

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on August 1, 2023, with Commissioners James C Jibben, Michael Poppens and Jim Schmidt present. Auditor Sheri Lund served as Clerk to the Board. Joe Meader, Civil Deputy State's Attorney, Steve Rasmussen, Commission Administrative Officer, was also present.

ROUTINE BUSINESS:

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

Longevity: \$4,200.00

Gen Gov Bldg \$950.00; FICA 58.90, Medicare 13.78, SDRS 57.00

Sheriff's \$1,150.00; FICA 71.30, Medicare 16.68, SDRS 92.00

Highway \$1,100.00; FICA 68.20, Medicare 15.96, SDRS 66.00

Communications \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00

The following reports were presented:

June 2023 Sheriff Civil Mileage Report.

Letter from the South Dakota Department of Revenue regarding TIF #9.

East Dakota Water Development District July 2023 draft minutes.

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

CONSENT AGENDA:

MOTION by Jibben and second by Schmidt to approve County Commission Minutes: 07.25.2023. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Joseph Stiegel as full-time Dispatcher in 911 Communications at \$23.64/hr (Grade 106/Step 2) effective 08.07.2023. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve a step increase for the following individual in the Sheriff's Office effective the first day of the biweekly pay period following 08.01.2023: Jordan Moses – Deputy Sheriff– SO1/Step 5 - \$30.38/hr. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the I.T. Director to execute an agreement with Midco. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the resignation of Amy Defonce, Dispatcher for 911 Communications, effective 07.19.2023. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Shanden Reiners as full-time Dispatcher in 911 Communications at \$23.07/hr (Grade 106/Step 1) effective 07.31.2023. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur August 8, 2023, and the SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the August 22, 2023, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning Tract 1, Klinghagen's Addition, NW1/4, Section 5-T99N-R50W LaValley 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 seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

REGULAR BUSINESS:

PUBLIC HEARING as advertised for an Ordinance of Lincoln County, SD, amending Section 154.021, Definitions; Section 154.057, A-1 Permitted Special Uses; Section 154.077, RR Permitted Special Uses; Section 154.097, R-1 Permitted Special Uses; Section 154.117, C Permitted Special Uses; Section 154.137, I-1 Permitted Special Uses; Section 154.157, I-2 Permitted Special Uses; Section 154.177, RC Permitted Special Uses; and adding a new Section 154.254, Transmission Pipelines. The Planning Commission recommends approval with amendments (3-2). The applicant was present to present information and answer questions. Opponents and proponents gave testimony regarding the proposed ordinance.

Ten-minute recess at 9:50 a.m.

RESOLUTION: BE IT RESOLVED to approve an Ordinance amending Section 154.021, Definitions; Section 154.057, A-1 Permitted Special Uses; Section 154.077, RR Permitted Special Uses; Section 154.097, R-1 Permitted Special Uses; Section 154.117, C Permitted Special Uses; Section 154.137, I-1 Permitted Special Uses; Section 154.157, I-2 Permitted Special Uses; Section 154.177, RC Permitted Special Uses; and adding a new Section 154.254, Transmission Pipelines. MOTION by Jibben and seconded by Schmidt. Jibben: "Aye" Schmidt "Aye" Landeen: "Nay". Motion failed.

Commissioner Poppens joined the meeting at 10:26 a.m.

COMMISSIONER BRIEFING: Joe Meader, Civil Deputy State's Attorney presented the necessary facts regarding an eminent domain resolution.

RESOLUTION OF NECESSITY TO ACQUIRE REAL PROPERTY NECESSARY FOR CONSTRUCTION OF HIGHWAY WHEREAS, it is necessary for Lincoln County, South Dakota to acquire land within Lincoln County for the purpose of construction of road and utilities easement. WHEREAS, Lincoln County must acquire the necessary real property for opening, constructing, extending a new highway for road and utilities easement, which property is particularly described, including landowners names as follows: **East 200 feet of the West 671.5' of the South 660' of the Southeast Quarter of the Southeast Quarter of 15-98-49.** WHEREAS, Lincoln County's representative and the above-named owners have not been able to agree on the terms and conditions of the necessary conveyances to accomplish the new highway construction project; and WHEREAS, SDCL 7-18-9 authorizes a board of county commissioners to condemn private property for the purpose of opening, constructing, changing, relocating, maintaining, repairing, or extending any highway or bridge within its county, for right of way and borrow pit along said highway or bridge, or to afford unobstructed vision on the highways in the county at any point of danger to public travel; and WHEREAS, SDCL 7-18-9 provides that counties may, by resolution, declare the appropriation of property necessary for the purposes described above, said resolution being the starting point for judicial condemnation

proceedings; NOW THEREFORE, be it hereby RESOLVED by the Lincoln County Board of Commissioners that the above-described property be condemned for construction of road and utilities easement and that a copy of this Resolution be served upon the above-named owners of said land by mail; and it is further RESOLVED that Lincoln County by their representative shall initiate appropriate proceedings pursuant to SDCL Ch. 21-35 and other applicable law for the determination of just compensation for said lands. MOTION by Poppens and seconded by Schmidt. Poppens: "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Tiffany Landeen, Commissioner presented information regarding revisions to the Public Input Policy and asked that the item be tabled.

RESOLUTION: BE IT RESOLVED to table the resolution amending 2210-19 under section LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS' POLICY REGARDING REGULAR-BUSINESS AGENDA ITEMS NOT FALLING WITHIN THE PUBLIC HEARING POLICY item number 4 to read, For items on the regular-business Agenda, if a member of the public wishes the Board of County Commissioners to consider written comments or documents, they must submit six (6) copies of the materials no later than 3:00 p.m. the day prior to the meeting to allow for Commissioners to consider the information. MOTION by Poppens and seconded by Jibben. Poppens: "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

COMMISSION BRIEFING: Sheri Lund, Auditor presented information regarding fund usage for the American Rescue Plan Act (ARPA) funds, the service agreement with Election Systems & Software LLC, and discussions regarding the 2024 Budget request.

RESOLUTION: BE IT RESOLVED to authorize the Auditor to begin the use of American Rescue Plan Act (ARPA) funds. MOTION by Schmidt and seconded by Jibben. Poppens: "Nay" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute an agreement with Election Systems & Software, LLC. MOTION by Schmidt and seconded by Jibben. Poppens: "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

Five-minute recess at 11:05 a.m.

OPPORTUNITY FOR PUBLIC COMMENT:

Several Lincoln County residents spoke during public comment.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner Schmidt spoke on the recently held National Association of County Officials (NACO) convention that was held in Austin.

Commissioner Jibben left the meeting at 12:13 p.m.

RESOLUTION: BE IT RESOLVED to approve the provisional budget for 2024 for advertising with changes presented. MOTION by Poppens and seconded by Schmidt. Poppens: "Aye" Jibben: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 12:37 p.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 Schmidt. Poppens: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 1:19 p.m. MOTION by Schmidt and seconded by Poppens. Poppens: "Aye" Schmidt "Aye" Landeen: "Aye". Motion carried.

ADJOURNMENT:

MOTION by Poppens and second by Schmidt to adjourn at 1:19 p.m. until 8:30 a.m. on August 8, 2023. Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

Tiffani Landeen, Lincoln County Chair

Attest: _____
Sheri Lund, Auditor

Approved: August 8, 2023
Please publish the week of August 14, 2023.