

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, Tiffani Landeen, at 8:30 a.m. on November 7, 2023, with Commissioners Jim Schmidt, James C. Jibben, Michael Poppens, present. Joel Arends, Absent. Deputy Auditor Cristen Standley served as Clerk to the Board. Drew DeGroot, Chief Civil Deputy State's Attorney, Steve Rasmussen, Commission Administrative Officer, were also present.

ROUTINE BUSINESS:

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

Payroll: \$414,144.37

Commissioner's \$10,592.00; FICA 582.84, Medicare 136.31, SDRS 302.50

Auditor's \$13,240.92; FICA 743.15, Medicare 173.81, SDRS 793.26

Treasurer's \$19,446.27; FICA 1,075.33, Medicare 251.50, SDRS 1,165.56

States Attorney's \$68,150.37; FICA 3,948.76, Medicare 923.50, SDRS 4,012.90

Gen Gov Bldg \$16,369.80; FICA 913.62, Medicare 213.66, SDRS 980.99

DOE \$36,941.78; FICA 2,124.38, Medicare 496.85, SDRS 2,165.78

ROD \$9,458.80; FICA 523.64, Medicare 122.48, SDRS 516.93

VSO \$2,635.40; FICA 135.70, Medicare 31.74, SDRS 156.92

GIS \$6,313.20; FICA 344.24, Medicare 80.51, SDRS 377.60

IT \$10,030.96; FICA 600.26, Medicare 140.38, SDRS 600.66

HR \$5,464.20; FICA 305.80, Medicare 71.52, SDRS 326.65

Sheriff's \$96,100.24; FICA 5,700.89, Medicare 1,333.29, SDRS 7,224.82

Jail \$18,564.85; FICA 1,143.34, Medicare 267.38, SDRS 1,196.76

WIC \$402.88; FICA 24.98, Medicare 5.84

County 4-H \$2,253.60; FICA 138.48, Medicare 32.39, SDRS 134.02

Weeds \$4,777.62; FICA 293.24, Medicare 68.58, SDRS 286.66

P & Z \$14,370.60; FICA 889.29, Medicare 208.01, SDRS 821.74

Highway \$38,837.17; FICA 2,204.54, Medicare 515.57, SDRS 2,179.45

Communications \$31,834.51; FICA 1,835.84, Medicare 429.35, SDRS 1,908.87

EM MGMT \$3,710.40; FICA 210.27, Medicare 49.18, SDRS 221.42

Airport \$2,612.00; FICA 161.94, Medicare 37.87, SDRS 156.72

24/7 \$2,036.80; FICA 124.83, Medicare 29.19, SDRS 162.94

Longevity: \$3614.15

DOE \$2,114.15; FICA 52.70, Medicare 12.33, SDRS 51.00, Special Pay Plan \$1,264.15

Highway \$500.00; FICA 31.00, Medicare 7.25, SDRS 30.00

Communications \$1,000.00; FICA 62.00, Medicare 14.15, SDRS 60.00

Reports:

Mileage Reports were presented as follows: October 2023 Emergency Management and Assessor's Office.

October 2023 Veteran Services Report.

October 2023 Register of Deeds Report totaling \$112,704.20

Renewal application to construct and operate a restricted use storage and disposal facility for the City of Lennox.

Request for information on New Men's Prison and response from State of South Dakota Department of Corrections.

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

CONSENT AGENDA:

MOTION by Schmidt and seconded by Jibben to approve County Commission Minutes: 10.24.2023. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the 2023-2025 renewal of Medical Cannabis Application for: Kasey Hahn dba Pure Bliss & Culture Shock Timmerman's Addition, SE1/4, Section 17-T100N-R51W AKA Delapre Township 100.56.57.D100. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the Sheriff to place the order for the 2024 budgeted vehicles for the jail division: transport van from Boyer Ford Sioux Falls off the State Bid in the amount of \$57,314. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Lincoln County and Turner County Contract for E-911 and Dispatching Services. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Lincoln County and City of Tea Contract for E-911 and Dispatching Services. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the 2023-2024 renewal of Uniform Alcoholic Beverage Applications as follows: The Canton Barn LLC (RL-24411) at Lot A and M.k. Tract 1, an addition in the E ½ of the SE ½ of the SE ¼ of Section 11, T98n, R49W. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the chair to sign the Health Partners Multi-Year Agreement. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to set the date and time for the FIRST READING to occur November 14, 2023, and the SECOND READING & PUBLIC HEARING to occur between 8:30 a.m. and adjournment of the November 28, 2023, Board of Commissioners Meeting for an Ordinance of Lincoln County, SD, rezoning Lots 1 and 2, Lake Alvin Subdivision, SE1/4 SE1/4, Section 33-T100N-R49W from the RC Recreation/Conservation District and the RR Rural Residential District to the PD Planned Development District, and amending the Official Zoning Map of Lincoln County. The Planning Commission recommendation for approval failed (0-6). MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of Chad McKenzie as full-time Equipment Operator in the Highway Shop at \$23.64/hr (Grade 106/Step 2) effective 11.06.2023. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the transfer of Jozlyn Zimmel as full-time Tax & License Clerk in the Treasurer's Office to Property Technician in the Department of Equalization and remain at \$21.89/hr (104/step 4) effective 11.06.2023. MOTION by Schmidt and seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

REGULAR BUSINESS:

Board discussion was heard regarding the establishment of a carbon dioxide transport and storage advisory committee. Public input was heard.

RESOLUTION: BE IT RESOLVED WHEREAS, the Board of Commissioners establishes various committees from time to time for the purpose of advising the Board of Commissioners on matters of importance; WHEREAS, the Board of Commissioners has authority to adopt a zoning ordinance to regulate land use in the County for carbon dioxide transport and storage pursuant to SDCL § 11-2-13; WHEREAS, the Board of Commissioners has authority to modify the County's Comprehensive Plan to adopt a zoning ordinance to regulate land use in the county for carbon dioxide transport and storage pursuant to SDCL § 11-2-28; WHEREAS, the Board of Commissioners have a desire for orderly and efficient growth and development in the County; WHEREAS, the Board of Commissioners recognizes the importance of thoughtful planning and siting of utilities and improvements in the County; WHEREAS, the Board of Commissioners recognizes that there are stakeholders with relevant backgrounds, experience, and expertise that can provide valuable advice and recommendations for the County; and WHEREAS, the Board of Commissioners desires to establish an ad hoc advisory committee of stakeholders comprised of persons with relevant backgrounds, experience, and expertise to provide input on a zoning ordinance to regulate land use in the County for carbon dioxide transport and storage. NOW, THEREFORE, the Board of Commissioners of Lincoln County, South Dakota resolves as follows: Section 1: The Board of Commissioners hereby creates the Carbon Dioxide Transport and Storage Advisory Committee ("Committee") which shall provide input and make recommendations to the Planning Commission with regard to the County's Comprehensive Plan and possible adoption of a zoning ordinance to regulate land use in the County for carbon dioxide transport and storage. Section 2: If the Committee recommends the County adopt a carbon dioxide transport and storage ordinance, which regulates land use for such purpose, the Board of Commissioners shall prepare, or cause to be prepared, a zoning ordinance consistent with the recommendations of the Committee. Section 3: The Committee shall be an ad hoc advisory committee and shall be subject to Open Meeting Laws pursuant to SDCL Chapter 1-25. The term, qualification of appointees, selection of appointees, appointment process, membership, and responsibilities shall be done in conformance with this resolution and Exhibit "A", which is incorporated herein by reference. Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The Board of Commissioners hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Section 5: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution. Section 6: This resolution shall take effect immediately upon its adoption by the Board of Commissioners, and the Auditor shall certify the vote adopting the resolution. ADOPTED this 7th day of November 2023. MOTION by Schmidt seconded by Jibben. Arends: "Absent" Poppens: Abstain Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Steve Rasmussen, Commission Administrative Officer, presented the necessary facts regarding a proposal for consulting services with Aeroplex Group Partners in the development of an airport business plan. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to accept a proposal for consulting services with Aeroplex Group Partners in the development of an airport business plan. MOTION by Jibben seconded by Poppens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: John Rombough, Building & Grounds, presented quotes received from Tipton Digging for \$30,600.00 and Short Excavating for \$39,546.92 and requesting authorization to proceed with the water installation project at the Lincoln County Fairgrounds. Public input was heard.

RESOLUTION: BE IT RESOLVED to accept the quote submitted by Tipton Digging for \$30,600.00 and to authorize the water installation project at the Lincoln County Fairgrounds. MOTION by Poppens seconded by Schmidt. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Nay". Motion carried.

COMMISSIONER BRIEFING: Wendy Sweeter, 4H Advisor, presented two agreements regarding the naming rights for the Swine and Rabbit/Poultry barns at the Lincoln County Fairgrounds. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED that the board approves the naming rights at the Lincoln County Fairgrounds for the Swine Barn to Security Bank with a sponsorship of \$40,000. And the Rabbit/Poultry Barn to Jerry's Auto Sales & Service with a sponsorship in the amount of \$45,000 with a payment of \$15,000 to paid upon approval and the next two payments of \$15,000 to paid in January of 2025 and 2026. MOTION by Schmidt seconded by Poppens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resources, presented the necessary facts regarding the reclassification and recategorization of the 4-H Administrative Assistant to an Assistant 4-H Program Advisor. She also presented the request to hire a temporary employee to assist in snow removal for the Highway Shop. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve a reclassification and recategorization of the 4-H Administrative Assistant (grade 104) to an Assistant 4-H Program Advisor (grade 106). MOTION by Schmidt seconded by Poppens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the request to hire a temporary snow removal employee, Jacob Tetrick at \$23.64/hr. for the Highway Shop during the 2023/2024 snow season. MOTION by Poppens seconded by Jibbens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Drew DeGroot, Chief Civil Deputy States Assistant, presented the necessary facts regarding a cell phone stipend for the Youth Diversion Coordinator. He also requested the approval of a contract with Myers Billion, LLP for indigent counsel overflow. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve a cell phone stipend for the Youth Diversion Coordinator in the amount of \$45.00 a month. MOTION by Poppens seconded by Jibben. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and execute an indigent counsel overflow contract with Myers Billion, LLP through 2023. And to approve the indigent counsel overflow contract with Myers

Billion, LLP beginning January 1, 2024, through December 31, 2026. MOTION by Schmidt seconded by Poppens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Steve Rasmussen, Commission Administrative Officer, presented the necessary facts regarding an agreement with the Fraternal Order of Police Lodge #1 Labor Council, and the side letter of agreement. He also spoke regarding signing a letter of support for the Dakota Access Pipeline (DAPL), David Owen, South Dakota Chamber of Commerce and Industry, also spoke offering background regarding the Dakota Access Pipeline. None spoke in favor nor opposition.

RESOLUTION: BE IT RESOLVED to approve and execute the agreement with the Fraternal Order of Police Lodge #1 Labor Council for 2024-2026, and the side letter of agreement. MOTION by Jibben seconded by Schmidt. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and execute a letter of support for the Dakota Access Pipeline (DAPL) urging the US Army Corps of Engineers to reissue DAPL's easement under either Alternatives 3 or 4. MOTION by Schmidt seconded by Jibben. Arends: "Absent" Poppens: "Abstain" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Public comments were heard.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner reports were given.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 9:12 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). Preparing for contract negotiations or negotiating with employees or employee representatives, SDCL 1-25-2(4). MOTION by Poppens and second by Schmidt. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 9:32 a.m. MOTION by Schmidt and second by Poppens. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

ADJOURNMENT:

MOTION by Schmidt and seconded by Poppens to adjourn at 9:32 a.m. until 8:30 a.m. on November 14, 2023. Arends: "Absent" Poppens: "Aye" Jibben: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

Tiffani Landeen, Lincoln County Chair

Attest: _____
Cristen Standley, Deputy Auditor

Approved: November 14, 2023

Please publish the week of November 20, 2023.