

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by the Chair James C. Jibben, at 8:30 a.m. on July 2, 2024, with Commissioners, Joel Arends, Tiffani Landeen, and Micheal Poppens present. Also present were Sheri Lund, Auditor, and Drew DeGroot, Chief Civil Deputy State's Attorney.

ROUTINE BUSINESS:

MOTION by Poppens and seconded by Arends to amend the agenda to add to regular business a motion to cancel a tax deed sale for parcel 100.50.76.A017. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

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

Reports:

December 2023-June 2024 Department of Equalization Civil Mileage.

American Recovery Plan Act (ARPA) 2nd Quarter 2024 Spending Report.

Recognition of significant anniversaries: July 2024

Sharon Vandestroet, Dept. of Equalization – 25 Year

Thomas Wollman, State's Attorney – 24 Years

Greg Poppenga, 911 Communications – 21 Years

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

CONSENT AGENDA:

MOTION by Landeen and seconded by Poppens to approve County Commission minutes for 06.25.2024. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

Approve a step increase for Krista Bast, Sergeant, in the Jail Division, effective the first day of the biweekly pay period following 5/23/2024, SO2/8, \$38.53/hr. MOTION by Landeen and seconded by Poppens. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

REGULAR BUSINESS:

PUBLIC HEARING was held as advertised to consider an application for a temporary on-sale malt beverage license to operate outside the municipality for Lincoln County Fairgrounds Foundation Inc. Public input was not heard.

RESOLUTION: BE IT RESOLVED to approve an application for a temporary on-sale malt beverage license to operate outside the municipality for Lincoln County Fairgrounds Foundation Inc for an event to occur on July 7, 2024, Located at the Lincoln County Fairgrounds, 27711 Hwy 17, Lennox, SD 57039, legally described as 34.12 Acres in NE Quarter including railroad property Section 29-Township 99- N Range 51 West of the 5th principal meridian Lincoln County SD. MOTION by Poppens and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSION BRIEFING: Drew DeGroot, Chief Civil Deputy State's Attorney, Presented information regarding special alcohol beverage license. Since Lincoln County Resolution #1106-32 was adopted by the County Commission June 28, 2011, the Legislature has enacted and/or amended the statutory provisions for temporary alcohol beverage licenses under SDCL Chapter 35-4. This amended resolution updates the County's rules, regulations, and restrictions for special licenses as required under SDCL 35-4-124. Public input was not heard.

RESOLUTION: BE IT RESOLVED to approve a RESOLUTION AMENDING THE RULES, REGULATIONS, AND RESTRICTIONS FOR THE ISSUANCE OF SPECIAL EVENT ALCOHOL BEVERAGE LICENSES PURSUANT TO SDCL 35-4-124. WHEREAS, pursuant to SDCL 35-4-124, the Lincoln County Board of Commissioners shall establish rules for regulating and restricting the issuance of special licenses for temporary malt beverage, temporary wine, and temporary liquor licenses outside municipal boundaries; and WHEREAS, Lincoln County Resolution #1106-32, A Resolution Establishing License Costs For Temporary Malt Beverage License And Temporary Liquor Licenses SDCL 35-4-124/35-4-125, enacted on June 28, 2011; and NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that Resolution #1106-32 be repealed and that the following take its place to regulate and restrict the sale of alcoholic beverages at special events held within Lincoln County: (1) A temporary special malt beverage retailers license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant; (2) A temporary special on-sale wine retailers license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4), (6), or (12) or any farm winery licensee in addition to any other licenses held by the special events license applicant; (3) A temporary special on-sale license may be issued in conjunction with a special event within the County to any civic, charitable, educational, fraternal, or veterans organization or any licensee licensed pursuant to SDCL § 35-4-111 or § 35-4-2(4) or (6) in addition to any other licenses held by the special events license applicant; (4) A temporary special off-sale dealers license may be issued in conjunction with a special event, conducted pursuant to SDCL § 35-4-124.1, within the County to any civic, charitable, educational, fraternal, or veterans organization; (5) Any license issued pursuant to this Resolution may be issued for no longer than fifteen (15) consecutive days. (6) The maximum number of licenses that may be issued pursuant to this Resolution to any person, organization, or entity within any calendar year is six (6). (7) If an event is cancelled, rendering the issued license unnecessary, the licensee shall provide written verification of cancellation to the County Auditor's Office in order to ensure the cancelled event does not count against the licensee's maximum number of licenses that may be issued within that calendar year. (8) Any license issued pursuant to this resolution shall be issued only to the specific person, organization, or entity and for the specific location specified on the application pursuant to SDCL § 35-4-125. (9) The fees for licenses issued pursuant to this Resolution shall be as follows: A temporary special malt beverage retailer's license \$25.00 per day. A temporary special on-sale wine retailer's license \$25.00 per day. A temporary special on-sale liquor license may be issued \$50.00 per day A temporary special off-sale package dealers license \$50.00 per day. (10) A \$50.00 publishing fee for each application shall be required unless a public hearing is not required pursuant to SDCL § 35-4-124(7) (11) Any application brought pursuant to this Resolution shall be accompanied by the license fee and publishing fee, if applicable, at the time of submission to the County Auditor's Office. The fees for licenses issued pursuant to this Resolution shall be placed in the County's general fund. (13) Any license issued pursuant to this Resolution may be rescinded by official Commission action should the licensee, or any employees or agents acting on behalf of the licensee, violate any County resolution, ordinance, or State law related to the sale or furnishing of alcoholic beverages. MOTION by Arends and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSION BRIEFING: Harold Timmerman, Emergency Manager, presented to the Board the facts pertaining to the storm events in June and the need for the declaration of disaster in Lincoln County. Public input was not heard.

RESOLUTION: BE IT RESOLVED to approve a RESOLUTION: BE IT RESOLVED WHEREAS, Lincoln County, South Dakota suffered severe damage caused by heavy rain and flooding on June 20, 21 and 23, 2024; and WHEREAS, the heavy rain and flooding caused severe damage to farms, homes, roads, bridges, and businesses in Lincoln County; and WHEREAS, the county, townships, cities, farms, homes, and businesses incurred significant expense and hardship; NOW, THEREFORE, BE IT BE RESOLVED, THAT the Lincoln County Commissioners do hereby declare a disaster for the population of Lincoln County. The Lincoln County commissioners respectfully request that any and all assistance

that may be available from State and Federal agencies be provided to all local governments to include Lincoln County and to the general population as we work to overcome this disaster. BE IT ALSO RESOLVED THAT the Lincoln County Commissioners do hereby declare a severe storm and flooding disaster and respectfully request the Governor of the State of South Dakota declare a disaster area and request a Presidential Declaration of Disaster to ensure that the maximum amount of assistance is made available to affected local governments, businesses, and residents. MOTION by Arends and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSION BRIEFING: Jared Narum, Assistant Highway Superintendent, explained the need for the rental of a payload, long stick excavator, dozer and sheep foot packer for use in repairing flood damages to roads and bridges. These are not budgeted items. Public input was not heard.

RESOLUTION: BE IT RESOLVED to approve the Highway Department to rent Payload, long stick excavator, dozer and sheep foot packer for use in repairing flood damages to roads and bridges. MOTION by Arends and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSION BRIEFING: John Rombough, Buildings and Grounds Superintendent gave an update of the status of the building after the flooding. Rombough also spoke on upcoming projects. Rombough also spoke on the necessity for the replacement of the fire suppression pump at the highway shop. Rombough also requested approval to move forward with the reconstruction of the WIC reception area. Public input was not heard.

RESOLUTION: BE IT RESOLVED to authorize the buildings and grounds superintendent to approve the purchase of a new fire suppression pump for the highway shop from Building Sprinkler Inc. in the amount of \$23,425.00. MOTION by Arends and seconded by Landeen. Arends: "Aye" Landeen: "Aye" Poppens: "Nay" Jibben: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the building and grounds superintendent to hire Hoogendoorn Construct to complete a demolition/renovation project in the old WIC reception area in the amount of \$7,250.00. MOTION by Landeen and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSION BRIEFING: Steve Rasmussen, Commission Administrative Officer presented the bids results for the south ramp project at the Marv Skie Airport. Public input was not heard.

RESOLUTION: BE IT RESOLVED to authorize the chair to accept the bid of Soukup Construction Inc. for \$878,878.00 for construction of the South Ramp at the Marv Skie/Lincoln County Airport. MOTION by Poppens and seconded by Arends. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resources Director presented the request to hire replacement employees before their predecessors have vacated the position. Public input was not heard.

RESOLUTION: BE IT RESOLVED to approve the State's Attorney's Office to hire replacement employees before their predecessors have vacated the position. MOTION by Arends and seconded by Poppens. Arends: "Aye" Landeen: "Aye" Poppens: "Aye" Jibben: "Aye". Motion carried.

COMMISSIONER BRIEFING: Traci Humphrey, Human Resources Director, held discussion regarding a policy regarding heat illness prevention.

RESOLUTION: BE IT RESOLVED to adopt a new Heat Illness Prevention policy. MOTION by Poppens and seconded by Arends. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Jibben: “Aye”. Motion carried.

COMMISSIONER BRIEFING: Drew DeGroot, Chief Civil Deputy State’s Attorney presented the facts regarding the tax deed property and requested that the sale be cancelled.

RESOLUTION: BE IT RESOLVED to cancel the tax deed sale of parcel number 100.50.76.A017 to the Blue Spruce Road District. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Jibben: “Aye”. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Public comments were heard.

COMMISSIONER REPORT (INFORMATIONAL ONLY):

Commissioner reports were given.

Commissioner Poppens left the meeting at 9:39 a.m.

COMMISSION DISCUSSION: Budget work sessions for the Sheriff Department, Jail Department and 911 Department, State’s Attorney Department, Emergency Management, and Information Technology Department budgets were held.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 10:49 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). Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, SDCL 1-25-2(3).

MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Jibben: “Aye”. Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 11:09 a.m. MOTION by Arends and seconded by Landeen. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Jibben: “Aye”. Motion carried.

ADJOURNMENT:

MOTION by Landeen and seconded by Arends to adjourn at 11:10 a.m. until 8:30 a.m. on July 9, 2024. Arends: “Aye” Landeen: “Aye” Poppens: “Aye” Jibben: “Aye”. Motion carried.

Lincoln County Board of Commissioners

James C. Jibben, Lincoln County Chair

Attest: _____
Sheri Lund, Lincoln County Auditor

Approved: July 9, 2024

Please publish the week of July 15, 2024