THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by Chairman Jim Schmidt, at 8:30 a.m. on July 9, 2019 with Commissioners David Gillespie, Tiffani Landeen, and Joel Arends present. Commissioner Michael Poppins joined the meeting at 8:37 a.m. Auditor Marlene Sweeter served as Clerk of the Board. Chief Civil Deputy State’s Attorney Michael Nadolski was also present.

ROUTINE BUSINESS:
MOTION by Landeen and seconded by Gillespie to approve agenda with the amendment that Item #11 add “or consider motion to approve Opt Out amount to be discussed.” Arends: “Aye” Gillespie; “Aye” Landeen: “Aye” Schmidt; “Aye”. Motion carried.

CLAIMS: GENERAL FUND: Sunshine Foods, Pop For Ad Hoc Meeting $4,799; Gillespie, David, Mileage-2nd Qtr $110.91; Independent Publishing LLC, Minutes/News/Help Wanted-4-H $1,249.40; Sioux Valley News Inc, Minutes/News/Help Wanted-4-H $684.74; Cantor Pizza Ranch, Pizza-Ad Hoc Meeting $56.96; Schmidt, Jim, Mileage-2nd Qtr $301.56; Us Bank, Naco Reg/Travel-Lodging $1,344.73; Poppins, Michael, Mileage-2nd Qtr $231.84; Arends, Joel, Mileage-2nd Qtr $184.80; Landeen, Tiffani, Mileage-2nd Qtr $226.36; Ludens Inc, Us Cargo Trailer/3racks $2,001.00; Great Plains Psychologic Svc, Report Preparation $2,932.50; Jurors, Fees, Mileage $1,666.28; Peterson, Stuart & Klenz, Prof, Public Def Cont/Mileage-June $56,157.90; Szameit, Alexandra, Interpreter $56.66; Dakota Psychological Services, Psychosexual Eval-Ds $3,467.50; Dakota Law Firm Prof LLC, Crt Appt Attty $361.00; Derhagopian, Jack, Crt Appt Attty $7,905.00; Reynolds Law, LLC, Crt Appt Attty $3,734.44; Harris Law, Prof LLC, Crt Appt Attty $85.30; Midco, Internet/Data Svc-Hrsgb $991.74; Us Bank, Supplies-Ink $179.89; Century Business Products, Copier Maint $773.75; Interstate Office Products, Supplies-Office/Packing Bubbles $251.11; St State Treasurer, Blood/Somnordic/Mentally Ill $2,480.00; Beck, Pat, Grand Jury Proceedings $250.50; Sommorldv, Jessica, Supplies-Business Cards $17.01; City Of Canton, Water/Sewer $396.79; Justice Fire & Safety Inc, Whole Brckt Extinguish/Annl Inspec $583.50; Xcel Energy, Electricity/County Assistance $10,196.85; Grainger, 13 Gal Trash Can $171.46; Menards-West, Ancor Toggle Drywall $11.63; Quarrystone Greenhouse, Planter $230.00; Us Bank, Filters/Trash Picker/Lockout Kit $183.73; Otis Elevator, Cont CJf65011 Svc 7/1-9/30 $208.14; NovaK Sanitary Svc Corp, Garbage/Recycling-Crthes $212.64; Canton Home & Farm Supply, Tiles-Rod Flrng Proj/Supplies $4,164.39; Prochem Dynamics LLC, Supplies-Cleaning-$1,491.03; United Laboratories, Supplies-Air Fresheners $587.34; Olson’s Pest Technicians, Bi-Monthly Service/Ad Bldg $375.00; Us Bank, Measuring Wheel/Truck $210.18; At&T Mobility, Mobile Internet $870.58; Aj’s Automotive Inc, Oil Change/Brake Drums/Shoes $884.27; Innovative Office Solutions LLC, 3 Hole Punched Paper $40.00; Sdsva, Membership Dues $75.00; Irons, Susan, Mileage-Meeting With Veter $67.20; Tyler Technologies Inc, Amendment Prod Ste Energov $375.00; Us Bank, Server Upgrade $179.75; Security Labs LLC, Website Hosting/Leasing $329.00; Pcs Mobile, In-Car Stige/Arbtrr Mic Bat $1,180.50; Shi International Corp, Multiple Windows Platform $53,781.15; Riverside Technologies Inc, Apc Mounting Rail Kit $179.00; Us Bank, Supplies-Cal/Paper/Plat/Pen $84.51; Segal Waters Consulting, On-Site Presentation/Trave $5,670.37; Haitsch Pharmacy, Prisoner Care $52.00; Motorola Inc, Vhf Radio & Accessories $3,048.75; Light And Siren, 100 Watt Speaker $165.00; Fed Ex, Evidence Return $23.69; Jack’s Uniforms & Equipment, Boots/Control Strap/Gloves $353.50; Sd Secretary Of State, Notary Public App $30.00; Voyager Fleet Systems Inc, Fuel Statement $358.21; Us Bank, Mntng Cmplnts/Light Brs/Spls/Fuel $2,245.11; Zuercher Technologies LLC, Sdlets/Neic Interface $6,750.00; Frantzen Reporting/Fgr8r Inc, Transcripts $164.00; Auto Dynamics Inc, Oil Change/Sensor/Tires $903.69; Nobles Co Auditor-Treasurer, Boarding Fees/Prisoner Care $25,240.00; Trans Union Risk & Alternative, Search Engine $50.00; Octane Ink LLC, Striping/Lettering-Charger $700.00; Vast Broadband, Phone-Hrsgb $369.94; Autosres Tire & Service Center, Oil Change/Brake Pads/Roto $599.91; Minnehaha County Jail, Boarding Fees/Prisoner Care $25,209.48; Orange City Medical Clinic, Prisoner Care $69.75; Fee, Don, Install Equipmen- #19-2 $2,000.00; Us Bank, Travel-Lodging/Registraio $1,210.00; Yankton Co Sheriff’s Office, Mi Serve Papers $50.00; Kennedy Pier & Knoff Llp, Mi Crt Appt Attty $338.90; Avera McKennan Hospital, Mi Hold $1,406.00; Loving, Philip, Mi Evals $1,627.50; Lewno Law Office, Lucy M Lewno, Mi Board-Yankton $166.50; Katterhagen, Mark, Mi Hearing $15.00; Iosy, James, Mi Board-May $370.50; Lockwood, Darcy, Mi Hearing $15.00; Wagner, Heidi M, Mi Evals $180.00; Anderson, Jennifer Marie, Mi Evals $1,717.50; Southeastern Behavior Hlthcre, 2019 Semi-Annual Allotment $22,414.00; The Tessman Company, Herbicide/Glyphosate $119.79; Star Publishing, Soles 4 Students Ad $180.00; Sieperda, Jerica, Public Presentation Judge $50.00; Us Bank, Scissors/Tote/Shipping $386.05; Rops, Kristi, Public Presentation Judge $50.00; Bahr, Jim, Horse Show Judge $225.00; Kludt, Megan, Poultry Stands/Mileage $76.47; Krone-Hedman, Alina, Supplies/Mileage/Registration $50.00; Vendiest Supply Company, Buccaneer Plus $115.90; Benco Products Inc, Repairs-#12 $158.10; Clark Engineering Corp, Project Costs $1,698.00; Code Works, Harrisburg Elem #7 Plan $10,000.00 HIGHWAYS: A-Ox Welding Supply Inc, Cylinder/Acet Cyl $33.54; Concrete Materials, Asphalt/Concrete Sand/Qtr $7,341.17; Diesel Machinery Inc, Rental-Roller/Excavator $15,300.00; Midamerican Energy Co, Monthly Gas Usage-Hwy $8.00; Sturdevant’s Auto Parts, Repairs-#81,27,86,1 $1087.80; Myrl & Roys Paving Inc, Recycled Concrete/Rip Rup $2,837.81; Truenorth Steel, Helical Galv/Band Galv $22,358.70; Butler Machinery Co, Repairs-#31 $487.53; Jfi Inc, Road Salt/Propane $5,721.57; South Lincoln Rural Water, Water-Hwy $25,280.20; Boyer Trucks Corp, Clutch $610.87; Caterpillar Financial Services, Motor Grader Lease $28,479.00; Xcel Energy, Electricity-Hwy $41.10; Midco, Internet $15.82; Clark Engineering Corp, Project Costs $34,894.38; Grainger, Safety Signs $18.76; Z & S Dust Control Systems, Mag-Cloride $48,222.94; Menards-East, Steel Racks/End Frames $236.68; Action Electric Inc, Replace Signal Pole-Accide $7,268.89; Us Bank, Control Valve $478.65; Cole’s Petroleum Inc, Fuel $14,502.60; NovaK Sanitary Svc Corp, Garbage/Recycling-Hwy $130.75; Fastenal Company, Supplies-Glass Cleaner $23.07; Canton Home & Farm Supply, Concrete Mix/Screws/Bolts
$167.61; Kogel Archaeologic Consult Svc, Professional Fee $4,045.80; Vast Broadband, Highway $447.52; Deans Distributing, Delo Grease/Def Bulk $1,591.94; Dakota Contracting Corporation, Project # X18041 $61,247.27; Transource, Repairs- Def Light On& Off $195.81; Inland Truck Parts & Service, Chamber Welded Clevis $358.89; Cintas, Supplies-Towels/Can/Mats $51.52; Bx Civil & Construction Inc, Project # X18035, X18036 $54,406.03
911: Two Way Solutions Inc, Marine Battery/Antenna $3,609.99; Centurylink, Trunk Rent/Backup Lines $1,161.31; Xcel Energy, Electricity $9.00; Mideo, Internet $39.52; Zuercher Technologies Llc, Sdlets/Ncic Interface $6,750.00; Vast Broadband, 911 Circuits $865.38; Bates, Jonathan, Travel-Mileage Training $273.84; Innovative Office Solutions Llc, Chair $459.99
EMS: Verizon Wireless, Mobile Internet $42.61; Mideo, Internet $7.92
SOLID WASTE: South Lincoln Rural Water, Water-Transfer Station $51.20; Avera Occupation Med-Mitchell, Remote Drug Collection $217.10; At&T Mobility, Mobile Internet $43.23; Vast Broadband, Phone-Transfer Station $52.26
AIRPORT: Lincoln Co Rural Water, Water-Airport $38.50; Pfeifer's Implement, Kubota Mower Repair $547.86; Legacy Aviation Llc Corp, Airport Mgmt Fee-July $2,583.33; Vast Broadband, Phone-Airport $45.68
24/7: Us Bank, Supplies-Ink/Cards $111.12; Redwood Toxicology Laboratory, Panel 5 Kits $645.00
MODERN/PRESERV: Tyler Technologies Inc, Hardware Staging $1,200.00

June Mileage reports for Emergency Management, Highway and Buildings & Grounds were presented.

June Vehicle Inspection Report for Buildings & Grounds was presented.

The Auditor’s Account with the County Treasurer for the month ending June 30, 2019 was presented as follows: Total amount of deposits in bank, $5,783,418.87. Total amount of actual cash, $10,821.44. Total amount of checks and drafts in Treasurer’s possession not exceeding three days, $152,393.20. Total cash items, $1,346.00. Funds invested, $11,809,019.98. Total cash, $17,756,999.49.

A letter from Federal Emergency Management Agency, Washington, DC was presented regarding Map Revision dated February 5, 2019 regarding proposed flood hazard determinations affecting the Flood Insurance Rate Map and Flood Insurance Study report for Lincoln County.

Letter presented from South Dakota DOT Tentative 2020 – 2023 Four Year Statewide Transportation Improvement Program informing public meeting dates and places.

CONSENT AGENDA:


PUBLIC COMMENT
Emergency Management Director, Harold Timmerman, informed the Board that there will be an Applicant Briefing for all of the Applicants at 3:00 p.m. on the 16th in the Lincoln County Commission Room. All Commissioners are welcome. There will be townships attending and a couple of cities. There will be representation here from FEMA Disaster and the State Office.

Commissioner Gillespie commented that he attended the Master Transportation Plan meeting in Harrisburg on Monday night. Gillespie indicated that it was a “Great Presentation.”

REGULAR BUSINESS:

Julia Disburg Human Resources presented the resignation of Beth Lewison in the 4-H Department.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director was present to brief the Commission for the Amendment of Article 23, Building Permits of the revised 2009 Lincoln County Zoning Ordinance for Lincoln County. The amendment deals with Building and Zoning Permits. Staff identified that there is a conflict between this article and our zoning ordinance and the adopted building codes primarily having to do with expiration. The Planning Commission did conduct a Public Hearing and no one spoke in favor or opposition. The Planning Commission recommends to you to adopt this Ordinance Amendment 6 to 0. The Hearing will be held on July 23, 2019 at 9:00 a.m.

FIRST READING was held for Amendment of Article 23, Building Permits of the revised 2009 Lincoln County Zoning Ordinance for Lincoln County.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director was before the Board to brief the Commission for the Amendment of Article 26, Definitions, Section 2.02(No. 128-Neighborhood Utility facility), of the revised 2009 Lincoln County Zoning Ordinance for Lincoln County. To clarify and simply this change would be to strike reference to Building Permits from the Article and strictly fall under Zoning Permits. Planning Commission held a Public Hearing on this and no one spoke in favor or opposition of this. Planning Commission recommends you to adopt this Ordinance revision 6 to 0. The public Hearing will be held on July 23, 2019, at 9:15 a.m.

FIRST READING was held for Amendment of Article 26, Definitions, Section 2.02(No. 128-Neighborhood Utility facility), of the revised 2009 Lincoln County Zoning Ordinance for Lincoln County.

COMMISSIONER BRIEFING: Auditor Marlene Sweeter informed the Commission that there was a 4-H Revolving Account held at Farmer’s State Bank. The account was opened in 1992 and was used by the Extension for activities and educational presentations provided by the Extension. The account has not been used for approximately four years.


COMMISSIONER BRIEFING: Peggy VanDeKieft, Canton Township was before the Board to discuss the condition of a bridge on 480th Street. The bridge is shared by Canton Township and the City of Canton. The bridge is in bad condition and is recommended to be replaced. The City of Canton has received some estimates for repairs for the bridge in the amount of $160,000 to $180,000. This is going to be a split between the City and the Township. VanDeKieft indicated that the township is not financially able to pay for this bridge repair. Emergency Management Director, Harold Timmerman ask that this be brought to the attention of FEMA on July 16, 2019, when the FEMA Disaster Team is in Lincoln County. Commissioner Gillespie asked that the Lincoln County Highway Department help with the bridge repair in some way, possibly a payment in kind. There was discussion regarding what the repairs would consist of. Kyle Cwach, Canton City Finance Officer addressed the Board regarding the repairs of the bridge. The Commission indicated there are a great deal of road and bridge projects that need to be completed with very limited financial resources.

COMMISSIONER BRIEFING: Sean Arnett - Hayes Company was before the Board to discuss the possibility of Lincoln County implementing Wellness Programming. There are three program options for Wellness Programming: participation based, activity based and outcome based. Arnett indicated that claims for Lincoln County are higher than average. Wellness Programming is intended to manage claims better and manage health. There would be a vendor that would help manage health issues. The cost for the programming would be $11,000 to pay the Vendor for 2020. If the county had 70% participation in the Wellness Programming, the cost would $47,000. This plan is for employees only and only employees county health plan. There was discussion indicating that the Commission would start the Wellness Programming for 2019. Any additional on going wellness programming would be discussed during the 2020 budget process.

RESOLUTION: BE IT RESOLVED to Implement the Wellness Programming for Lincoln County and sign on with the Vendor Well 365 out of Sioux Falls. There will be one time stipend of $25 for those employees on the heath plan to complete a biometric screening provided by Well 365 in 2019. Motion by Landeen and seconded by Poppens. Arends: “Aye” Gillespie: “Aye” Landeen: “Aye” Schmidt: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Aaron Fagerness with HDR Engineering presented the Lincoln County Master Transportation Plan. The objectives of the Study was to identify all the transportation related issues that the County is facing as well as produce solutions to those issues and create a document that the County can use for future planning. The study was based on all of Lincoln County infrastructure. Lincoln County has 286 miles of paved roads, 44 miles of gravel roads, 150 bridges maintained by Lincoln County. The overall plan is expected to finalize in September, 2019 with presentation to the Sioux Falls MPO. There was discussion of the condition of Lincoln County Roads. There was also discussion of jurisdictional transfer of roads.

COMMISSIONER BRIEFING: Mark Isakson from Legacy Aviation was before the Board to discuss the Proposal of Legacy Aviation for Lincoln County Airport Management Services. A meeting has been put in place for July 29, 2019 at the EAA Building to meet with the Hangar owners.

Auditor Marlene Sweeter brought before the Board information regarding the Wheel Tax disbursement. The board of county commissioners shall establish a means of distributing the revenue generated among the county and the municipalities and townships located within the county. There was Commission discussion on various methods of collecting and distributing the wheel tax. No decision was made. The Commission began the Opt Out Discussion.

RESOLUTION: BE IT RESOLVED THE GOVERNING BOARD OF Lincoln County states that the above said board is unable to properly maintain, repair, construct, and reconstruct roads and bridges in Lincoln COUNTY. Law now permits the governing board of said entity 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 does now establish a base property tax in the amount of $.60/thousand starting with calendar year 2019 taxes payable in the calendar year 2020. In all municipalities, twenty-five percent of the money raised by the levy made pursuant to 10-12-13 shall be paid by the county treasurer to the treasurer of said municipality to be used for bridge and street purposes within the municipality. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days after the completed publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread a levy to raise tax dollars in the above stated amount, allowing for percentage increases from inflation and new construction in subsequent years. Motion by Poppens and seconded by Landeen.

Amendment to the motion to provide for a sunset provision of 5 years and would have to be reauthorized at such time, mandatory jurisdictional transfer to the jurisdiction in which the project in enveloped by whatever municipality it lies within, additionally there would be the claw back from wheel tax from that we currently send to the municipalities and request that the intersection signal projects on the short term list developed by the South Dakota DOT be greenlit for execution under this first phase during the first five years of the project. Motion by Arends and seconded by Gillespie. Arends: “Aye” Gillespie: “Aye” Landeen: “No” Poppens: “No” Schmidt: “No”. Motion failed.


RESOLUTION: BE IT RESOLVED THE GOVERNING BOARD OF Lincoln County states that the above said board is unable to properly maintain, repair, construct, and reconstruct roads and bridges in Lincoln COUNTY. Law now permits the governing board of said entity 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 does now establish a base property tax in the amount of $.60/thousand starting with calendar year 2019 taxes payable in the calendar year 2020 with a provision of a 10 year sunset. In all municipalities, twenty-five percent of the money raised by the levy made pursuant to 10-12-13 shall be paid by the county treasurer to the treasurer of said municipality to be used for bridge and street purposes within the municipality. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days after the completed publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread a levy to raise tax dollars in the above stated amount, allowing for percentage increases from inflation and new construction in subsequent years. Motion by Poppens and seconded by Landeen. Arends: “No” Gillespie: “No” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye”. Motion fails.

RESOLUTION: BE IT RESOLVED to increase the wheel tax to the maximum wheel tax of $5.00 per wheel with a maximum of $60.00 per vehicle and new distribution of the wheel tax would be county 100%, municipalities 0% and townships 0% beginning January 1, 2020. Motion by Poppens seconded by Gillespie. Motion to be tabled until July 23, 2019 Commission meeting.

RESOLUTION: BE IT RESOLVED that THE GOVERNING BOARD OF Lincoln County do state that the above said board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of $3,300,000 starting with calendar year 2019 taxes payable in the calendar year 2020. This opt out will be for 7 years, which will be through taxes payable in the calendar year 2026. This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount. Motion by Landeen and seconded by Poppens. Arends: “No” Gillespie: “No” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye”. Motion fails.
RESOLUTION: BE IT RESOLVED THE GOVERNING BOARD OF Lincoln County states that the above said board is unable to properly maintain, repair, construct, and reconstruct roads and bridges in Lincoln COUNTY. Law now permits the governing board of said entity 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 does now establish a base property tax in the amount of $.60/thousand starting with calendar year 2019 taxes payable in the calendar year 2020 with a provision of a 5 year sunset. In all municipalities, twenty-five percent of the money raised by the levy made pursuant to 10-12-13 shall be paid by the county treasurer to the treasurer of said municipality to be used for bridge and street purposes within the municipality. This action has been taken by the board and approved by at least a two-thirds vote of the board.

This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days after the completed publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread a levy to raise tax dollars in the above stated amount, allowing for percentage increases from inflation and new construction in subsequent years. Motion by Poppens and seconded by Landeen. Arends: “No” Gillespie: “No” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye. Motion fails.


Lincoln County Board of Commissioners

____________________________
Jim Schmidt, Lincoln County Chairman

Attest: _______________________
Marlene Sweeter, Auditor

Approved _______________________

Please publish the week of July 29, 2019.