

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by Chair Tiffani Landeen at 8:30 a.m. on March 2, 2021, with Commissioners Joel Arends, Jim C. Jibben, and Jim Schmidt present. Deputy Auditor, Shaun Feilmeier, served as Clerk of the Board. Chief Civil Deputy State's Attorney, William Golden, was also present.

ROUTINE BUSINESS:

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

Longevity:

States Attorney's \$2,950.00; FICA 182.90, Medicare 42.79, SDRS 177.00
ROD \$850.00; FICA 52.70, Medicare 12.33, SDRS 51.00
EM MGMT \$850.00; FICA 52.70, Medicare 12.33, SDRS 51.00

Reports:

A handout submitted by a resident of Lincoln County during the 2/23/21 Opportunity for Public Comment was presented.

A letter from the South Dakota Department of Natural Resources regarding Primo Feedyards LLC was presented.

The January 2021 Sheriff Civil Fee mileage report was presented.

CONSENT AGENDA:

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

MOTION by Arends and seconded by Jibben to approve Commission Minutes: 2/9/2021. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the First Reading and Second Reading/Public Hearing for an Ordinance of Lincoln County amending the Official Zoning Map of Lincoln County by changing the zoning of the property legally described as Lot 4 of Tract 1 of Superior Addition in the Southeast quarter (SE1/4) of Section 18, Township 97 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota from the "C" Commercial zoning district to the "I-1" Light Industrial zoning district. (Dates: First Reading – March 9, 2021; Second Reading & Public Hearing – To occur between 8:35 a.m. and adjournment of the March 23, 2021 Board of Commissioners meeting. MOTION by Arends and seconded by 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 and Second Reading/Public Hearing for an Ordinance of Lincoln County amending the Official Zoning Map of Lincoln County by changing the zoning of the property legally described as Lot 5 of Tract 1 of Superior Addition in the Southeast quarter (SE1/4) of Section 18, Township 97 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota from the "C" Commercial zoning district to the "I-1" Light Industrial zoning district. (Dates: First Reading – March 9, 2021; Second Reading & Public Hearing – To occur between 8:35 a.m. and adjournment of the March 23, 2021 Board of Commissioners meeting.) MOTION by Arends and seconded by 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 and Second Reading/Public Hearing for an Ordinance of Lincoln County amending the text of Article 12, Section

12.09(F), Concentrated Animal Feeding Operations Minimum Separation Distances, of the 2009 Revised Zoning Ordinance of Lincoln County, South Dakota. (Dates: First Reading – March 9, 2021; Second Reading & Public Hearing – To occur between 8:35 a.m. and adjournment of the March 23, 2021 Board of Commissioners meeting.) MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set date and time for a Public Hearing to occur between 8:35 a.m. and adjournment of the April 6, 2021, County Commission meeting to consider an application for temporary malt beverage license for the Lincoln County Fairgrounds Foundation located at 34.12 Acres in Northeast Quarter including Railroad Property 29-99.51, Lincoln County, South Dakota for a May 1st fundraising event. MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Application for Federal Assistance SF-424 for eligibility to receive funds for the Marv Skie Lincoln County Airport from Airport Coronavirus Response Grant Program (ACRGP). MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the agreement with Howe Inc for the Lincoln County Highway Maintenance Building Exhaust System Improvements. MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute 2021 Surface Treatment Project agreement with ASTECH Corp. MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize chair to execute agreement for 2021 Surfacing Project with Asphalt Surfacing Co. MOTION by Arends and seconded by Jibben. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

None spoke at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Arends invited the public to the Courthouse Improvement Advisory Committee meeting on March 3rd starting at 7:00 p.m. in the Commission Chambers.

Commissioner Landeen reported that the Unified Judicial System requested a survey and that it has been completed.

Commissioner Jibben reported that he and Commissioner Schmidt have arranged for an appraisal of the Transfer Station property. Jibben also reported that the Sioux Valley Area Railroad Authority is in process of selling some land.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Scott Larson of the Canton Area Economic Development organization informed the Board of Canton recently being awarded the Innovative City award for its work in housing development.

SEALED BIDS for County surplus vehicle were opened and read as follows. Truck A (2003 Sterling 8500): Hoogendoorn Construction Inc \$10,651.00, Paul Iverson \$7,200.00; Russ & Anita Hazel \$5,700.00; Jonathan & Tara Hagen \$5,100.00.

RESOLUTION: BE IT RESOLVED to award the bid for Truck A (2003 Sterling 8500) to Hoogendoorn Construction Inc for \$10,651.00. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

SEALED BIDS for County surplus vehicle were opened and read as follows. Truck B (2003 Sterling 8500): Hoogendoorn Construction Inc \$11,651.00; Paul Iverson \$6,100.00; Russ & Anita Hazel \$3,100.00; Jonathan & Tara Hagen \$1,503.00.

RESOLUTION: BE IT RESOLVED to award the bid for Truck B (2003 Sterling 8500) to Hoogendoorn Construction Inc for \$11,651.00. MOTION by Jibben and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

SEALED BIDS were opened and read for surplus Tax Deed Property legally described as Tract 16 in D&L Industrial Addition in the Southwest Quarter, Section 24, Township 100, Range 51, West of the 5th PM, Lincoln County, South Dakota., a/k/a Lincoln Co. Parcel #100.50.64.K016, as follows: MDB Properties LLC \$2500.00.

RESOLUTION: BE IT RESOLVED to reject bid for surplus Tax Deed Property legally described as Tract 16 in D&L Industrial Addition in the Southwest Quarter, Section 24, Township 100, Range 51, West of the 5th PM, Lincoln County, South Dakota., a/k/a Lincoln Co. Parcel #100.50.64.K016, and authorize the Auditor to readvertise for sealed bids. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Nay". Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 8:47 a.m. for the purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. SDCL 1-25-2(3) MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 9:12 a.m. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

SEALED BIDS were opened and read for farmland lease at property legally described as The Northeast Quarter (NE 1/4) of Section 36, Township 100, Range 51 West of the 5th P.M., Except the West 370.42 Feet of the East 2,132.80 Feet of the North 823. 17, Lincoln County, South Dakota, as follows: Allen Rippentrop \$ 3625.00 per year for two years.

RESOLUTION: BE IT RESOLVED to reject bid for farmland lease at property legally described as The Northeast Quarter (NE 1/4) of Section 36, Township 100, Range 51 West of the 5th P.M., Except the West 370.42 Feet of the East 2,132.80 Feet of the North 823. 17, Lincoln County, South Dakota, and authorize the Auditor to readvertise for sealed bids. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Douglas Runde presented to the Board his reasons for requesting a lien compromise to forgive \$30,000.00 on a \$32,500.00 lien. Commissioner Landeen requested to table this item in order for legal counsel to determine what can be done.

RESOLUTION: BE IT RESOLVED to table the lien compromise request from Douglas Runde. MOTION by Jibben and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: William Golden, Chief Civil Deputy State's Attorney, informed the Board of the necessary facts pertaining to hangar lease transfers for hangar sites Q-8 and Q-9.

RESOLUTION: BE IT RESOLVED to approve the hangar lease transfer of site Q-8 from LeMar Van Heuveln to Steve & Alice Rokahr at \$0.20 per square foot and authorize the Chair to execute documents to do so. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hangar lease transfer of site Q-9 from Vanlandia Inc to Dakota Aviation at \$0.20 per square foot and authorize the Chair to execute documents to do so. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Todd Meierhenry representing Augustana University informed the Board of the necessary facts pertaining to MSRB Rule G-17 and the bond request process for The Augustana College Association Project.

RESOLUTION: BE IT RESOLVED to authorize the Chief Civil Deputy State's Attorney to execute the disclosure letter from RBC Capital Markets LLC, acknowledging the G-17 rule, and to setup a public hearing for Augustana bonds. Furthermore, the resolution is to be provided before the meeting for review and study. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Commissioner Landeen requested to table the Tea Detention Feasibility Study Grant topic.

RESOLUTION: BE IT RESOLVED to table the Tea Detention Feasibility Study Grant topic. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, informed the Board of the necessary facts pertaining to the budgeted purchase of a mower tractor.

RESOLUTION: BE IT RESOLVED to approve the budgeted purchase of a mower tractor as presented from Butler Cat for \$141,418.56. MOTION by Jibben and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to convene as the Lincoln County Drainage Board. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: One Lincoln County resident informed the Board of the ongoing drainage problems occurring on his property since the County deepened the ditches and near his home. He also commented that field drainage needs to be handled differently so as to prevent down-stream flooding.

RESOLUTION: BE IT RESOLVED to adjourn Lincoln County Drainage Board. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to re-convene as Lincoln County Board of Commissioners.

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

MOTION by Arends and seconded by Jibben to adjourn at 10:01 a.m. until 8:30 a.m. on March 9, 2021. Arends: “Aye” Jibben: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

Lincoln County Board of Commissioners

_____/s/
Tiffani Landeen, Lincoln County Chair

Attest: ____/s/
Shaun Feilmeier, Deputy Auditor

Approved March 9, 2021

Please publish the week of March 15, 2021.