

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair, James C Jibben, at 8:29 a.m. on February 6, 2024, with Commissioners, Joel Arends, 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 Arends and seconded by Landeen to approve the agenda. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

Payroll: \$455,639

Commissioner's \$13,691.75; FICA 759.18, Medicare 177.55, SDRS 472.57

Auditor's \$14,069.31; FICA 780.79, Medicare 182.61, SDRS 842.96

Treasurer's \$20,481.72; FICA 1,169.30, Medicare 273.47, SDRS 1,227.71

States Attorney's \$72,775.24; FICA 4,181.03, Medicare 977.82, SDRS 4,283.75

Gen Gov Bldg \$18,964.92; FICA 1,051.11, Medicare 245.82, SDRS 1,136.70

DOE \$39,912.35; FICA 2,271.51, Medicare 531.24, SDRS 2,393.55

ROD \$9,007.34; FICA 493.29, Medicare 115.36, SDRS 487.09

VSO \$2,781.00; FICA 171.18, Medicare 40.03, SDRS 165.66

GIS \$6,659.69; FICA 364.25, Medicare 85.19, SDRS 398.38

IT \$10,516.18; FICA 628.66, Medicare 147.02, SDRS 629.77

HR \$5,766.90; FICA 320.91, Medicare 75.05, SDRS 344.81

Sheriff's \$102,089.40; FICA 6,009.45, Medicare 1,405.46, SDRS 7,587.14

Jail \$21,243.15; FICA 1,309.18, Medicare 306.18, SDRS 1,386.41

WIC \$425.28; FICA 26.37, Medicare 6.17

County 4-H \$2,142.56; FICA 131.60, Medicare 30.78, SDRS 127.35

P & Z \$12,693.63; FICA 785.32, Medicare 183.68, SDRS 739.12

Highway \$58,111.77; FICA 3,405.86, Medicare 796.51, SDRS 3,238.75

Communications \$34,684.55; FICA 2,011.07, Medicare 470.31, SDRS 2,079.86

EM MGMT \$3,916.70; FICA 223.51, Medicare 52.27, SDRS 233.80

Airport \$2,756.28; FICA 170.89, Medicare 39.97, SDRS 165.38

24/7 \$2,950.08; FICA 181.45, Medicare 42.44, SDRS 236.01

Longevity: \$4,400.00

States Attorney \$650.00; FICA 40.30, Medicare 9.43, SDRS 39.00

Gen. Gov. Bldg \$750.00; FICA 46.50, Medicare 10.88, SDRS 45.00

Sheriff's \$2,000.00; FICA 124.00, Medicare 29.00, SDRS 140.00

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

Reports:

Mileage Reports Presented: Dec 2023 Sheriff Civil Fee Mileage, Jan 2024 Emergency Mgmt.

The Register of Deeds report was presented in the amount of \$ 71,887.20.

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

CONSENT AGENDA:

MOTION by Schmidt and seconded by Arends to approve County Commission Minutes: 1.23.2024.

Arends: "Aye" 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 \$1,945.08, on a property in the city of Sioux Falls, parcel 283.21.03.005B. MOTION by Schmidt and seconded by Arends. Arends: "Aye" 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 \$1,866.72 on a parcel in the City of Lennox, per SDCL 10-6A. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve abatement of taxes for 2023 payable in 2024 on a parcel in the City of Canton in the amount of \$1,495.08, per SDCL 10-4-40. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED that the board authorizes the chair to renew a two-year contract with Automatic Security Company, Inc. for the purpose of testing and inspecting the fire alarm control panel and its components. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair and Sheriff to execute the 2024 Union County Jail Contract with Lincoln County for 2024 at \$80.00 per day per prisoner. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the hire of David Ekle as full-time Veteran Services Officer in the Veteran Services at \$26.70/hr. (107/3) effective 02.05.2024. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Aileen Winters, Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 01/30/2024, SO1/3, \$30.96/hr. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Justin Mersier, Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 01/30/2024, SO1/3, \$30.96/hr. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Todd Baldwin, Dispatcher Supervisor, in the 911 Communications Office effective the first day of the biweekly pay period following 02/01/2024, 112/12, \$3,885.16 biweekly. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Donelda Golden, Appraiser, in the Department of Equalization, effective the first day of the biweekly pay period following 02/02/2024, 108/13, \$36.59/hr. MOTION by

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

RESOLUTION: BE IT RESOLVED Andrew Steinburg, Detective - Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 02/08/2024, SO1/8, \$35.01/hr.; Detective pay of \$1.23/hr. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Sebastian Acosta-Acuna, Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 02/09/2024, SO1/8, \$35.01/hr. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Leah Stroschein, Detective - Deputy Sheriff, in the Sheriff's Office effective the first day of the biweekly pay period following 02/10/2024, SO1/6, \$33.32/hr.; Detective pay of \$1.17/hr. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the promotion/reclassification of Anthony Von Haden, Correctional Officer in the 24/7 Program to Deputy Sheriff in the Sheriff's Office, at SO1/1 \$29.46/hr. effective 02/12/2024. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the promotion/reclassification of Jordan Wilcox, Office Assistant (Jail) to Correctional Officer in the 24/7 Program, at 106/6 \$26.88/hr. effective 02/12/2024. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED Steve Rasmussen, Commission Administrative Officer, in the Commission Office, per resolution 2401-61, change from 118/2 \$5,322.50 biweekly to 118/6 \$5,874.86 biweekly effective the first day of the biweekly pay period following 01/23/2024. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Intergovernmental Contract and Coverage Document for the SDML Workers' Compensation Fund. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion carried.

REGULAR BUSINESS:

PUBLIC HEARING to occur to consider the adoption of a resolution of intent to enter into a lease for a term exceeding 120 days and an amount exceeding \$500.00. The subject area is known as Lease Site M-2, a Tract 3,150 square ft., located at the Lincoln County/Marv Skie Airport. The proposed lessee is Joseph W. Darst, Jr. Joe Meader, Civil Deputy State's Attorney, informed the Board of the necessary facts pertaining to the Lease transfer of P1.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Termination of Ground Lease Agreement for hangar site M2 with Joseph W. Darst Jr. and the new Ground Lease

Agreement for hanger site M2 with Bryant Soberg. MOTION Landeen by and seconded by Schmidt. Arends: "Aye" Landeen: "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.

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

RESOLUTION NO. 2024-48 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 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 by Landeen and seconded by Poppens. Arends: "Nay" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Steve Rasmussen, Commission Administrative Officer, brought forth the need for a traffic impact study regarding traffic for the Lincoln County Justice Center. Public input was heard.

RESOLUTION: BE IT RESOLVED that the Traffic Impact Study proposal by HDR Inc. is approved for \$8,100. MOTION by Landeen and seconded by Poppens. Arends: "Nay" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: David Myers, Airport Manager, requested the purchase of a pickup for Airport maintenance. He also brought to the board the need for an independent fee estimate and a request to terminate the contract with Aeroplex. No public input was heard.

RESOLUTION BE IT RESOLVED to authorize the Airport Manager to purchase a 2024 Ford F-250 from Lamb's Motors from their state bid contract for the amount of \$49,535. MOTION by Landeen and seconded by Schmidt. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED that Mead & Hunt, Inc. will complete an Independent Fee Estimate (IFE) on the South GA Apron Reconstruction Project at a cost of \$5,000. MOTION by Poppens and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to terminate airport business planning services for Marv Skie Airport (Y14) with Aeroplex Group Partners LLC and authorize the Airport Manager to research other vendors for the same scope of work. MOTION by Poppens and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Joe Meader, Civil Deputy State's Attorney, spoke on contracts for Leased grounds that were coming due and would require sealed bids to award new contracts. No public input was heard.

RESOLUTION: BE IT RESOLVED to open for public bid the leasing of approximately 12 acres (as designated by the Buildings & Grounds Superintendent) of alfalfa located at the Lincoln County 4-H near Lennox during the 2024, 2025 and 2026 haying season. MOTION by Poppens and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to open for public bid the leasing of approximately 50 acres (as designated by the airport manager) of Brome and volunteers grass located at the Marv Skie/Lincoln County Airport during the 2024, 2025, and 2026 haying season. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to open for public bid the leasing for cash rent of 38.48 acres, legally described as Tract A, in the Northwest Quarter (NW1/4) of Section Twenty-one (21), Township Ninety-eight (98) North, Range Forty-nine (49) West of the 5th P.M., Lincoln County, South Dakota for the 2024 season. MOTION by Poppens and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resources Director, updated the Board on the proposed position of a temporary Veteran Services Officer to assist in the transfer of the position to the new full-time Veteran Services Officer. No public input was heard.

RESOLUTION: BE IT RESOLVED to approve the hire of Susan Irons as a temporary Assistant Veteran Services Officer for \$34.20/hr. effective 02.06.2024 with a termination date no later than 04.06.2024. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Sheri Lund, Auditor, updated the Board on the need to change two commission meeting dates and schedule the County canvas of the Primary and General Election. She also presented information on the up-coming 2024 elections and timelines. Public input was heard.

RESOLUTION: BE IT RESOLVED to reschedule County Commission meetings scheduled for June 4th and November 5th to June 6th and November 7th and to set the rescheduled days as the County canvas of the respective elections. MOTION by Schmidt and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Drew DeGroot, Chief Civil Deputy State's Attorney, informed the Commission on an agreement with the City of Canton regarding the former 4H ground improvement. No public input was heard.

RESOLUTION: BE IT RESOLVED to declare surplus and transfer improvements to parcel 200.50.58.003 to the City of Canton pursuant to the Indemnification and Hold Harmless Agreement. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

COMMISSIONER BRIEFING: Toby Brown, Planning & Zoning Director, updated the Commission on the schedule for the Annual Work Session. No public input was heard.

RESOLUTION: BE IT RESOLVED to set the Annual Work Session with the Planning Commission for Tuesday, February 20, 2024, at 5:00 p.m. in the Commissioner's Meeting Room. 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.

RESOLUTION: BE IT RESOLVED to enter into Executive Session at 9:53 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 Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:24 a.m. MOTION by Landeen and seconded by Schmidt. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Schmidt: "Aye" Jibben: "Aye". Motion passed.

ADJOURNMENT:

MOTION by Arends and seconded by Landeen to adjourn at 10:24 a.m. until 8:30 a.m. on February 13, 2024. Arends: "Aye" Landeen: "Aye" 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 13, 2024

Please publish the week of February 19, 2024