

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on May 23, 2023, with Commissioners Joel Arends, Michael Poppens, and Jim Schmidt present. Auditor Sheri Lund served as Clerk to the Board. William Golden, Chief Civil Deputy State's Attorney, was also present.

ROUTINE BUSINESS:

MOTION by Arends and second by Poppens to approve the agenda with item 4 being removed from the consent agenda and moved to regular business. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Claims: \$767,935.15

GENERAL: Metlife, Health Insurance \$364.90; Sioux Valley News Inc, Publishing \$909.87; Lennox Independent Llc, Publishing/Job Posting \$1,927.46; New Century Press, Publishing \$738.87; Argus Leader/Multimedia Holding Inc, Minutes/Notices \$2,248.10; Midco, Internet/Video Service \$1,827.21; Riverside Technologies Inc, Printer Ink \$468.00; Mcleod's Printing, Perforated Paper \$229.00; Knecht, Andrew J, Crt Appt Atty \$454.60; Eich Law Office Prof Llc, Crt Appt Atty – Ivc \$2,214.90; Resolute Law Firm Pc, Crt Appt Atty \$4,657.30; Ver Beek Law Prof Llc, Crt Appt Atty A&N \$2,087.94; Cranbrooks, Psyd Abpp Lp, Katheryn, Forensic Eval \$4,000.00; Tschetter & Adams Law Office, Pc, Crt Appt Atty – Juv \$1,395.52; Certified Languages, International Interpreter \$21.45; Computer Forensic Resources Inc, Computer Forensic Expert \$2,400.00; Ciox Health, Med Records \$236.58; Dakota Psychological Services, Psychological Service \$2,500.00; Steinberg, Laurence, Review Documents \$6,500.00; Osborn, Roxane, Transcripts \$261.60; Beck, Pat, GJ Transcript \$110.50; Skorczewski, Jena, Transcripts \$124.15; Active Data Systems Inc, Pick-Up/Prep/Scan \$34,724.75; Carlson Rpr, Lisa, Transcripts \$146.40; Jurors, Fees/Mileage \$6,027.42; Frantzen Reporting/Pgr8r Inc, Transcripts \$315.90; Sd Dept Of Health, Lab Testing \$3,420.00; Redwood Toxicology Laboratory, Lab Testing \$41.01; Accurate Reporting, Inc, GJ Transcript \$104.00; Paragon Health & Wellness, Blood Draws \$1,320.00; Minnehaha County Jail, Blood Draws \$875.00; Cna Surety, Notary \$100.00; Canton Pizza Ranch, Grand Jury Meal \$57.97; Eden, Amanda, Postage \$13.05; Thomson Reuters-West Publ Corp, Library Plan Charges \$17.66; Napa Auto & Truck Parts Of Sioux Falls, Fuel Mix/Parts \$69.65; Prochem Dynamics Llc, Custodial Supplies \$69.45; Builders Supply Co, Exit Alarm For Old Courthouse Exit \$297.00; Grainger, Safety Ear Plugs \$64.30; City Of Sioux Falls Public Works, Dump Fees For Tires Dumped At Airport \$31.05; Novak Sanitary Svc Corp, Garbage And Refuse Collection \$141.59; Kirbide Car Wash, 5 Car Washes \$60.00; Vanderbroek, Becky, Meals-New Elected Official Workshop \$40.00; Shi International Corp, Microsoft Renewal – Additional \$48.48; Civicplus, Civicclerk Annual Fee \$6,667.92; Vanguard Appraisals Inc, Archive Module \$3,980.00; Cdw-G Inc, Accellion Maintenance \$16,556.59; Jensen Ins Agency, Add Vehicle \$2,387.00; Sioux Falls Area Humane Society, County Contract-April 2023 \$796.31; Genesis Autoworks, Insurance Deductible Vehicle 21-2 \$1,000.00; Fee, Don, Docking/Build/Equipment \$4,800.00; Graham Tire Co Llc-Corp, 19-4 4-New Tires \$540.12; Autopros Tire & Service Center, Vehicle Maintenance, 19-3 \$103.03; Dave's Service & Repair, Vehicle Maintenance/Mower Repair \$853.56; Auto Dynamics Inc, Vehicle Maintenance \$3,130.86; Modern Marketing, Star Stickers \$405.69; Axon Enterprise Inc, Taser \$5,695.99; Dakota Large Animal Clinic P.C., April 2023 Statement Mini Horses \$205.41; Jack's Uniforms & Equipment, Misc Uniform \$4,490.29; Lincoln Co Treasurer, Title, Plates, Cargo Mate Trailer (22-4) \$26.70; Sionics Weapon Systems, Silencerco Saker 556k \$3,989.65; Sd Div Motor Vehicles, New Plates – Sheriff's Office \$116.90; Aj's Automotive Llc, Vehicle Maintenance \$121.04; The Lodge At Deadwood, Lodging, Training \$564.00; Swenson, Steven, Per Diem-Deadwood Training \$92.00; Brown, Chad, Per Diem-Training, Deadwood \$92.00; Pennington Co Jail, Inmate Transport \$138.41; Union Co Sheriff's

Dept, Inmate Billing-April 2023 \$160.00; Lauries Café, Inmate Meals-April 2023 \$16.00; Amg Gastroenterology, Exam, Biopsy \$240.29; Avera Med Group Radiology, Exam - X-Rays \$269.67; Amg Hospitalists, Electrocardiogram \$8.08; Amg Interventional Radiology, Duplex Scan \$49.15; Sanford Health Pathology Clinic, Coroner Calls \$900.00; Lennox Ambulance, Transport \$720.00; Minnehaha Co Regional Jdc, Child/Shelter Care \$4,942.22; Anderson Funeral Home, Poor Relief - Funeral Expenses \$2,500.00; Sanford Health Home (Vna), Public Health Srv \$1,250.00; Johnson Pllc, Erin M, Mi Board Chair – April \$5,285.80; Salem Qmhp, Karla, Mi Evals \$1,980.00; Ringing Shield, Nichole, Mi Evals \$110.00; Loving, Philip, Mi Evals \$3,061.71; Anderson, Jennifer Marie, Mi Evals \$110.00; Avera Mckennan Hospital, Mi Hold \$4,740.00; Short Excavating, Replacement For Damaged Concrete Cover At Old 4-H \$502.04; Maendel, Jayda, Post Event Cleaning \$120.00; Ace Hardware Tea, Hardware \$5.68; Lennox Ace Hardware, Plumbing Supplies \$19.98; Sturdevant's Auto Parts, Equipment Hardware \$6.99; South Lincoln Rural Water, Membership \$500.00; Menards-West, Shelving - 4-H \$239.96; Stantec Consulting Services Inc, Comprehensive Plan Update \$21,328.63; Century Business Products, 4/18 Copier Contract \$72.10; Imeg Corp, 5/8/2023 Plat Reviews \$775.00; Billion Southtown Inc, 5/12/2023 Vehicle Maintenance \$64.09; Hogan, Wendi, 5/15/2023 Mileage Wh \$13.27; Jongeling, Jerry, 5/15/2023 Mileage Jj \$15.71; Enstad, Collin, 5/15/2023 Mileage Ce \$18.14; Scott, Erik, 5/15/2023 Mileage Es \$6.30; Poppens, Michael, 5/15/2023 Mileage For Planning Commission Meeting \$15.62; ROAD AND BRIDGE: Metlife, Health Insurance \$56.16; Autopros Tire & Service Center, Tpms Replacement \$86.71; Jfi Inc, Tire \$144.26; Overhead Door Of Sf Inc, Pm Doors \$4,529.60; Mcleod's Printing, Supplies \$77.05; Avera Occupational Medicine-Mitchell, Drug/Alcohol Test \$73.80; Fastenal Company, Gloves/Eyewear/Parts \$411.35; Cintas, Mats/Towels \$95.66; Bartlett Tools In, Tools \$360.73; Dakota Fluid Power Inc, Parts \$966.46; Wheelco Truck & Trailer Parts, Parts 23.26; Transource, Parts \$389.86; Cole's Petroleum Inc, Fuel \$20,951.85; Canton Home & Farm Supply, Parts \$1.80; Prochem Dynamics Llc, Supplies \$75.34; Boyer Trucks Corp, Parts \$457.31; Deans Distributing, Supplies: Diesel Additive \$518.30; Napa Auto & Truck Parts Of Sioux Falls, Parts \$116.82; G & R Controls Inc, Pm Shop 5/1-7/31 \$1,982.91; Bomgaars, Parts & Supplies \$121.30; Midco, Voice/Video Service \$32.82; Presto-X, Pest Control \$160.46; Xcel Energy, Rab Light 4/13-5/14 \$54.92; City Of Sioux Falls Public Works, Dump Fees For Tires Collected In The Ditches \$545.40; Brock White Construction Materials, Crack Sealant \$6,318.00; Imeg Corp, Project Costs \$19,225.57; Prahm Construction, Inc, 42-010-109 And 42-004-100 Replacement \$104,621.05; Sddenr, Swd Permit For 42-148-050 \$100.00; Centurylink, Contruction Proposal \$9,232.98; 911: Metlife, Health Insurance \$34.32; Century Business Products, Contract Invoice 93905-01 \$37.39; Language Line Services Inc, Phone Interpretation \$100.00; Midco, Voice/Video Service \$242.83; EMS: Metlife, Health Insurance \$0.79; Midco, Voice/Video Service \$88.77; AIRPORT: A-1 Pumping & Excavating Inc, Pumping Of The Office Holding Tank \$170.00; Southeastern Electric Co-Op Inc, Lights And Gate \$315.01; 24/7: Allen, Tracy Lee, Pbt, Scram Refund \$6.00; Hare, William John, Scram Refund \$3.00; Metlife, Health Insurance \$3.12; Midco, Voice/Video Service \$30.99; MODERN/PRESERV: Mcleod's Printing, Carrier Strips For Plats \$430.00; DEBT SERVICE-TIF #7: First Bank & Trust, Annual Agent Fee \$750.00; DEBT SERVICE-TIF #8: City Of Harrisburg, Tif #8 Disbursement \$379,475.67; DEBT SERVICE TIF #9: City Of Lennox, Tif #9 Disbursement \$23,179.38; STATEWIDE SOBRIETY: Allen, Tracy Lee, Pbt, Scram Refund \$30.00; Hare, William John , Scram Refund \$15.00

Payroll: \$400,667.12

Commissioner's \$6,081.88; FICA 335.84, Medicare 78.55, SDRS 34.59

Auditor's \$8,407.29; FICA 471.65, Medicare 110.30, SDRS 504.44

Treasurer's \$19,468.13; FICA 1,077.94, Medicare 252.11, SDRS 1,168.06

States Attorney's \$65,955.19; FICA 3,819.74, Medicare 893.31, SDRS 3,893.63

Gen Gov Bldg \$14,975.20; FICA 827.34, Medicare 193.49, SDRS 883.96
DOE \$38,935.18; FICA 2,252.69, Medicare 526.86, SDRS 2,273.55
ROD \$10,075.13; FICA 554.11, Medicare 129.60, SDRS 554.44
VSO \$2,615.41; FICA 135.70, Medicare 31.74, SDRS 156.92
GIS \$6,293.20; FICA 323.47, Medicare 75.65, SDRS 377.60
IT \$9,965.40; FICA 596.19, Medicare 139.43, SDRS 597.92
HR \$5,444.21; FICA 305.80, Medicare 71.52, SDRS 326.65
Sheriff's \$95,773.76; FICA 5,609.52, Medicare 1,311.95, SDRS 7,150.11
Jail \$18,603.64; FICA 1,145.75, Medicare 267.95, SDRS 1,157.30
WIC \$402.88; FICA 24.98, Medicare 5.84
County 4-H \$2,233.60; FICA 138.48, Medicare 32.39, SDRS 134.02
Weeds \$4,777.61; FICA 293.23, Medicare 68.58, SDRS 286.65
P & Z \$13,695.60; FICA 839.75, Medicare 196.40, SDRS 821.74
Highway \$42,935.24; FICA 2,446.67, Medicare 572.20, SDRS 2,579.33
Communications \$28,281.37; FICA 1,633.43, Medicare 381.98, SDRS 1,696.87
EM MGMT \$3,710.40; FICA 210.64, Medicare 49.26, SDRS 223.70
24/7 \$2,036.80; FICA 124.83, Medicare 29.19, SDRS 162.94

Reports:

Indigent Legal Services Task Force listening session schedule and news release from the South Dakota Unified Judicial System was presented.

The April 2023 Auditor's account with the County Treasurer were presented totaling \$89,083,163.94.

The April 2023 Revenue & Expense Reports were presented.

The March and April 2023 Veteran Service monthly reports were presented.

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

CONSENT AGENDA:

MOTION by Schmidt and second by Arends to approve County Commission Minutes:

05.09.2023. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the Clerk and Treasurer oaths and bonds for Delaware Township. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the abatement due to veteran exemption, SDCL 10-4-40, for the tax year 2022 payable 2023 in the amount of \$2,495.13 for a property located in the City of Sioux Falls. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Final Financial Closeout for Marv-Skie Lincoln County Airport AIP #3-46-0078-020-2022. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Notice of Award for AIP #3-46-0078-021-2023. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the retirement of Harlay Fischer, Foreman for the Highway Department, effective 05.04.2023. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Austin Richter as a seasonal Highway Worker in the Highway Department at \$17.50/hr effective 05.22.2023. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the promotion/reclassification of Allison Bentley, to Paralegal for the State's Attorney's Office \$24.68 (Grade 103/Step2) effective 5/1/2023. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to accept the resignation of Mark Johnson, Planning Commission Member, effective 04.28.2023, and authorize the Auditor to publish notice of vacancy. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the Application Affidavit for Replacement Warrant submitted by Roger Heidinger in the amount of \$144.88; original warrant number 114856 issued 1/10/2023. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED WHEREAS, a petition was submitted to the Board of Commissioners of Lincoln County; and WHEREAS, there has been presented to the Board of Commissioners of Lincoln County and filed with the County Clerk, a petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL 31-12A-3, requesting that the territory described in the petition be included within the Bradbu Acres Road District; and WHEREAS, the property described as: Lot 19 of Egge's Tract 1 in the W1/2 of the SW1/4 of Section 11, Township 100 North, Range 49 West of the 5th PM, Lincoln County, South Dakota a/k/a parcel 100.49.11.C119, Lot 18 of Egge's Tract 1 in the W1/2 of the SW1/4 of Section 11, Township 100 North, Range 49 West of the 5th PM, Lincoln County, South Dakota, a/k/a parcel 100.49.11.C118, Egge's Tract 1 (Except Lots 1, 2, 8, 18 & 19) in the W1/2 of SW1/4 of Section 11, Township 100 North, Range 49 West of the 5th PM, Lincoln County, South Dakota a/k/a 100.49.11.C100 and Lot 8 of Egge's Tract 1 in the W1/2 of the SW1/4 of Section 11, Township 100 North, Range 49 West of the 5th PM, Lincoln County, South Dakota, no parcel number platted May 5, 2023 is within the City of Sioux Falls, and Lincoln County Joint Zoning and Subdivision Jurisdictional area; and MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

REGULAR BUSINESS:

COMMISSION BRIEFING: Jeff Schaefer, South Dakota Department of Legislative Audit, presented the information pertaining to the 2021 Audit, and answered questions from the Board. No public offered to give comment on this item at this time.

TABLED ITEM- Appeal of a decision by the Lincoln County Planning Commission to approve Conditional Use Permit #USE-0010-2023 to allow the construction/operation of an agriculturally related operation involving the handling, storage, transporting, and shipping of farm products (Milk Condensing Plant) on the property legally described as Lot A, Tract 1, Van Beek Addition, NE1/4, Section 34-T97N-R51W, Delaware Township.

MOTION by Poppens and seconded by Arends to un-table the item. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

MOTION by Arends and seconded by Poppens to add provisions to the conditional use permit for road maintenance. Arends: "Aye" Poppens: "Nay" Schmidt: "Nay" Landeen: "Nay". Motion failed.

MOTION by Poppens and seconded by Schmidt deny the appeal and uphold the Planning and Zoning decision. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Joe Meader, Civil Deputy States Attorney presented the necessary facts regarding the hiring of QMHP Paige Thompson. No public offered to give comment on this item at this time.

RESOLUTION: BE IT RESOLVED to approve the Lincoln/Minnehaha County Joint Mental Illness Board's hire of Paige Thompson, QMHP, as an as-needed Qualified Mental Health Professional as of 05.23.2023. MOTION by Poppens and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Michael Poppens, Commissioner, presented the necessary facts to the appoint of Todd Boots as the District 4 representative on the Planning Commission. No public offered to give comment on this item at this time.

RESOLUTION: BE IT RESOLVED to appoint Todd Boots as the District 4 representative on the Planning Commission. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Joe Meader, Civil Deputy States Attorney presented the necessary facts for terminating the airport managerial agreement. No public offered to give comment on this item at this time.

RESOLUTION: BE RESOLVED to approve sending notice to Legacy Aviation terminating the airport managerial agreement effective June 22, 2023. MOTION by Poppens and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: William Golden, Chief Civil Deputy State's Attorney presented the necessary information regarding a letter from the South Dakota Department of Revenue regarding Tax Increment District #9. No public offered to give comment on this item at this time.

RESOLUTION: BE RESOLVED for the chair of the commission to sign a letter supporting the conversion of the TIF to an economic grant. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

BOARD DISCUSSION: The Board discussed the request that was presented from the South Dakota Association of County Officials, (SDACO) regarding ranking of the County priorities. No public offered to give comment on this item at this time.

COMMISSIONER BRIEFING: Sheri Lund, Auditor presented the necessary information regarding the request for the Sheriff department to surplus a vehicle, appoint an appraisal committee, and advertise the public auction. No public offered to give comment on this item at this time.

RESOLUTION BE IT RESOLVED: to declare as surplus and remove from inventory the following item from the Sheriff's Department: 2629, 2007 Dodge Durango, VIN#1D8HB38P97F565453, 109,719 miles. Appoint Lincoln County landowners Steve Swenson, Chad Brown & Harold Timmerman as Appraisal Committee for the 2007 Dodge Durango VIN#1D8HB38P97F565453, 109,719 miles. And authorize the Auditor to advertise and proceed with the online auction of a 2007 Dodge Durango VIN#1D8HB38P97F565453, 109,719 miles. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

BOARD DISCUSSION: The Board had discussion regarding the contract presented from Election Systems and Software LLC. Several residents of Lincoln County and Minnehaha County made comment regarding the signing of the document.

RESOLUTION: BE IT RESOLVED to table the signing of the contract until August 1, 2023. Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

No public offered to give comment at this time.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt asked for continued support for Commissioner Jibben.

EXECUTIVE SESSION:

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 9:41 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), Preparing for contract negotiations or negotiating with employees or employee representatives, SDCL 1-25-2(4). MOTION by Arends and seconded by Poppens. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:51 a.m. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

ADJOURNMENT:

MOTION by Arends and second by Poppens to adjourn at 10:51 a.m. until 8:30 a.m. on June 6, 2023. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

Tiffani Landeen, Lincoln County Chair

Attest:

Sheri Lund, Auditor

Approved: June 6, 2023

Please publish the week of June 12, 2023.