THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on December 6, 2022, with Commissioners Joel Arends, Jim C. Jibben, Michael Poppens, 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 Arends and second by Schmidt to approve the agenda. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Payroll: $359,850.66
Commissioner's $5,273.00; FICA 312.27, Medicare 73.03
Elections $585.00; FICA 36.27, Medicare 8.49
Auditor's $13,745.83; FICA 737.93, Medicare 172.59, SDRS 824.75
Treasurer's $19,703.30; FICA 1,179.82, Medicare 275.91, SDRS 1,182.21
States Attorney's $54,231.30; FICA 3,061.69, Medicare 716.06, SDRS 3,185.92
Gen Gov Bldg $15,435.76; FICA 860.17, Medicare 201.16, SDRS 928.13
DOE $35,435.01; FICA 2,017.52, Medicare 471.83, SDRS 2,069.38
ROD $8,444.08; FICA 463.22, Medicare 108.32, SDRS 420.96
VSO $2,611.33; FICA 135.76, Medicare 31.75, SDRS 156.68
GIS $5,716.40; FICA 314.06, Medicare 73.45, SDRS 342.98
IT $9,051.00; FICA 535.45, Medicare 125.22, SDRS 543.06
HR $3,396.80; FICA 205.50, Medicare 48.06, SDRS 203.81
Sheriff's $97,977.12; FICA 5,735.66, Medicare 1,341.41, SDRS 6,904.07
WIC $365.60; FICA 22.67, Medicare 5.30
County 4-H $2,051.41; FICA 127.19, Medicare 29.75, SDRS 123.08
P & Z $12,634.00; FICA 762.95, Medicare 178.45, SDRS 744.54
Highway $39,767.64; FICA 2,262.59, Medicare 529.15, SDRS 2,313.95
Communications $28,139.98; FICA 1,621.41, Medicare 379.20, SDRS 1,688.39
EM MGMT $3,368.80; FICA 186.44, Medicare 43.60, SDRS 203.57
24/7 $1,917.30; FICA 111.64, Medicare 26.11, SDRS 153.38

Reports:
A letter regarding Heartland Greenway application with South Dakota Public Utilities Commission was presented.
Public notice from the US Army Corps of Engineers regarding wetland impact was presented.
Handouts from 11.22.2022 agenda item pertaining to Lincoln County Justice Center options 3 & 4 on Greenfield Site were presented.
The November 2022 Register of Deeds report totaling $103,357.80 was presented.
Mileage reports were presented as follows: October 2022 Sheriff's Office patrol mileage report, November 2022 Emergency Management mileage report.
The November 2022 Veteran Services Office report was presented.

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

CONSENT AGENDA:
MOTION by Jibben and second by Schmidt to approve the Commission Minutes: 11.22.2022. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Animal Control Services and Impoundment Facility Operations Agreement for 2023 with Sioux Falls Area Humane Society for $9,555.74 annual fee. MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Lease Site Agreement for Hangar K-3 with Skattum LLC and the Termination of Lease Site Agreement for Hangar K-3 with Dr. Michael Pekas. MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to accept the resignation of Connor Martinson, full-time Deputy Sheriff, in the Sheriff's Office effective 11.21.2022. MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Sub-Recipient Agreement with the Southeastern Council of Governments (SECOG) regarding the Calendar Year 2023 Unified Planning Work Program (UPWP). MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur December 13, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the January 3, 2023, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as a portion (proposed Tract 1, Johnson Addition, approximately 4.25-acres) of the property legally described as W1/2 NE1/4 (Ex. RR Right of Way, Lots H-1 & H-2, Lewis Tract 1, that portion of the W1/2 NE1/4 lying North of RR Right of Way except the N33’ deeded to the City of Canton), Section 22-T98N-R49W Canton Township, from the “A-1” Agricultural District to the “C” Commercial District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommends approval (6-0). MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur December 13, 2022, and SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the January 3, 2023, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning the property legally described as Lot 2, Tempo Addition, N1/2 SW1/4, Section 24-T100N-R51W Delapre Township, from the “A-1” Agricultural District to the “C” Commercial District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommends approval (6-0). MOTION by Jibben and second by Schmidt. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Commissioner Landeen began the discussion regarding courthouse expansion including a jail with public input. Larry Nelson, member of the Courthouse Advisory Committee spoke on their behalf, saying that the levy to accomplish this project will decrease with County growth, public meetings have resulted in voters saying to build for future, expense will not get cheaper, and that the time is now for courtroom and jail.

Judge Rasmussen also commented on the need for more judges and courtrooms also means a need for more jail space. Judge Rasmussen also commented on Jail space being an issue for sentencing and bond reviews. The Board asked no questions when prompted by the Chair to do so.

MOTION by Poppens to approve the resolution for lease purchase of courthouse and jail on greenfield site. Motion failed for lack of second.

COMMISSIONER BRIEFING: Board discussion was extensive regarding courthouse expansion and included the following topics: The most immediate need is courtroom space; An increase in court space need equals an increase in jail need as well; It is important to lay the groundwork for the future (80-100 years); Tax increases should be voted on by the tax payers; the lease purchase resolution is referrable to a vote if the people want to do so; State legislature may solve the County's jail problem with regional jail legislation next session; delay on this project will increase the costs; standalone jail will be too expensive; and potential repercussions of doing nothing. Public input consisted of another representative of the Courthouse Committee, Betty Otten, expressing the need for both a jail and courthouse.

MOTION by Jibben and second by Arends to approve the resolution for lease purchase of courthouse with holding cells on greenfield site. Arends: "Nay" Jibben: "Aye" Poppens: "Nay" Schmidt: "Aye" Landeen: "Aye". Motion failed (4 "Aye" votes needed to pass the proposed resolution).

MOTION by Poppens and second by Arends to approve the resolution for lease purchase of courthouse with holding cells on the current courthouse land instead of greenfield site. Arends: "Aye" Jibben: "Nay" Poppens: "Aye" Schmidt: "Nay" Landeen: "Nay". Motion failed.

Commissioner Landeen asked Tegra Group to come up with estimates on displacement costs of services during construction on current site.

A ten-minute recess was called at 9:14 a.m.

COMMISSIONER BRIEFING: Commissioners Landeen, Poppens, and Arends informed the Board and public of the memo and letter of support regarding Minnehaha County Juvenile Justice Center. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to authorize the Chair to sign the letter of support for Minnehaha County's proposal for a Juvenile Justice Center as described in their memorandum. MOTION by Poppens and second by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Chad Brown, Chief Deputy Sheriff, informed the Board of the necessary facts pertaining to renewal of the Union County agreement to house adult prisoners. The fee increased from $65 per inmate per day to $80 per inmate per day. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Intergovernmental Agreement for Adult Detention Services with Union County for 2023 at a daily rate of $80.00 per day per inmate. MOTION by Schmidt and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, read the bids for 2023 bridge project as follows: Midwest Contracting LLC of Marshall MN at $432,513.00; BX Civil Engineering Inc of Dell Rapids SD at $568,550.50; 605 Companies of Sioux Falls SD at $575,561.25; Backhaus Excavating & Underground LLC of Tea SD at $619,800.00; Runge Enterprises Inc of Sioux Falls SD at $718,242.55. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to award bid for 2023 bridge project for structures #42-111-260 and #42-110-253 to the lowest bidder (of 5 total bids), Midwest Contracting LLC of Marshall MN, for the amount of $432,513.00. MOTION by Schmidt and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Treasurer Deborah Block informed the Board of the necessary information pertaining to a request for a payment plan before them. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to approve a payment plan on taxes for years 2020 and 2021 as follows: The homeowner will make monthly payments of $424.00 for 2 years on the 2020 and 2021 taxes for property at O.L. to Lennox- Out Lot 33 & S 5' of O.L. 32. The amount owing with Dec. 2024 interest would be $10,165.00. MOTION by Arends and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director, informed the Board of the necessary facts pertaining to the Planning Commission’s request for the Board to attend their annual work session on December 19th. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to set the date for the Lincoln County Board of Commissioners to attend the Lincoln County Planning Commission’s Annual Work Session at 5:00 p.m. on December 19, 2022, in the Lincoln County Commission Chambers. MOTION by Schmidt and second by Poppens. Arends: “Aye” Jibben: “Aye” Poppens: “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 a potential contract with a new title company. The public did not give the Board input on this topic at this time.

RESOLUTION: BE IT RESOLVED to authorize the State’s Attorney’s Office to enter contract negotiations for Register of Deeds. MOTION by Arends and second by Jibben. Arends: “Aye” Jibben: “Aye” Poppens: “Aye” Schmidt: “Aye” Landeen: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

A representative from 605 Cannabis spoke on their Medical Cannabis Establishment Permit application fee.

An individual from Fairview spoke of her military service in the National Guard and the oath she took. When this individual commented on pending litigation with the County and was stopped by the Chair per Lincoln County Public Input Policies. This individual also spoke on the Public Input Policy and the United States Constitution.

An individual from Sioux Falls spoke about the Public Input Policy.

REGULAR BUSINESS (CONTINUED):
COMMISSIONER BRIEFING: Dick Strassburg of Tegra Group offered an answer to Commissioner Landeen's question on displacement costs. Strassburg explained that the demolition of the old courthouse would displace about 20,000 square feet of space. Strassburg estimated that the expense for temporary displacement and retrofitting of a new location would be six to 8 million dollars. Strassburg also discussed how the current site is inadequate to meet the needs of the expansion. Tom Grimmond of Collier Securities presented the levy estimates for the two options and explained how growth would decrease them. Concern was expressed by a Board member on how to convey all this information about the needs of the judicial system to the public. No additional motions were made on courthouse expansion topic.

COMMISSIONER REPORT (INFORMATIONAL ONLY):
Commissioner Arends wished his grandfather a happy 101-year birthday.
Commissioner Landeen reported on an Alzheimer's support service and encouraged participation for those who need it.

EXECUTIVE SESSION:
RESOLUTION: BE IT RESOLVED to enter Executive Session at 10:20 a.m. for the following purposes: Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, SDCL 1-25-2(3); Preparing for contract negotiations or negotiating with employees or employee representatives, SDCL 1-25-2(4). MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:44 a.m. MOTION by Poppens and second by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the collective bargaining agreement for the Highway Department union. MOTION by Schmidt and second by Poppens. Arends: "Nay" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve surcharge of $3,800.00 per truck for two trucks to Freightliner Trucks for the Highway Department. MOTION by Poppens and second by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

ADJOURNMENT:
MOTION by Arends and second by Poppens to adjourn at 10:45 a.m. until 8:30 a.m. on December 13, 2022. 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/______________________
Shaun Feilmeier, Deputy Auditor

Approved December 13, 2022.
Please publish the week of December 19, 2022.