

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, James C Jibben, at 8:30 a.m. on January 23, 2024, with Commissioners, Tiffani Landeen, Michael Poppens, and Jim Schmidt present. Cristen Standley 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 Poppens and seconded by Landeen to remove item number 9 from the consent agenda.

Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

Claims: \$ 314,145.54

GENERAL: Symetra Select Benefits, Employee Life Insurance \$214.20; Argus Leader/Multimedia Holding Inc., Publishing \$1,095.79; Jibben, Jim, Quarterly Mileage \$97.92; Midco, Internet/Video/Voice Services \$3,694.40; Election Systems & Software Inc, Firmware/Rnwl/Maint Fees \$16,603.13; Dakota Law Firm Prof Llc, Crt Appt Atty \$2,566.30; Dematteo Law Firm, Prof Llc, Crt Appt Atty \$6,852.78; Eich Law Office Prof Llc, Crt Appt Atty \$5,356.00; Baloun Law, Pc, Crt Appt Atty \$801.84; Carper, Nichole, Crt Appt Atty – Juv \$577.90; Tschetter & Adams Law Office, Pc, Crt Appt Atty – Juv \$839.42; Olson Law Firm, Pllc, Crt Appt Atty \$10.62; Laughlin, Nicole, Crt Appt Atty - A&N \$1,232.40; Walton, Marcus L, Crt Appt Atty \$1,354.60; Century Business Products, Copier Contract \$289.84; Delta Dental, Cobra Dental Insurance \$46.82; Sd Dept Of Health Lab Testing \$7,145.00; Thomson Reuters-West Publ Corp, Online Software Subscription \$873.55; Skorczewski, Jena, Philips Transcript \$116.35; State Bar Of Sd, Pattern Jury Instructions \$125.00; Minnehaha County Jail, Blood Draws \$575.00; Beck, Pat, Grand Jury \$300.00; Sanford Medical Center, Medical Services \$246.20; Paragon Health & Wellness, Blood Draws \$1,920.00; Pmb 0112, Executive Mgmt Finance Office, Access Fees \$126.00; Canton Pizza Ranch, GJ Meals \$84.00; Dakota Data Shred, Shredding \$47.10; A To Z World Languages Inc, Interpreter Services \$100.00; Sioux County Sheriff's Office, Document Service \$45.75; Child's Voice Route #6361, Expert Testimony - Cri. 23-1599 \$250.00; Riverside Technologies Inc, Toner \$125.00; Olivia Heien, December Mileage \$62.32; Midwestern Mechanical Inc, Quarterly Fire System Inspection \$600.00; G & R Controls Inc, Hvac Preventative Maintenance Contract – Ch \$4,587.25; Dakota Wash Llc, 6 Months Of Vehicle Washes \$334.80; Aj's Automotive Llc, Installed Bed Liner For New F-350 \$834.06; Maendel, Jayda, Post Event Cleanup \$140.00; Hillyard/Sioux Falls, Custodial Supplies \$22.64; Prochem Dynamics Llc, Custodial Supplies \$114.24; Grainger, Parts \$636.61; Cintas, Rug Exchange And Cleaning \$40.91; Midamerican Energy Co, Natural Gas Utilities - Courthouse + Storage Bldg \$2,168.87; Novak Sanitary Svc Corp, Garbage/Refuse Collection Courthouse & 4-H Ec \$491.62; Interstate Office Products, Sound Masking System For 2nd Floor Offices \$6,433.14; Lincoln Co Treasurer, License And Registration For New Ford F-350. \$26.70; Cdw-G Inc, Printer/Drives/Fw \$2,142.25; Civicplus, Civicclerk Training \$720.00; Vanguard Appraisals Inc, Vanguard Add License \$2,499.00; Well365, Llc, Wellness Program \$2,672.00; Optum Bank, Hsa Monthly Fee \$19.25; Sd Div Of Criminal Investigation, Background Checks: 3*\$43.25 \$129.75; Centralsquare Technologies, Annual Maintenance \$161.07; Sioux Falls Area Humane Society, December Contract, Mileage & After Hours \$1,077.84; Smith's Feedlot, December Contract \$1,200.00; Auto Dynamics Inc, 22-1, 18-2, 21-7, 20-1, 21-1 \$846.20; Dave's Service & Repair, 21-2 & A22 Vehicle Repair \$243.49; City Of Harrisburg, December Monthly Fuel \$4,937.86; Calibre Press, Knutz, Degrange, Wilson & Welsh Training \$1,436.00; Fee, Don, Removal Of Equipment \$500.00; Sturdevant's Auto Value, 17-3, 20-2, 22-1, 20-1, 21-3 \$139.72; Karl Emergency Vehicles, 2021 Tahoe Rear Command Box & Box W/Cargo Slide \$3,562.91; Octane Ink Llc, 23-1 Lettering Package \$245.00; Streicher's, Gas Mask \$679.99; Law Enforcement Risk Management Group, Jamie Smith Training \$425.00; Charles Mix Sheriff's Office, December Inmate Charges (8 Days) \$560.00; Pennington Co Jail, December Transportation \$668.50; Buddi Us Llc, December Monthly \$1,892.00; Sanford Health Pathology Clinic, Lab Test \$35.00; Sanford Health, Autopsies/Transport \$4,461.00; Minnehaha Co Regional Jdc, Juvenile Housing \$24,322.61;

Inter-Lakes Community Action Partnership Corp, 2024 Budget Allocation \$565.42; Dakotabilities Inc, 6 Cl - Jan/Feb/March 2023 \$1,080.00; Wernke, Laurie A, Mi Hearings \$32.00; Gates, Laurie, Mi Board \$176.00; Loving, Philip, Mi Evals \$2,099.20; Anderson, Jennifer Marie, Mi Evals \$1,952.44; Helseth, Ramona, Mi Hearing \$32.00; Koch, Elizabeth J, Mi Hearings \$128.00; Penning, Leslie, Mi Hearings \$48.00; Ver Beek Law Prof Llc, Mi Board \$1,712.00; Johnson Pllc, Katie, Mi Board \$6,730.30; Southeastern Behavioral Healthcare, Mobile Crisis – December \$261.95; Amg Psychiatry Sf, Mi Hold \$358.91; Avera Mckennan Hospital, Mi Hold \$830.00; Dean Schaefer Court Reporting, Mi Transcript \$90.00; Bomgaars, Wo486, Wo528 \$23.54; Heggen, Russell, Dealer's & Applicator License \$148.64; Assn Of Sd County Weed & Pest, 2024 Weed/Pest Conf Registration And Dues \$550.00; Lookout Plan & Code Consulting Llc, Fees & Contracts \$1,596.60; New Century Press, Publishing \$16.24; Sweeter, Marlene, P&Z Board Mileage \$8.47; Jongeling, Jerry, P&Z Board Mileage \$19.07; Boots, Todd, P&Z Board Mileage \$23.77; Green, Scott, P&Z Board Mileage \$20.40; Scott, Erik, P&Z Board Mileage \$7.65; Sioux Metro Growth Alliance, 2023 Budget Allocation \$5,000.00; Quadient Finance Usa, Inc, Part Replacement \$30.00 ROAD AND BRIDGE: Symetra Select Benefits, Employee Life Insurance \$32.40; Healthpartners, Cobra Health Insurance \$832.73; Integrated Technology & Security, 2023 Rapid Response Monitoring \$180.00; City Glass & Glazing Inc, Doors \$499.90; Transource, Parts \$4,809.95; Safety Meeting Outlines, Safety Meetings \$185.00; Cole's Petroleum Inc, Fuel \$20,944.00; Cintas, Mats, Towels, Uniform \$249.22; Sturdevant's Auto Value, Supplies \$191.92; Bomgaars, Wo486, Wo528 \$23.54; Butler Machinery Co, Parts \$6,668.56; Midwest Petroleum Equipment, Supplies \$934.54; Lyle Signs Inc, Supplies \$183.49; Cintas (First Aid), Medical Supplies \$190.92; Napa Auto & Truck Parts Of Sioux Falls, Parts/Supplies \$673.54; Midco, Internet/Video/Voice Services \$27.72; Imeg Corp, 2024 Lc102 Fdr Pe \$5,066.01; North Central Rental & Leasing Llc, Purchase Excavator #87, Aid2079 \$89,073.00; 991: Symetra Select Benefits, Employee Life Insurance \$21.60; Century Business Products, 12/07-1/06 Copies \$37.00; Two Way Solutions Inc, Alcester Tower Rent & Repairs \$1,879.74; Midco, Internet/Video/Voice Services \$148.00; EMERGENCY AND DISASTER: Symetra Select Benefits, Employee Life Insurance \$1.80; Scott's Automotive, New Tires & Oil Change On County Em Vehicle \$1,205.07; Midco, Internet/Video/Voice Services \$83.34; AIRPORT: Symetra Select Benefits, Employee Life Insurance \$1.80; Menards-West, Supplies- Airplane Tie Downs \$55.14; Sioux Falls Electric, Check Voltage On Runway And Taxi Lights \$1,213.01; Lincoln Co Rural Water, Water \$91.00; American Engineering Testing Inc, Asphalt Testing \$3,755.00; 24/7: 24/7, State & County Remote Breath Refund \$66.00; Symetra Select Benefits, Employee Life Insurance \$1.80; Midco, Internet/Video/Voice Services \$34.54; MODERN/PRESERV: Tyler Technologies Inc, Docpro Yearly Maintenance \$8,999.08; Century Business Products, Monthly Copy Fee \$32.85; RAIF: Brooklyn Township, Raif Reimbursement \$11,200.00; JUSTICE CENTER: Shaykett Appraisal Company, Inc, Appraisal Report \$4,500.00; STATEWIDE SOBRIETY: 24/7, State & County Refund \$225.00; SALES TAX: Sd Dept Of Revenue, License #1018-0912-St \$109.02

Payroll: \$464,455.48

Commissioner's \$13,691.75; FICA 759.18, Medicare 177.55, SDRS 472.57
Auditor's \$14,069.30; FICA 780.80, Medicare 182.61, SDRS 842.96
Treasurer's \$20,503.28; FICA 1,174.69, Medicare 274.74, SDRS 1,229.00
States Attorney's \$72,477.01; FICA 4,151.07, Medicare 970.82, SDRS 4,289.55
Gen Gov Bldg \$19,368.08; FICA 1,075.73, Medicare 251.58, SDRS 1,160.89
DOE \$40,691.99; FICA 2,320.03, Medicare 542.59, SDRS 2,393.55
ROD \$8,866.41; FICA 484.55, Medicare 113.33, SDRS 487.09
VSO \$3,054.60; FICA 182.95, Medicare 42.79, SDRS 182.08
GIS \$6,659.69; FICA 364.25, Medicare 85.19, SDRS 398.38
IT \$10,516.18; FICA 626.19, Medicare 146.45, SDRS 629.77
HR \$5,766.91; FICA 320.91, Medicare 75.05, SDRS 344.81

Sheriff's \$102,872.94; FICA 6,059.64, Medicare 1,417.17, SDRS 7,632.11
Jail \$18,346.48; FICA 1,129.61, Medicare 264.17, SDRS 1,230.43
WIC \$425.28; FICA 26.37, Medicare 6.17
County 4-H \$2,717.42; FICA 167.24, Medicare 39.11, SDRS 161.85
P & Z \$12,447.98; FICA 770.09, Medicare 180.10, SDRS 746.88
Highway \$69,018.06; FICA 4,081.68, Medicare 954.61, SDRS 3,805.72
Communications \$34,138.74; FICA 1,982.11, Medicare 463.55, SDRS 2,047.12
EM MGMT \$3,916.70; FICA 223.13, Medicare 52.18, SDRS 233.80
Airport \$2,756.28; FICA 170.89, Medicare 39.97, SDRS 165.38
24/7 \$2,150.40; FICA 131.87, Medicare 30.84, SDRS 172.03

Reports:

December 2023 Patrol Mileage.

Handout from Lincoln County resident during 1.09.2024 Opportunity for Public Comment.

December 2023 Auditor Account with the County Treasurer Report and financial reports.

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

CONSENT AGENDA:

MOTION by Schmidt and seconded by Poppens to approve County Commission Minutes: 1.09.2024.
Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve 2024 Commercial Garbage Hauler/Recycling Collection
License for the following entity: Roo's Sanitation. MOTION by Schmidt and seconded by Poppens
Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the
amount of \$247.87, on a property outside city limits, parcel 098.49.15.4011, purchased by Lincoln
County on 05.01.2023. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen:
"Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the
amount of \$1,844.45, on a property outside city limits, parcel 098.49.15.4040, purchased by Lincoln
County on 05.01.2023. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen:
"Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the
amount of \$1,099.66, on a property outside the city limits, parcel 100.50.18.B010, purchased by the City
of Sioux Falls 10.31.2023. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen:
"Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the
amount of \$1,950.88, on a property in the City of Canton, parcel 200.32.08.002. MOTION by Schmidt
and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben:
"Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the
amount of \$269.98, on a property in the City of Sioux Falls, parcel 281.94.00.A400. MOTION by

Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 in the amount of \$8.76, on a property in the City of Harrisburg, parcel 270.55.75.3000. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to surplus the old jail building at 123rd N. Main St., Canton, SD. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Warren Harris as full-time Equipment Operator in the Highway Shop at \$24.23/hr (106/2) effective 01.29.2024. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Toby Brown, Director of Planning and Zoning, in the Planning and Zoning Department, effective the first day of the biweekly pay period following 01.25.2024, 116/7, \$62.80. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED David Erdmann, Appraiser, in the Department of Equalization effective the first day of the biweekly pay period following 01.22.2024, 108/6, \$30.79. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED David Knutson, Lieutenant, in the Sheriff's Office effective the first day of the biweekly pay period following 01.14.2024, SO3/8, \$52.65. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Brock Nelson, Detective Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 01.03.2024, SO/12, \$38.64; Detective pay of \$1.35/hr. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Seth Rozeboom, Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 01.17.2024, SO1/2, \$30.20. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Sergeant Aaron Bartscher reclassification to remove the designation of Field Training Officer and the FTO adjustment of -\$0.87/hr effective pay period 01.14.2024. MOTION by Schmidt and seconded by Poppens Arends: "Absent" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Sergeant EJ Colshan reclassification to remove the designation of Field Training Officer and the FTO adjustment of -\$0.87/hr effective pay period 01.14.2024.

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

RESOLUTION: BE IT RESOLVED Sergeant Cory McCloud reclassification to remove the designation of Field Training Officer and the FTO adjustment of -\$0.87/hr effective pay period 01.14.2024.

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

REGULAR BUSINESS:

Commissioner Arends arrived at 8:35 a.m.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director, discussed the drafted ordinances regarding the carbon dioxide pipeline transport and storage. No public input was heard.

RESOLUTION: BE IT RESOLVED to remand the ordinance drafts to Planning & Zoning for further discussion and request a fee structure. MOTION by Landeen and seconded by Schmidt Arends: "Absent" Landeen: "Aye" Poppens: "Abstain" Schmidt: "Aye" Jibben: "Aye". Motion carried.

COMMISSIONER BRIEFING: Joel Arends, Commissioner, presented to the board a proposed resolution to encourage the Governor of South Dakota and the South Dakota Department of Corrections to site the newly proposed prison in the area of Lincoln County designated as Industrial for future land use. Public input was heard.

RESOLUTION A RESOLUTION BY THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS ENCOURAGING THE GOVERNOR OF SOUTH DAKOTA AND SOUTH DAKOTA DEPARTMENT OF CORRECTIONS TO SITE THE NEW PRISON ON LAND DESIGNATED INDUSTRIAL FOR FUTURE LAND USES WHEREAS, SDCL Ch. 7-18 provides that the powers of a County shall be exercised by a board of county commissioners; and WHEREAS, SDCL 7-18A-2 provides that Counties have the authority to enact such resolutions as may be proper and necessary to carry into effect the powers granted to it by law; and WHEREAS, SDCL 11-2-12 provides that Counties have the authority to adopt a comprehensive plan for the purpose of protecting and guiding the physical, social, economic, and environmental development of the county; to protect the tax base; to encourage a distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements; to lessen governmental expenditure; and to conserve and develop natural resources; and WHEREAS, the County Commission of Lincoln County has adopted a Comprehensive Plan for the responsible development of the County; and WHEREAS, the South Dakota Department of Corrections has publicly announced its intention to locate a new prison at land located along 278th Street and 477th Avenue in the Dayton Township; and WHEREAS, the proposed site selected for the new prison by the South Dakota Department of Corrections is presently zoned as A-1 Agricultural and the Comprehensive Plan designates that the surrounding area will remain zoned A1 Agricultural; and WHEREAS, there are parcels of land available for development for a new prison which the Comprehensive Plan designates as Industrial for future land use; and NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Lincoln County, South Dakota, encouraging the Governor of South Dakota and the South 2 Dakota Department of Corrections to site the new proposed prison in an area of Lincoln County designated as Industrial for future land use pursuant to the attached Comprehensive Plan. MOTION by Arends and seconded by Poppens. Arends: "Aye" Landeen: "Nay" Poppens: "Nay" Schmidt: "Nay" Jibben: "Aye". Motion failed.

COMMISSIONER BRIEFING: Steve Rasmussen, Commission Administrative Officer, brought a purchase order to the attention of the Commission regarding the partial disposition of county owned real property (Parcel No. 240.28.76.1000) in the City of Tea. Public input was heard.

RESOLUTION: BE IT RESOLVED to approve the purchase agreement with CANAM Investments LP in the amount of \$1,795,365.00. MOTION by Landeen and seconded by Poppens. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

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

RESOLUTION: BE IT RESOLVED 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 abovedescribed 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 abovenamed owners of said land; and it is further 2 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 to table discussion for two weeks. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Nay" Poppens: "Nay" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Terry Fluit, Highway Superintendent, presented the following items: Office additions at the County Highway shop; 2024 Rural Access Infrastructure Funding grants to townships; 2024 Annual Supplies for the Highway Department; set recommendations to the 2024 Spring Load Limits; a letter to the South Dakota Carrier Services requesting assistance for the enforcement of load limits in Lincoln County; Bid requests for the 2024 micro surfacing project and Surfacing project In Lincoln County. No public input was heard.

RESOLUTION BE IT RESOLVED to approve VanDeWalle Architects to proceed with planning, engineering, design and bidding for the office additions at the Highway shop. MOTION by Schmidt and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED to award grants for the Rural Access Infrastructure Fund to the following townships: Planning and Engineering; Pleasant TWP structure 42-0601-2589 in the amount \$12,800; Delaware TWP structure 42-0557-2178 in the amount of \$12,000. Replacement; Highland TWP structure 42-1497-2080 in the amount \$32,000; Canton TWP structure 42-1589-1417 in the amount of \$206,489; Dayton TWP structure 42-1588-0903 in the amount of \$176,288; Pleasant TWP structure 42-0700-2795 in the amount of \$11,844. MOTION by Arends and seconded by Schmidt. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED to authorize the highway superintendent to request bids and the Auditor to advertise the notice to bidders for the 2024 Annual Supplies for the Highway Department for the following items: 1. Concrete Products; 2. Crushed Concrete; 3. Cutting Edges; 4. Fuel; 5. Mag Chloride (Dust Control); 6. Plant Mixed Asphalt Materials; 7. Quartzite Rip Rap; 8. Rock Salt and Transportation; 9. Weed Control Chemicals. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED Whereas, seasonal climatic changes can be detrimental to our Highways and create dangerous driving conditions and Whereas, the Lincoln County Board of County Commissioners desires to protect existing Lincoln County Highways, Ultimately saving tax dollars and, Whereas, The Lincoln County Board of County Commissioners, Desire the enforcement of weight limitations on Lincoln County Highways as set forth and posted by the Lincoln County Highway Department. NOW THEREFORE BE IT RESOLVED; Whereas the limits on Lincoln County Highways shall be set at seven (7) tons per axle (40 Ton Max) on designated asphalt surfaced roads and six (6) tons per axle on designated gravel roads, during the spring thaw period and when load limit signs are in place and that the South Dakota Motor Carrier Services is hereby requested to enforce said reduced weight limitations on Lincoln County Highways. BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be set forth in SDCL 32-22-55. MOTION by Landeen and seconded by Arends. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED to authorize the chair to sign a letter requesting assistance from South Dakota Carrier Services for the enforcement of load limits in Lincoln County. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED to authorize the Highway Superintendent to request bids for the 2024 Microsurfacing project for Lincoln County. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

RESOLUTION: BE IT RESOLVED to authorize the Highway Superintendent to request bids for the 2024 Lincoln County Surfacing Project. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Schmidt: “Aye” Jibben: “Aye”. Motion passed.

OPPORTUNITY FOR PUBLIC COMMENT:

Public comments were given.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner reports were given.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resources Director, presented the necessary facts regarding a request for administrative leave for a non-emergency staff member and the Commission Administrative step increase request. These items were moved to discuss within the Executive session. No public input was heard.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 10:18 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 Landeen and seconded by Poppens. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 11:21 a.m. MOTION by Landeen and seconded by Poppens. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to approve a one-time additional Administrative Leave pay for non-emergency staff affected on January 12, 2024. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to approve Stephen Rasmussen, Commission Administrative Officer, to move from Grade 118, Step 2, with biweekly pay of \$5,322.50 to Grade 118, Step 6 with biweekly pay of \$5,874.86. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 11:26 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). MOTION by Poppens and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 12:35 p.m. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Absent" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

Commissioner Landeen did not return after Executive Session.

ADJOURNMENT:

MOTION by Arends and seconded by Poppens to adjourn at 12:36 p.m. until 8:30 a.m. on February 6, 2024. Arends: "Aye" Landeen: "Absent" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

Lincoln County Board of Commissioners

Jim C. Jibben, Lincoln County Chair

Attest: _____
Cristen Standley, Deputy Auditor

Approved: February 6, 2024

Please publish the week of February 12, 2024