; Graham Tire Co Llc, Tires-19-4 \$435.36; Sturdevant's Auto Parts, License Plate Fame \$47.92; Us Bank, Statement

11/20/2021 \$49.48; Voyager Fleet System, Fuel Statement-Nov \$1,314.16; Harrisburg Ace Hardware, Tote \$44.63; Intoximeters Inc, Mouthpiece Fst \$160.00; Jack's Uniforms, Spikes/Patches/Uniforms \$7,134.25; Justice Fire & Safety, Fire Extinguisher \$79.00; Spoke-N-Sport Bike, Tray Hitch Rack \$1,061.02; Sunset Law Enforcement, Ammunition \$7,607.80; Transunion Risk, Search Engine \$75.00; Us Bank, Statement 11/20/2021 \$4,171.37; Hudson Ambulance, Prisoner Care \$1,112.00; Pennington Co Sheriff, Prisoner Care-Zoom Court \$35.00; Yankton Co Sheriff, Boarding Fees/Serve Papers \$340.00; Amg Comprehensive Pain, Prisoner Care \$150.07; Amg Orthopedics, Prisoner Care \$106.32; Buddi Us Llc, Tagging Days \$1,960.00; Northern Safety, Consoles/Partitions \$8,919.31; Sanford Health Pathology, Coroner Calls-Nov \$1,350.00; Lennox Ambulance, Transport/Body Bags \$3,960.00; Med-Star Paramed, Transport \$900.00; Dakota Embalming, Transport \$170.00; Minnehaha Co Regional, Chld/Shltr Care/Comm Sprvs \$20,921.79; Reside Property, County Assistance \$600.00; Sanford Health, Public Health Svc \$1,250.00; Johnson Plc, Kami, Board -Nov \$5,237.10; Loving, Philip, Mi Evals \$2,924.24; Anderson, Jennifer, Mi Evals \$3,529.10; Ver Beek Law Prof, Mi Board- Oct/Nov \$4,302.54; Miller, Francie, Mi Hearing \$160.00; Lockwood, Darcy, Mi Hearing- Yankton \$24.00; Katterhagen, Mark, Mi Hearing- Yankton \$24.00; Lewno Law Office, Mi Board- Yankton \$311.56; Schiltz, Ann, Mi Hearing \$32.00; Yankton Co Treasurer, Mi Hearings- Yankton \$350.25; Southeastern Behavioral, Mobile Crisis-Nov \$320.43; Avera Med Group, Mi Hold \$34.70; 4-H Club Leaders, Storage Rent-Massey \$24.00; Cintas, Mats \$136.94; South Lincoln Rural, Water-4-H \$55.45; Us Bank, Statement 11/20/2021 \$349.87; Sweeter, Wendy, Supplies/Scale For Livestock \$1,021.22; Pedersen Machine, Oil Change/Filter \$185.92; Sd Assoc Of Weed, Membership Dues \$50.00; Benco Products Inc, Coupling/Hose Elbow \$240.03; Napa Auto & Truck, Supplies-26,28,2 \$382.21; Us Bank, Statement 11/20/2021 \$22.63; Gillespie, Pam, Weed Board Mileage \$4.70; Hammer, Ralph, Weed Board Mileage \$43.34; Paulson, Paul, Weed Board Mileage \$69.89; Simunek, Roger, Weed Board Mileage \$4.80; Us Bank, Statement 11/20/2021 \$411.50; Quadient Finance, Postage \$4,000.00

ROAD AND BRIDGE: Sdml Workers' Comp, 2022 Workers Comp \$32,741.00; Tasc, 2022 Plan Admin \$322.60; A-Ox Welding Supplies, Body Tube/Clamp \$49.04; Howe Heating & Plumbing, Repair Boiler \$780.00; Benco Products Inc, Wires/Connectors \$49.75; Graham Tire Co Llc, Repair Tire \$293.80; Jfi Inc, Steel Stem/Tube \$136.72; Avera Occupation, Mileage/Wait Time \$108.80; Century Business, Copier Maint-Hwy \$43.13; A & B Pure Water, Water \$0.88; Sdachs, Nace/Sdachs Dues \$350.00; Us Bank, Statement 11/20/2021 \$143.55; Boyer Trucks Corp, Control Valve/Sh \$170.08; Cintas, Mats/Towels/Towel Cans \$68.04; Fastenal Company, Gloves \$201.05; Bartlett Tools, Slide Hammer/Meg \$677.95; Canton Home & Farm, Antifreeze \$4.29; Northern Truck, In Put/Out Put S \$110.04; A-Ox Welding Supplies, Body Tube/Clamp \$309.48; Canton Home & Farm, Nuts/Bolts/Screw \$8.68; Cintas, Mats/Towels/Towel Cans \$80.92; Dakota Fluid Power, Valve \$71.02; Fastenal Company, Hvac Air Filter \$90.70; Prochem Dynamics, Supplies-Bath Ti \$187.64; Stan Houston Equip, Stop/Slow Hand Sign \$87.72; Butler Machinery, Washers/Bearings \$2,621.93; Canton Home & Farm, Nuts/Bolts/Screw \$8.28; Fastenal Company, Nylocks/Safety G \$119.22; Force America, Air & Road Tep S \$384.41; Napa Auto & Truck, Supplies-26,28,2 \$4,601.40; Midco, Internet \$15.75; Xcel Energy, Electricity-Hwy \$56.08; Presto-X, Commerical Pest \$142.00; At&T Mobility, Mobile Internet \$105.32; Midamerican Energy, Monthly Gas Usage \$3,641.45; Southeastern Electric, Electricity-Hwy \$3,017.42; Vast Broadband, Internet-Hwy \$530.61; Novak Sanitary Svc, Garbage/Recycling \$277.63; South Lincoln Rural Water, Water-Hwy \$334.45; Verizon Connect, Monthly Svc-Nov \$485.70; Blackstrap, Inc, Road Salt \$6,213.76; Sd Dept Of Transportation, Project # Cs659(07) 05lv \$10,741.85; Transource, Coolant Filter \$125.73; Concrete Material, Asphalt \$168.48; Dakota Traffic, Paint \$621.43; Double H Paving, Asphalt Concrete \$54,601.81

911: Sdml Workers' Comp, 2022 Workers Comp \$1,751.00; Tasc, 2022 Plan Admin \$215.07; Centurylink, Backup Lines \$13.64; Language Line Services, Interpreter \$100.00; Two Way Solution,

Radio \$635.99; A & B Pure Water, Water \$29.95; Midco, Internet \$39.39; Vast Broadband, 911 Circuits \$1,881.34; Xcel Energy, Electricity \$9.00
RURAL FIRE: Alcester Rural F, 2nd Half 2021 Al \$2,833.28; Beresford Rural, 2nd Half 2021 Al \$4,972.18; Canton Rural Fir, 2nd Half 2021 Al \$4,972.18; Centerville Rura, 2nd Half 2021 Al \$2,833.28; Fairview Rural F, 2nd Half 2021 Al \$4,972.18; Harrisburg Rural, 2nd Half 2021 Al \$4,972.18; Hudson Rural Fir, 2nd Half 2021 Al \$4,972.18; Lennox Rural Fir, 2nd Half 2021 Al \$4,972.18; Tea Rural Fire A, 2nd Half 2021 Al \$4,972.18; Worthing Rural F, 2nd Half 2021 Al \$4,972.18
EMS: Sdml Workers' Comp, 2022 Workers Comp \$1,580.00; Sturdevant's Auto, Battery \$71.21; Verizon Wireless, Mobile Internet \$40.01; Midco, Internet \$7.87
AIRPORT: Legacy Aviation, Monthly Mgmt Fee \$2,916.67; Sioux Falls Electric, Fixed Light Pole \$785.45; Sioux International, Skid Shoe \$614.63; Brian Eich Plumbing, Change Out Urinal \$536.65; Lincoln Co Rural, Water-Airport \$43.00; Vast Broadband, Airport \$47.19; Southeastern Electric, Electricity \$366.12; Helms & Associates, Project # A7596: \$1,432.50
24/7: Sdml Workers' Comp, 2022 Workers Comp \$1,027.00; Redwood Toxicology, Panels \$423.00
MODERN/PRESERV: Century Business, Copier Maint-Rod \$32.10
LAW LIBRARY: Lexisnexus/Relx, Law Library \$280.00
STATEWIDE SOBRIETY: Sd Attorney General, Sd Attorney General \$108.00; Sd Attorney General, Sd Attorney General \$2,180.00; Sd Attorney General, Sd Attorney General \$9,003.00
MODERN/PRESERV: Sdaco, Sdaco \$2,906.00
STATE MOTOR: Sd State Treasurer, Sd State Treasurer \$267,160.22
SALES TAX: Sd State Treasurer, Sd State Treasurer \$976,908.34
BIRTHS, DEATHS, & TITLES: Sd State Treasurer, Sd State Treasurer \$550.00

Payroll: \$321,102.94

Commissioner's \$4,664.00; FICA 273.20, Medicare 63.90
Auditor's \$10,557.48; FICA 545.13, Medicare 127.49, SDRS 633.45
Treasurer's \$16,688.02; FICA 948.25, Medicare 221.75, SDRS 1,001.27
States Attorney's \$47,904.23; FICA 2,654.54, Medicare 620.83, SDRS 2,815.49
Gen Gov Bldg \$13,214.61; FICA 716.01, Medicare 167.45, SDRS 792.87
DOE \$30,624.60; FICA 1,701.79, Medicare 397.98, SDRS 1,790.92
ROD \$7,800.45; FICA 401.49, Medicare 93.90, SDRS 431.34
VSO \$2,058.60; FICA 101.49, Medicare 23.74, SDRS 123.52
GIS \$4,952.40; FICA 273.81, Medicare 64.04, SDRS 297.14
IT \$7,818.80; FICA 459.57, Medicare 107.47, SDRS 469.13
HR \$4,557.20; FICA 262.37, Medicare 61.36, SDRS 273.43
Sheriff's \$88,438.30; FICA 5,175.33, Medicare 1,210.31, SDRS 6,449.22
WIC \$316.48; FICA 19.62, Medicare 4.59
County 4-H \$3,153.80; FICA 186.18, Medicare 43.55, SDRS 189.23
P & Z \$8,919.41; FICA 534.31, Medicare 124.97, SDRS 535.16
Highway \$36,052.13; FICA 1,982.16, Medicare 463.56, SDRS 2,165.47
Communications \$28,819.84; FICA 1,630.81, Medicare 381.39, SDRS 1,729.20
EM MGMT \$2,918.40; FICA 158.52, Medicare 37.07, SDRS 176.54
24/7 \$1,644.19; FICA 94.71, Medicare 22.15, SDRS 131.54

Reports:

An email copy distributed during the 12.07.2021 meeting's Opportunity for Public Comment pertaining to Public Comment Timer was presented.

Mileage reports were presented as follows: November 2021 Civil mileage report, November 2021 Highway mileage report.

The Veteran Service Officer November 2021 Activity Report was presented.

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

CONSENT AGENDA:

MOTION by Arends and second by Schmidt to approve Commission Minutes: 12/7/2021. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Poppens: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

No public chose to speak at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Landeen recognized the loss from tornadoes to the south and encouraged donation to help. Commissioner Schmidt reported on the county association meeting in Pierre.

REGULAR BUSINESS:

SECOND READING & PUBLIC HEARING was held 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. Terry Fluit, Highway Superintendent, explained the ordinance and answered questions. No one present spoke in favor nor opposition of this ordinance. Fluit also informed the Board of the necessary facts pertaining to a resolution to set fee amounts per this ordinance.

AN ORDINANCE TO ESTABLISH OVERWEIGHT-OVERSIZE PERMIT FEES FOR ROADS IN LINCOLN COUNTY, SOUTH DAKOTA UNDER THE JURISDICTION OF THE LINCOLN COUNTY HIGHWAY SUPERINTENDENT.

BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA:

ARTICLE I. OVERWEIGHT-OVERSIZE VEHICLES PROHIBITED

No one may operate a motor vehicle on Lincoln County roads that exceed the maximum weight or size set by state law in SDCL Chapter 32-22 unless the operator has first obtained an approved overweight-oversize permit from the Lincoln County Highway Superintendent and/or their designee.

ARTICLE II. SINGLE AND ANNUAL OVERWEIGHT-OVERSIZE PERMITS AUTHORIZED

The Lincoln County Highway Superintendent and/or their designee may issue a single trip permit or an annual trip permit to allow the operation of a motor vehicle on Lincoln County roads exceeding the maximum weight or size set by state law in SDCL Chapter 32-22. The permit is only valid for Lincoln County roads under the authority of the Lincoln County Highway Superintendent. The permit does not supersede bridge weight restrictions.

An application for a permit must be made at least forty-eight (48) hours in advance. Incomplete applications will not be approved. The permit shall be issued email. The permit may be suspended and/or revoked at any time at the discretion of the Lincoln County Highway Superintendent and/or their designee.

ARTICLE III. GROUNDS FOR PERMIT

The Lincoln County Highway Superintendent and/or their designee shall follow SDCL Chapter 32-22 in deciding whether to issue a permit to the operator of a motor vehicle to exceed the maximum vehicle weight limit or size.

ARTICLE IV. PERMIT FEES

Permit fees shall accompany the permit application or be submitted within forty-eight (48) hours of receiving the approved permit. Failure to pay the permit fee will result in revocation of the permit and no other permit will be issued until payment is received. Permit fees will be deposited to the Lincoln County Road and Bridge Fund. Gross vehicle weight shall be used to determine the fee for single trip and annual permits. Entities and/or individuals applying for annual permits shall use the heaviest gross vehicle weight in their fleet.

ARTICLE V. PERMIT NOT AUTHORIZED DURING SEASONAL LOAD LIMITS

Permits are not authorized during seasonal load limits. Under the authority of SDCL 32-22-24, the Lincoln County Superintendent may restrict loads and/or limit weights on Lincoln County roads from February 15 to April 30, or longer if conditions warrant, to protect county roads from break-up during the spring thaw. The Lincoln County Commissioners may waive this restriction if they deem it necessary for the protection of public safety, health, or welfare.

ARTICLE VI. PENALTIES FOR UNAUTHORIZED OPERATION

The transportation of overweight and/or oversize load without a permit or in violation of the specific terms of a permit is punishable by a maximum fine of five hundred dollars (\$500.00), in addition to any other civil or criminal penalties provided by law.

ARTICLE VII. OPERATION ACCORDING TO THE TERMS OF THE PERMIT

The transportation of overweight and/or oversize loads in violation of the terms of the permit shall render the permit void except as to the permit holder's liability for damages and indemnification.

ARTICLE VIII. POSSESSION OF PERMIT DURING OPERATION

The issued permit, including a permit issued by way of email, or a copy thereof, must be in the possession of those utilizing the permit during all periods of operation.

ARTICLE IX. LIABILITY

The possession of an overweight/oversize permit shall not relieve the permit holder of civil liability and responsibility for personal injury or property damage which may occur in connection with the movement of the permitted vehicle, including the liability for damage to roads, bridges, signs, or other road structures.

ARTICLE X. ADMINISTRATION

The issuance of permits shall be administered and supervised by the Lincoln County Highway Superintendent who shall have authority to adopt and/or revise fees, rules, and regulations for the issuance and use of such permits, of which rules and regulations shall be approved by the Lincoln County Commission.

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

A RESOLUTION TO ESTABLISH OVERWEIGHT-OVERSIZE PERMIT FEES

WHEREAS, it is in the best interest of the County to develop and preserve Lincoln County roads and bridges by assuring that standard guidelines and permitting processes for Overweight-Oversize Permits are in place; and,

WHEREAS, Lincoln County Ordinance 2112-17, permits the Lincoln County Highway Superintendent to promulgate fees, rules, and regulations for the permitting of vehicles and equipment exceeding the maximum weight or size set by state law in SDCL Chapter 32-22 on Lincoln County roads under his jurisdiction; and,

WHEREAS, the Lincoln County Board of Commissioners, in accordance with Lincoln County Ordinance 2112-17, seeks to adopt said fees, rules, and regulations for enforcement as contemplated by the ordinance; now,

THEREFORE BE IT RESOLVED by the Lincoln County Board of Commissioners that the Lincoln County Highway Department is hereby authorized to charge the following fees:

Single Trip Permits:

Oversize \$50.00

Overweight: 80,000 – 100,000lbs \$125.00

Overweight: 100,001 – 149,999lbs \$175.00

Overweight: 150,000lbs and over \$225.00

Annual Permits:

Oversize \$100.00

Overweight: 80,000 – 100,000lbs \$300.00

Overweight: 100,001 – 149,999lbs \$450.00

Overweight: 150,000lbs and over \$650.00

All fees collected shall be deposited to the Lincoln County Road & Bridge Fund.

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

SECOND READING & PUBLIC HEARING 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. Terry Fluit, Highway Superintendent, explained the ordinance and answered questions. No one present spoke in favor nor opposition of this ordinance. Fluit also informed the Board of the necessary facts pertaining to a resolution to set fee amounts per this ordinance.

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.

BE IT ORDAINED BY LINCOLN COUNTY, SOUTH DAKOTA:

ARTICLE I. NEW ACCESS AND EXISTING ACCESS MODIFICATIONS PROHIBITED

No one may construct or modify an access abutting a Lincoln County road unless the landowner has first obtained an approved access permit from the Lincoln County Highway Superintendent.

ARTICLE II. NEW ACCESS AND EXISTING ACCESS PERMITS AUTHORIZED

The Lincoln County Highway Superintendent may issue and approve an access permit abutting a Lincoln County road. The permit is only valid for Lincoln County roads under the authority of the Lincoln County Highway Superintendent.

An application for a permit must be made at least two-weeks in advance. Incomplete applications will not be approved. The permit shall be issued by email and will expire within 180 days of approval. The permit may be suspended, revised, and/or revoked at any time at the discretion of the Lincoln County Highway Superintendent.

ARTICLE III. PERMIT FEES

Permit fees shall accompany the permit application or be submitted within forty-eight (48) hours of receiving the approved permit. Failure to pay the permit fee will result in revocation of the permit. Refunds will not be issued for expired permits. Permit fees will be deposited to the Lincoln County Road and Bridge Fund.

ARTICLE IV. ACCESS OBSTRUCTION TO DRAINAGE

No entrance may be so constructed pursuant to SDCL 31-24-6 as to interfere with the proper and necessary drainage of the highway. No portion of the right-of-way of the highway other than that necessary for the entrance shall be occupied or used for business purposes.

ARTICLE V. MAINTENANCE ACCORDING TO TERMS OF THE PERMIT

The maintenance of an access in violation of the terms of the permit shall render the permit void except as to the permit holder's liability for damages and indemnification.

ARTICLE VI. CONSTRUCTION ACCORDING TO THE TERMS OF THE PERMIT

The construction of an access in violation of the terms of the permit shall render the permit void except as to the permit holder's liability for damages and indemnification.

ARTICLE VII. POSSESSION OF PERMIT DURING CONSTRUCTION

The issued permit, including a permit issued by way of email, or a copy thereof, must be in the possession of those utilizing the permit during all periods of construction.

ARTICLE VIII. MAXIMUM PENALTIES FOR UNAUTHORIZED CONSTRUCTION

The construction of an access without a permit, or if the permit holder is in violation of the specific terms of a permit, is punishable by a maximum fine of five hundred dollars (\$500.00), in addition to any other civil or criminal penalties provided by law.

ARTICLE IX. LIABILITY

The possession of an access permit shall not relieve the applicant of civil liability and responsibility for personal injury or property damage which may occur in connection with the construction or modification of the new or existing access, including the liability for damage to roads, bridges, signs, or other road structures.

ARTICLE X. ADMINISTRATION

The issuance of permits shall be administered and supervised by the Lincoln County Highway Superintendent who shall have authority to adopt and/or revise fees, rules, and regulations for the issuance and use of such permits, of which rules and regulations shall be approved by the Lincoln County Commission.

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

A RESOLUTION TO ESTABLISH ACCESS PERMIT FEES

WHEREAS, it is in the best interest of the County to develop and preserve Lincoln County rights-of-way, drainage, and roads by assuring that standard guidelines and permitting processes for Access Permits are in place; and,

WHEREAS, Lincoln County Ordinance 2112-19, permits the Lincoln County Highway Superintendent to promulgate fees, rules, and regulations for the permitting of accesses abutting a Lincoln County road under his jurisdiction; and,

WHEREAS, the Lincoln County Board of Commissioners, in accordance with Lincoln County Ordinance 2112-19, seeks to adopt said fees, rules, and regulations for enforcement as contemplated by the ordinance; now,

THEREFORE BE IT RESOLVED by the Lincoln County Board of Commissioners that the Lincoln County Highway Department is hereby authorized to charge the following fees:

Residence Access Permit \$80.00

Field/Farm Permit \$55.00

Commercial Permit \$175.00

Improvement to Existing Access Permit \$25.00

Temporary Access Permit \$25.00

All fees collected shall be deposited to the Lincoln County Road & Bridge Fund.

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

COMMISSIONER BRIEFING: Mayor Sandi Lundstrom, Finance Officer Kyle Cwach, and engineer Myron Adams from the City of Canton presented an infrastructure project and asked for County

contribution. The water/sewer project was described by Adams and estimated to cost \$4,000,000. Cwach explained that the City had \$636,000 to contribute with \$300,000 in reserves. Cwach also explained that the City of Canton did not have enough available debt capacity for the project.

COMMISSIONER BRIEFING: Commissioner Arends explained a request from the Sioux Metro Growth Alliance for Board representation. This appointment will be added to the annual appointments made during the first meeting in January of each year.

COMMISSIONER BRIEFING: Commissioner Landeen introduced a representative from Southeastern Council of Governments who presented on the redistricting method and need as well as a brief explanation of each of the proposed 5 redistricting maps. The Board asked Auditor Lund for insight on the maps as well. Public comment was taken during this discussion and included thanks for the number of public meetings for this topic and input and support for at-large or specific district options. Public comment forms pertaining to redistricting are available on lincolncountysd.org. Final vote on redistricting will be February 1, 2022.

FIRST READING occurred 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. Toby Brown, Planning & Zoning Director, presented the ordinance.

FIRST READING occurred 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. Toby Brown, Planning & Zoning Director, presented the ordinance.

COMMISSIONER BRIEFING: Commissioner Landeen began discussion on architectural work needed for a buildout needed at the Highway Shop in order to move Highway administration to the site. Terry Fluit, Highway Superintendent, was asked to contact Architecture Incorporated who originally designed the structure so they can come to a meeting and present a cost.

COMMISSIONER BRIEFING: Commissioners Landeen and Arends presented on the need/plan to split the Tea property on 272nd in order to make it more marketable. Auditor Lund commented that IMEG, the County engineers, offered to complete the survey work for \$2,000-\$2,500. Commissioner Landeen volunteered Commissioner Poppens as the contact for this project since it lays in his district and directed the Clerk to ask Poppens if he accepts.

RESOLUTION: BE IT RESOLVED to approve IMEG to complete the survey work needed at the County owned property in Tea on 272nd Street and 470th Avenue. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Auditor Sheri Lund informed the Board of the necessary facts pertaining to the necessary 2022 Budget changes as directed by the South Dakota Department of Revenue. Lund also commented that the updated budget will be posted on the County website.

RESOLUTION: BE IT RESOLVED to approve the following changes to the 2022 Budget as directed by the South Dakota Department of Revenue: Line 311 in the revenue portion changed to 14,275,303; Rural Fire changed to 91,546. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Schmidt reported on the timeline and background of the timer in the Commission Chambers.

COMMISSIONER BRIEFING: Auditor Lund informed the Board of the necessary facts pertaining to the necessary transfer of funds related to Rural Access Infrastructure Fund.

RESOLUTION; BE IT RESOLVED to approve the transfer from the Rural Access Infrastructure Fund to the Highway Fund as follows: RAIF fund 295-4311-422000 to 201-4311-411000 in the amount of \$1,754.60, 201-4311-412000 in the amount of 881.32 and 201-4311-429200 in the amount of \$625.00 for a total of \$3,260.92. MOTION by Schmidt and second by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Ethan Pieske, Deputy Director of Equalization, informed the Board of the necessary facts pertaining to two requests for property tax refunds.

RESOLUTION: BE IT RESOLVED approve refund of property taxes in the amount of \$316.25 for parcel number 096.49.34.2000 for Sheila M Ritz for tax year 2019 payable 2020 due to improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. MOTION by Arends and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED approve refund of property taxes in the amount of \$770.54 for parcel number 096.49.34.2000 for Sheila M Ritz for tax year 2020 payable 2021 due to improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 10:13 a.m. for the following purposes: Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor. SDCL 1-25-2(1); Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3). MOTION by Jibben and second by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 11:44 a.m. MOTION by Schmidt and second by Jibben. Jibben: "Aye" Schmidt: "Aye" Arends: "Aye". Motion carried.

Commissioner Landeen did not return from Executive Session. Commission Arends resumed the meeting as acting Chair.

MOTION by Jibben and second by Schmidt to adjourn at 11:44 a.m. until 8:30 a.m. on December 28, 2021. Jibben: "Aye" Schmidt: "Aye" Arends: "Aye". Motion carried.

/s/

Tiffani Landeen, Lincoln County Chair

Approved December 28, 2021
Please publish the week of January 10, 2022.