

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on June 6, 2023, with Commissioners Joel Arends, Michael Poppens, and Jim Schmidt present, James C Jibben was present via phone. Auditor Sheri Lund served as Clerk to the Board. William Golden, Chief Civil Deputy State's Attorney, was also present.

ROUTINE BUSINESS:

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

Payroll: \$409,135.67

Commissioner's \$6,014.00; FICA 331.63, Medicare 77.56, SDRS 29.02
Auditor's \$10,131.31; FICA 578.54, Medicare 135.30, SDRS 607.88
Treasurer's \$19,391.17; FICA 1,073.16, Medicare 251.00, SDRS 1,163.45
States Attorney's \$66,972.38; FICA 3,882.81, Medicare 908.07, SDRS 3,943.42
Gen Gov Bldg \$15,565.64; FICA 864.13, Medicare 202.10, SDRS 893.06
DOE \$38,935.19; FICA 2,252.69, Medicare 526.86, SDRS 2,273.55
ROD \$10,116.80; FICA 556.69, Medicare 130.20, SDRS 556.94
VSO \$2,615.40; FICA 135.70, Medicare 31.74, SDRS 156.92
GIS \$6,293.20; FICA 337.32, Medicare 78.89, SDRS 377.60
IT \$9,965.40; FICA 596.19, Medicare 139.43, SDRS 597.92
HR \$5,444.20; FICA 305.80, Medicare 71.52, SDRS 326.65
Sheriff's \$93,732.18; FICA 5,482.95, Medicare 1,282.32, SDRS 6,986.76
Jail \$18,273.45; FICA 1,125.28, Medicare 263.16, SDRS 1,156.72
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 \$5,074.19; FICA 311.62, Medicare 72.88, SDRS 304.45
P & Z \$14,070.60; FICA 863.00, Medicare 201.85, SDRS 821.74
Highway \$50,021.91; FICA 2,268.76, Medicare 530.59, SDRS 2,394.05
Communications \$28,096.78; FICA 1,621.98, Medicare 379.34, SDRS 1,685.80
EM MGMT \$3,710.40; FICA 211.01, Medicare 49.35, SDRS 224.06
24/7 \$2,074.99; FICA 127.20, Medicare 29.75, SDRS 166.00

Longevity: \$2,350.00

Gen. Gov. Bldg \$750.00; FICA 46.50, Medicare 10.88, SDRS 45.00
GIS \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00
IT \$600.00; FICA 37.20, Medicare 8.70, SDRS 36.00

Reports:

The April 2023 Sheriff Civil and Patrol mileage was presented.

The May 2023 Emergency Management mileage was presented.

Information that was presented during the 05.23.2023 meeting from Jeff Schaefer Legislative Audit was presented.

A letter from the Minnehaha County Juvenile Detention Center regarding use of the facility was presented.

Letters from the Department of Agriculture and Natural Resources regarding two public notices for surface water discharge permits were presented.

A letter from the Department of Agriculture and Natural Resources regarding revised phosphorus based nutrient plan (NMP) was presented.

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

CONSENT AGENDA:

MOTION by Poppens and second by Schmidt to approve County Commission Minutes: 05.23.2023. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

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

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the lease agreement with the South Dakota Department of Game Fish and Parks for \$275.00 per month from 06.01.2023 through 05.31.2028 for the office space at the Lincoln County 4-H Building. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to terminate the lease with Diane Bottolfson and sign a new agreement with John Muhle for \$292.40 per year for Site K7 at Marv Skie Airport. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Grant Offer for Airport Improvement Program (AIP) project No. 3-46-0078-021-2023. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the agreement with LexisNexis for 3 years at \$294.00 for 08/2023-07/2024, \$309 for 08/2024-07/2025 and \$325 for 08/2025-07/2026. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize I.T. Director to execute an agreement with Midco at the Harrisburg location for 3 years at \$133.94 a month. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the resignation of Loren McManus, Part-time Deputy Sheriff for the Sheriff's Office, effective 04.24.2023. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE RESOLVED to approve the resignation of Amanda Johnson, Dispatcher for the 911/ Sheriff's Office, effective 06.16.2023. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

REGULAR BUSINESS:

SECOND READING & PUBLIC HEARING was held for an Ordinance of Lincoln County, SD, rezoning a portion (proposed Tract 1A of Holbeck Addition) of the property legally described as

Tract 1, Holbeck Addition, N1/2 NW1/4, Section 27-T99N-R51W, Perry Township, from the "A-1" Agricultural District to the "RR" Rural Residential District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommends denial (7-0). Toby Brown, Planning and Zoning Director, explained the application and staff report. The applicant was present to answer questions on their intentions. One resident spoke in favor of the rezone. None spoke in opposition.

RESOLUTION: BE IT RESOLVED to deny an ordinance of Lincoln County, SD, rezoning the property legally described as a portion (proposed tract 1a of Holbeck addition) of the property legally described as tract 1, Holbeck addition, n1/2 nw1/4, section 27-t99n-r51w, perry township, from the "A-1" agricultural district to the "RR" rural residential district, and amending the official zoning map of Lincoln County. Be it ordained by Lincoln County, SD: That the property legally described as a portion (proposed Tract 1A of Holbeck Addition) of the property legally described as Tract 1, Holbeck Addition, N1/2 NW1/4, Section 27-T99N-R51W, Perry Township, is hereby rezoned from the "A-1" Agricultural District to the "RR" Rural Residential District, and the official zoning map of Lincoln County is amended to include the rezoning. MOTION by Schmidt seconded by Poppens. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

TABLED ITEM-to consider an application to acquire a Manufacturing Medical Marijuana License for Greg Best (SoDak Selects) to operate outside of a municipality on the property legally described as Timmerman Addition TR1 SE1/4 – 17-100-51, a/k/a parcel number 100.50.57.D100. The applicant was present to answer questions.

MOTION by Poppens and seconded by Arends to remove the item from the table. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve an application to acquire a Manufacturing Medical Marijuana License for Greg Best (SoDak Selects) to operate outside of a municipality on the property legally described as Timmerman Addition TR1 SE1/4 – 17-100-51, a/k/a parcel number 100.50.57.D100. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Dave Stuart, Peterson, Stuart and Klentz, Prof. LLC. Presented information pertaining to the 2023 Public Defender case review and presented the necessary information pertaining to the Public Defender contract for the years of 2024-2026. None spoke in favor nor opposition.

COMMISSION BRIEFING: Chad Hazel, 4H Building Foundation presented information regarding buildings at the 4H Grounds in Lennox. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve the downsizing of the buildings on the 4H grounds. MOTION by Schmidt seconded by Arends. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Joe Meader, Civil Deputy State's Attorney presented information regarding the ground lease for Site P at the Marv Skie Airport. Commissioner Poppens spoke on issues and needs regarding the airport. Dave Stuart spoke on behalf of Legacy Aviation.

COMMISSION BRIEFING: Harold Timmerman, Director of Emergency Management, presented two applications for permits to operate a display of fireworks. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve the application for fireworks public display permit for Mark Foster on July 2nd, 2023 at 10:00 p.m. at 48074 Sun Meadow Court Sioux Falls, SD in Lincoln Lakes Addition aka 100.49.23.B03A. MOTION by Arends seconded by Poppens. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the application for fireworks public display permit for Cullan Winter on July 1, 2023 at 10:00 p.m. at 47857 Lake Alvin Place, Harrisburg, SD 57077 aka 100.49.33.E500. MOTION by Poppens seconded by Arends. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Sheri Lund, Auditor requested that all bids from the bid letting for the tax deed property 096.49.02.A100 be rejected. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to reject all bids regarding the tax deed parcel 096.49.02.A100. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commission Briefing: William Golden, Chief Civil Deputy State's Attorney, presented information regarding the tax deed parcel 096.49.02.A100 and requested that two quit claim deeds be approved. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute Quit Claim Deed for Patricia Nelson for property legally described as Ranschau Tract 1 in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) and the West Half of the Northeast Quarter of the Northwest Quarter (W1/2NE1/4NW1/4) of Section Two (2), Township Ninety-Six (96) North, Range Forty-Nine (49), West of the 5th PM, aka Lincoln County Parcel No. 096.49.02.A100, Lincoln County, South Dakota, according to the recorded plat thereof. MOTION by Arends seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute Quit Claim Deed for Dale Eugene Rice Estate for property legally described as Ranschau Tract 1 in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) and the West Half of the Northeast Quarter of the Northwest Quarter (W1/2NE1/4NW1/4) of Section Two (2), Township Ninety-Six (96) North, Range Forty-Nine (49), West of the 5th PM, aka Lincoln County Parcel No. 096.49.02.A100, Lincoln County, South Dakota, according to the recorded plat thereof. MOTION by Arends seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Sheri Lund, Auditor read the bid tabulation sheet from the bidletting on 06.02.2023. Bid request number 23-002 had two bids Brett Block \$9,042.80 and Todd Gannon \$4,400.00, Bid request number 23-003 had one bid Allen Rippentrop \$1,950.00, and Bid request number 23-006 had two bidders Brett Block \$8,225.00 and Todd Gannon \$4,000.00. Lund also asked to have the scheduled meeting on July 4, 2023, cancelled, and also

discussion was had regarding the schedule for the 2024 budget sessions. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to award the bid request number 23-002 to The Block Farm, Brett Block for the amount of \$9,042.80. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to award the bid request number 23-003 to Allen Rippentrop for the amount of \$1,950.00. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to award the bid request number 23-006 to The Block Farm, Brett Block for the amount of \$8,225.00. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION BE IT RESOLVED to cancel the regular scheduled Commission meeting scheduled for July 4, 2023. MOTION by Poppens seconded by Schmidt. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commissioner Schmidt left the meeting at 9:26 a.m.

OPPORTUNITY FOR PUBLIC COMMENT:

Several Lincoln County residents and one Brookings County resident spoke regarding elections.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Poppens reiterated the statements regarding the Marv Skie Airport.

EXECUTIVE SESSION:

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 9:42 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 Poppens and seconded by Arends. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:39 a.m. MOTION by Arends and seconded by Poppens. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

ADJOURNMENT:

MOTION by Arends and second by Poppens to adjourn at 10:40 a.m. until 8:30 a.m. on June 13, 2023. Arends: "Aye" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

Tiffani Landeen, Lincoln County Chair

Attest: _____
Sheri Lund, Auditor

Approved: June 13, 2023

Please publish the week of June 19, 2023.