

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, James C Jibben, at 8:30 a.m. on January 9, 2024, with Commissioners Joel Arends, Jim Schmidt present. Auditor Sheri Lund served as Clerk to the Board. Drew DeGroot, Chief Civil Deputy State's Attorney and Steve Rasmussen, Commission Administrative Officer, were also present.

ROUTINE BUSINESS:

MOTION by Arends and seconded by Schmidt to move item number 2 and 9 from regular business and to place on the next meeting. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

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

Claims: \$2,350,548.70

GENERAL: Lennox Independent LLC, Publishing \$2,437.65; Jibben, Jim, Quarterly Mileage \$2014.96; Sdacc, Membership Dues \$10,734.00; Peterson, Stuart & Klentz, Prof Llc, Public Defender Contract - December \$68,666.66; Resolute Law Firm Pc, Crt Appt Atty \$1,074.05; Olson Law Firm, Pllc, Crt Appt Atty - A&N \$376.90; Meierhenry Sargent Llp, Crt Appt Atty – Juv \$588.50; Lockwood & Zahrbock Kool Law Office, Pc, Crt Appt Atty – Juv \$428.00; Laughlin, Nicole, Crt Appt Atty – Juv \$414.80; Skorczewski, Jena, Transcript \$431.15; Jurors, Fees/Mileage \$567.28; Century Business Products, Copier Contract \$836.30; Sdaco, Membership Dues \$5,124.93; New Century Press, Delinquent Tax List \$431.20; Dakota Data Shred, Shredding Documents \$59.46; Mcleod's Printing, Window Envelope \$189.90; Us Bank, December Statement \$6,155.35; A & B Pure Water Online Corp, Drinking Water Filtration Machine Contract \$207.80; G & R Controls Inc, Thermostat/Controls Upgrade - Rm 247 Judges Chamb. \$2,835.00; Grainger, Building Supplies/Small Tools \$141.43; Prochem Dynamics Llc, Custodial Supplies \$1,561.30; Cintas (First Aid), First Aid Supplies \$385.48; Canton Home & Farm Supply, Hardware \$115.91; Fred The Fixer, Keys For Sheriff's And Judges Office \$27.00; Us Bank, Us Bank - December \$197.47; South Lincoln Rural Water, Water Utilities - Event Center/Fairgrounds \$152.14; City Of Canton, Water Utilities – Courthouse \$409.68; Xcel Energy, Electrical Utilities – Courthouse \$6,503.85; Stensland Gravel Co, Parkinglot/Driveway Gravel - Event Center \$981.96; Menards-West, Receiver Hitch For New Pickup \$69.98; AT&T Mobility, Cellular Services \$2,893.52; Pmb 0112, Executive Mgmt Finance Office, Microfilm - Storage No New \$178.02; Jensen Ins Agency, Insurance Premiums \$7,800.00; Graybar Electric Co., Cables \$496.00; Sioux Valley News Inc, Job Posting – Newspaper \$40.00; Sd Div Of Criminal Investigation, Background Checks X2 \$86.50; Avera Mckennan Hospital, Employee Training \$5,235.36; Family Services Inc, Eap \$70.00; Transunion Risk & Alternative, December Monthly Bill \$75.00; Autopros Tire & Service Center, 2018 Charger-Oil Change \$109.33; Dave's Service & Repair, November Monthly Charges \$402.25; Aj's Automotive Llc, 2023 Xkg7 Oil Changes \$138.54; Harrisburg Ace Hardware, Trashbags \$14.49; Sturdevant's Auto Value, De-Icer \$2.99; Justice Fire & Safety Inc, Extinguisher #5 & #6 \$205.00; Verizon Connect Fleet Usa Llc, December Monthly Bill \$210.91; Verizon Wireless, Cellular Services \$90.68; Karl Chevrolet, New Tahoe 23-8 \$42,857.00; Streicher's, Colshan Gear Ordered 10.24.23 \$1,722.00; Jack's Uniforms & Equipment, Honerman Jacket \$326.94; Silverstar Car Wash, December Monthly \$309.69; Stryker Sales Llc, 2 Kit Replacement Battery \$621.50; Law Enforcement Risk Management Group, Sgt. Bast Training In Tn \$425.00; Minnehaha County Jail, December Housing & Medical \$150,750.70; Union Co Sheriff's Dept, December Room/Board & Meds \$2,087.00; Sanford Health Pathology Clinic, Coroner Calls – December \$1,800.00; Med-Star Paramedic Ambulance Inc, Transport \$557.36; Stantec Consulting Services Inc, Tea 9mi Study \$267.50; Chapel Hill Funeral Home, Inc, Poor Relief – Funeral \$1,995.00; Johnson Pllc, Erin M, Mi Board \$2,632.20; Ringing Shield, Nichole, Mi Evals \$165.00; Loving, Philip, Mi Evals \$4,106.75; Anderson, Jennifer Marie, Mi Evals \$1,090.80; Gates, Laurie, Mi Board \$64.00; Sd State Treasurer, Mi – Yankton/Redfield \$1,943.26; Napa Auto & Truck Parts Of Sioux Falls, Parts

\$39.09; Secog, Fees & Contracts – Secog \$20,054.00; Imeg Corp, Fees & Contracts \$232.50; Quadient Finance Usa, Inc, Ink \$215.65; ROAD AND BRIDGE: North Central Rental & Leasing Llc, Cat Rental Xx3321 \$4,900.00; Graham Tire Co Llc-Corp, Wo518/517 \$554.32; Jfi Inc, Wo530/Fuel \$97.14; Autopros Tire & Service Center, Wo513/Wo503 \$1,163.43; Albers Electric Llc, Repair Brine Pump/Fuel Repair \$641.70; New Century Press, Service/Utility Bid \$33.84; Workforce-South, Random Drug/Alcohol \$225.00; Century Business Products, Copies 11/19-12/18 \$53.91; Sioux Valley News Inc, Bids-Service Utility Body \$37.21; Bartlett Tools In, Tools \$240.90; Bomgaars, Parts/Supplies \$623.48; Butler Machinery Co, Parts \$3,894.19; Cintas, Mats/Towels/Uniform \$576.19; Fastenal Company, Supplies \$549.21; Force America Distributing Llc, Wo490 \$180.05; Grossenburg Implement Incorporated, Wo517 \$1,197.49; Pheasantland Industries, Safety Apparel \$156.05; Wheelco Truck & Trailer Parts, Wo522/528 \$1,115.21; Grossenburg Implement Incorporated, Wo517 \$16.67; Transource, Wo526/532 \$1,177.74; Us Bank, Supplies \$84.00; A-Ox Welding Supply Inc, Hazardous Gases-Welding \$764.26; Jim Hawk Truck Trailers Inc, Wo537 \$4,586.33; Malloy Electric, Wo526 \$24.65; Canton Home & Farm Supply, Sr88/Supplies \$240.40; Napa Auto & Truck Parts Of Sioux Falls, Parts \$2,991.47; Sdltap, Sd Asphalt Conference Registration \$125.00; Sdachs, Sdachs Short Course Registration X2 \$200.00; Southeastern Electric Co-Op Inc, Dec \$3,821.16; Midamerican Energy Co, Gas-Dec \$1,934.29; Micheal's Purple Petunia, Pump Tanks \$207.50; Culligan Water Conditioning Corp, Water-Jan \$50.00; Novak Sanitary Svc Corp, Dec-Trash \$406.34; Verizon Connect Fleet Usa Llc, Dec-Fleet \$886.55; Xcel Energy, Nov/Dec-Traffic Lights \$123.58; Bluepeak, Jan-Internet \$630.61; At&T Mobility, Cellular Services \$80.08; Laursen Asphalt Repair Equipment, Llc, Crf Rejuvenator \$5,088.00; Sd Dept Of Transportation, Highway Work \$1,744.42; Imeg Corp, Professional Services \$46,977.53; 911: Century Business Products, Dispatch Monthly Statement \$36.32; Bluepeak, 12/24-1/23 Contract \$979.97; EMERGENCY AND DISASTER: Interstate Power Systems Inc, Service For Generators On The Courthouse \$568.00; Two Way Solutions Inc, Service For Courthouse Generators \$29.99; Sdema, 2024 Sdems Dues \$30.00; Verizon Wireless, Cellular Services \$40.01; AIRPORT: A-1 Pumping & Excavating Inc, Pumping The Sewer Tank At The Fbo \$170.00; Riverside Technologies Inc, Toner \$490.00; At&T Mobility, Cellular Services \$95.92; Southeastern Electric Cooperative Inc, Airport Electric \$139.21; Lt Companies Inc, North Ga Apron Reconstruction \$435,724.11; Helms & Associates, Airport North Ramp Consultation \$13,480.83; 24/7: Dash, Gloves For 24/7 \$109.06; Us Bank, December- Swenson \$300.20; Pharm Chem Inc, December Patches \$287.55; MODERN/PRESERV: Century Business Products, Monthly Copy Fees \$32.56; JUSTICE CENTER: Stockwell Engineers Inc, Survey \$2,249.50; STATEWIDE SOBRIETY: Sd Attorney General's Office, December 2023 24/7 State Fees \$10,664.00; MODERN/PRESERV: Sdaco, M & P To State For December \$1,294.00; STATE MOTOR: Sd State Treasurer, Sd State Treasurer \$265,681.01; SALES TAX: Sd State Treasurer, Sd State Treasurer \$1,165,743.41; BIRTHS, DEATHS, AND TITLES: Sd State Treasurer, Birth & Death Vital To State \$800.00

Payroll: \$451,811.35

Commissioner's \$13,716.75; FICA 760.73, Medicare 177.92, SDRS 472.57
Auditor's \$14,069.31; FICA 780.79, Medicare 182.61, SDRS 842.96
Treasurer's \$19,943.39; FICA 1,131.89, Medicare 264.71, SDRS 1,195.41
States Attorney's \$72,576.35; FICA 4,170.12, Medicare 975.28, SDRS 4,285.64
Gen Gov Bldg \$17,610.22; FICA 966.37, Medicare 226.00, SDRS 1,055.43
DOE \$40,783.70; FICA 2,325.34, Medicare 543.83, SDRS 2,393.55
ROD \$9,030.83; FICA 494.74, Medicare 115.70, SDRS 487.09
VSO \$2,781.00; FICA 209.87, Medicare 49.08, SDRS 165.66
GIS \$6,659.69; FICA 364.25, Medicare 85.19, SDRS 398.38
IT \$10,516.18; FICA 631.12, Medicare 147.60, SDRS 629.77
HR \$5,766.90; FICA 320.91, Medicare 75.05, SDRS 344.81

Sheriff's \$108,117.26; FICA 6,381.55, Medicare 1,492.44, SDRS 8,087.57
Jail \$20,378.60; FICA 1,255.58, Medicare 293.65, SDRS 1,286.07
WIC \$212.64; FICA 13.18, Medicare 3.08
County 4-H \$2,378.40; FICA 146.22, Medicare 34.20, SDRS 141.50
P & Z \$12,697.49; FICA 785.56, Medicare 183.74, SDRS 721.35
Highway \$53,199.57; FICA 3,098.70, Medicare 724.69, SDRS 3,016.81
Communications \$32,368.25; FICA 1,862.63, Medicare 435.59, SDRS 1,940.87
EM MGMT \$3,916.70; FICA 223.32, Medicare 52.23, SDRS 233.80
Airport \$2,756.28; FICA 170.89, Medicare 39.97, SDRS 165.38
24/7 \$2,331.84; FICA 143.12, Medicare 33.47, SDRS 186.55

Reports:

December 2023 mileage reports were presented from Emergency Management, Buildings and Grounds, October- December mileage reports were presented from Planning and Zoning.
The Register of Deeds report was presented in the amount of \$70,563.50.
East Dakota Water District presented the December 2023 minutes.

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

CONSENT AGENDA:

MOTION by Arends and seconded by Schmidt to approve County Commission Minutes: 1.02.2024.
Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair and Auditor to execute the first quarter single signature sheet for the Local Emergency Management Performance Grant. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to appoint the official depositories of Lincoln County as follows: South Dakota Public Funds Investment Trust (FIT) at Sioux Falls. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to compromise the following County liens of at-least-5-years deceased as of January 1, 2024 as follows (lien number, amount, date of death): 01-03591, \$855.00, 03.20.2018; 01-04690, \$2500.00, 07.07.2018; 01-03016, \$1750.00, 06.08.2018; 01-00510, \$190.01, 04.13.2018; 01-04000, \$226.00, 11.01.2018; 01-02893, 100.00, 05.17.2018; 01-03649, \$744.75, 05.17.2018; 01-00303, \$33.30, 09.10.2018; 01-03632, \$950.00, 09.10.2018; 01-00070, \$46.53, 11.23.2018; 01-03040, \$73.05, 08.30.2018; 01-04668, \$2500.00, 03.13.2018. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve a wage change for the following individual in the Sheriff's Office effective the first day of the biweekly pay period following 01.11.2024: Step Increase: Greg Degrage – Deputy Sheriff – SO1/Step 8 - \$35.01/hr.; FTO pay of \$.70 per hour. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the fourth quarter 2024 Highway Fund Transfer Request--fuel cost transferred to the Highway Fund from and in the amounts as follows: Airport \$1,920.00; Auditor/ Treasurer \$13.09; Buildings and Grounds \$1,639.03; Emergency Management

\$482.87; Equalization \$824.74; Planning and Zoning \$702.95; Sheriff \$15,114.72; State's Attorney Office \$365.41; Weeds \$375.17 Totaling \$21,437.98. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

Commissioner Poppens arrived at 8:37 a.m.

REGULAR BUSINESS:

Public Hearing was held as advertised for an appeal of a decision by the Lincoln County Planning Commission to approve Conditional Use Permit #USE-0072-2023 to allow an agriculturally related operation involving the handling, storage, transporting, and shipping of farm products (Digester) on the property legally described as S1/2 N1W/4, Section 19-T96N-R48W Eden Township. Toby Brown, Planning & Zoning Director, explained the application and staff report. The applicant was present to answer questions on their intentions. Public input was heard.

MOTION by Arends and seconded by Schmidt to uphold the decision by the Planning and Zoning to approve Conditional Use Permit #USE-0072-2023. Arends: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

COMMISSIONER BRIEFING: Drew DeGroot, Civil Deputy States Attorney, presented the facts regarding a Resolution of Necessity. Public input was heard.

RESOLUTION OF NECESSITY TO ACQUIRE REAL PROPERTY NECESSARY FOR OPENING & CONSTRUCTING HIGHWAY WHEREAS, it is necessary for Lincoln County, South Dakota, to acquire land within Lincoln County for the purpose of opening and constructing a highway, affording unobstructed vision on the highway, constructing sidewalks and setbacks, and acquiring utilities easements; and **WHEREAS**, Lincoln County must acquire the necessary real property, right of way and easements, which property is particularly described, including landowners names as follows: Lot H-2 and H-3 in the Southeast Quarter of the Southeast Quarter except the East 648.5 Feet of Section 15, Township 98 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota; containing 123,775 square feet (2.84 Acres) more or less as depicted on the Plat attached hereto and incorporated herein. Current Owners: Douglas McKenney & Sherry McKenney **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, for right-of-way and borrow pit, or for the purpose of making any other public improvement or to acquire private property for any public use authorized by law; 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 the purpose of opening and constructing a highway, affording unobstructed vision on the highway, constructing sidewalks and setbacks, and acquiring utilities easements and that a copy of this Resolution be served upon the above-named owners of said land; 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. This resolution shall take effect immediately upon its adoption by the Board of Commissioners, and the Auditor shall certify

the vote adopting the resolution. MOTION by Poppens and seconded by Schmidt. Arends: “Nay” Poppens: “Nay” Schmidt: “Aye” Jibben: “Aye”. Motion failed.

COMMISSIONER BRIEFING: Joanthon Wiegand, HDR Engineering provided a brief overview of the study findings and was available to answer questions from the Board. No public input was heard.

Commissioner Arends left the meeting at 9:47 a.m.

COMMISSIONER BRIEFING: Harold Timmerman, Emergency Manager Director presented the proposed resolution for the 2023 pre-disaster mitigation plan for Minnehaha and Lincoln County. No public input was heard.

A RESOLUTION OF THE LINCOLN COUNTY COMMISSION DECLARING SUPPORT AND ADOPTION OF THE 2023 PRE-DIASTER MITIGATION PLAN FOR MINNEHAHA AND LINCOLN COUNTIES. WHEREAS, the Lincoln County Commission supports the contents of the 2023 Pre-Disaster Mitigation Plan for Minnehaha and Lincoln Counties; and WHEREAS, the 2023 Pre-Disaster Mitigation Plan for Minnehaha and Lincoln Counties will be utilized as a guide for planning related to FEMA Hazard Mitigation and other purposes as deemed appropriate by the Lincoln County Commission. NOW THEREFORE BE IT RESOLVED, that the Lincoln County Commission hereby adopts, supports, and will facilitate the implementation of the 2023 Pre-Disaster Mitigation Plan for Minnehaha and Lincoln Counties. MOTION by Poppens and seconded by Schmidt. Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, presented the necessary facts for the 2024 road striping project, purchase of budgeted equipment, removal of structures from the National Bridge Inventory. No public input was heard.

RESOLUTION: BE IT RESOLVED to authorize the highway superintendent to request bids and the Auditor to advertise the notice to bidders for the 2024 Road Striping Project. MOTION by Poppens and seconded by Schmidt. Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to approve the Highway Department to purchase a 2022, 307.5 Caterpillar excavator from Butler Cat for the amount of \$89,073. MOTION by Schmidt and seconded by Poppens. Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED that The Lincoln County Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory (NBI) for the following reason(s): 42-110-253 3E & 3.7N of Beresford Structure has been replaced with RCP that no longer meet NBIS length requirements. The Commission is aware of the following stipulations once a structure is deleted from the NBI: 1. Federal and State Bridge funds will not be available for structure replacement or rehabilitation and 2. The structure will only be added to the Inventory following replacement, using County funds. Upon receipt of this resolution, the above structure(s) will be deleted from inventory. MOTION by Poppens and seconded by Schmidt. Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resource Director, presented the facts regarding an application to the Sick Leave Assistance Program. No public input was heard.

RESOLUTION BE IT RESOLVED to approve the Sick Leave Assistance Program application #2008 as presented. MOTION by Poppens and seconded by Schmidt. Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Public comments were given.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner reports were given.

ADJOURNMENT:

MOTION by Schmidt and seconded by Poppens to adjourn at 10:12 a.m. until 8:30 a.m. on January 23, 2024. Arends: “Aye” Poppens: “Aye” Schmidt: “Absent” Landeen: “Aye” Jibben: “Aye”. Motion carried.

Lincoln County Board of Commissioners

Jim C. Jibben, Lincoln County Chair

Attest: _____
Sheri Lund, Auditor

Approved: January 23, 2024

Please publish the week of January 29, 2024