

THE LINCOLN COUNTY BOARD OF COMMISSIONERS was brought to order by Chairman Michael Poppens, at 8:34 a.m. on January 5, 2021 with Commissioners Joel Arends, David Gillespie, Jim C. Jibben, Tiffani Landeen, and Jim Schmidt present. Deputy Auditor, Shaun Feilmeier, served as Clerk of the Board. Chief Civil Deputy State's Attorney, William Golden, was also present.

Commissioner Poppens asked for nominations for Chair for 2021.

RESOLUTION: BE IT RESOLVED to appoint Tiffani Landeen as Chair to Lincoln County Board of Commissioners. MOTION by Schmidt and seconded by Landeen. Arends: "Nay" Gillespie: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commissioner Landeen asked for nominations for Vice Chair for 2021.

RESOLUTION: BE IT RESOLVED to appoint Joel Arends as Vice Chair to Lincoln County Board of Commissioners. MOTION by Schmidt and seconded by Gillespie. Arends: "Aye" Gillespie: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Commissioner Schmidt presented a plaque recognizing Commissioner Gillespie's 12 years of service to the people of Lincoln County. All in attendance offered Gillespie a round of applause in thanks. Commissioner Gillespie then stepped down, and Commissioner Jibben took his seat.

ROUTINE BUSINESS:

MOTION by Schmidt and seconded by Poppens to approve agenda with the addition to the Consent Agenda as follows: Approve and authorize the Chair and Auditor to execute the Letter of Engagement for the 2019 Audit. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

Payroll:

Commissioner's \$4,664.00; FICA 257.61, Medicare 60.26
Auditor's \$9,936.81; FICA 519.01, Medicare 121.38, SDRS 596.21
Treasurer's \$16,071.55; FICA 911.25, Medicare 213.12, SDRS 964.29
States Attorney's \$40,334.41; FICA 2,253.33, Medicare 526.99, SDRS 2,363.27
Gen Gov Bldg \$11,508.11; FICA 612.54, Medicare 143.26, SDRS 690.49
DOE \$29,984.27; FICA 1,669.45, Medicare 390.43, SDRS 1,761.51
ROD \$8,712.28; FICA 464.22, Medicare 108.57, SDRS 483.74
VSO \$1,964.80; FICA 98.70, Medicare 23.08, SDRS 117.89
GIS \$4,736.00; FICA 259.83, Medicare 60.77, SDRS 284.16
IT \$5,531.20; FICA 321.83, Medicare 75.27, SDRS 331.88
HR \$2,911.20; FICA 169.57, Medicare 39.66, SDRS 174.67
WIC \$305.60; FICA 18.95, Medicare 4.43
Sheriff's \$62,356.38; FICA 3,725.18, Medicare 871.24, SDRS 4,306.41
County 4-H \$2,739.30; FICA 162.53, Medicare 38.01, SDRS 164.36
P & Z \$10,513.52; FICA 617.82, Medicare 144.49, SDRS 630.82
Highway \$36,877.58; FICA 2,067.51, Medicare 483.53, SDRS 2,212.64
Communications \$22,317.64; FICA 1,284.95, Medicare 300.49, SDRS 1,339.05
EM MGMT \$2,848.40; FICA 153.86, Medicare 35.98, SDRS 170.90
Transfer Station \$3,346.75; FICA 174.41, Medicare 40.79, SDRS 145.39
24/7 \$2,236.80; FICA 108.19, Medicare 25.30, SDRS 178.94

Longevity:

Treasurer's \$1,000.00; FICA 62.00, Medicare 14.50, SDRS 60.00
Gen. Gov. Bldg \$600.00; FICA 37.20, Medicare 8.70, SDRS 36.00
DOE \$2,316.48; SDRS Special Pay Plan 2,316.48
Highway \$1,750.00; FICA 108.50, Medicare 25.38, SDRS 105.00

Reports:

The September through December 2020 Transfer Station mileage reports were presented.

CONSENT AGENDA:

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

MOTION by Schmidt and seconded by Poppens to approve Commission Minutes: 12/22/2020. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to apply Field Training Officer differential pay of \$0.50/hour for regular working hours to the follow individuals effective 1.01.2021: Sergeant Edward Colshan, Sergeant Aaron Bartscher, Deputy Ashley Landon, Deputy Cory McCloud, Deputy Chris Kuntz. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to apply Civil Deputy differential pay of \$1.00/hour to Deputy Scott Gaalswyk effective 1.01.2021. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve application for alcoholic beverage license application 2021 renewal for Double M LLC at Kerslake add W1/2 SE ¼ E1/2 Lot 1A Block 2 24-100-51 Lincoln County South Dakota, a/k/a parcel number 100.50.64.G200. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve affidavit for replacement warrant for Abbie Flying Hawk in the amount of \$123.40 for warrant number 30288 issued on 11/24/2020. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to transfer the following inventory from the Sheriff's Office to the Information Technology Department: Item 6216, Havis Computer Docking Station, Serial 28221-0117; Item 6217, Havis Computer Docking Station, Serial 28221-0074; Item 6218, Havis Computer Docking Station, Serial 28221-0081; Item 6219, Havis Computer Docking Station, Serial 28221-0118; Item 6220, Havis Computer Docking Station, Serial 28221-0089; Item 6221, Havis Computer Docking Station, Serial 28221-0103; Item 6222, Havis Computer Docking Station, Serial 28221-0096; Item 6317, Havis Computer Docking Station, Serial 31162313. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the Auditor to advertise for sealed bids for surplus County vehicles: two 2003 Sterling M8500 dump trucks & one 1983 IHS tracked crawler/loader, to be due by 10:00 a.m. January 26 and opened that same day at 10:05 a.m. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize the Auditor to advertise for sealed bids for approximately 1,100 tons of surplus fill dirt to be due by 10:00 a.m. January 26, 2021 and opened that same day at 10:10 a.m. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to authorize Auditor to proceed with the requirements of SDCL 6-16 and SDCL 31-12A in regard to Petition to form Homestead Acres 3rd Addition Road District. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve application for renewal of Commercial Garbage Hauler/Recycling Collection License for 2021 from the following companies: A-OK Sanitary Services, Novak Sanitary Service, and Herm's Sanitation Inc. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Letter of Engagement for the 2019 Audit. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Commissioner Poppens wished his mother a happy 94th birthday. There were no other comments.

REGULAR BUSINESS:

COMMISSIONER BRIEFING: Commissioner Landeen introduced the annual resolutions and appointments for 2021. The Board discussed appointment to various other boards to represent the County.

RESOLUTION: BE IT RESOLVED to make the following appointments for 2021: Southeastern Council of Governments-Executive Board: Jim Schmidt; Southeastern Council of Governments-Executive Board, Alternate: Michael Poppens; Southeastern Council of Governments-Urbanized Development Board1: Tiffani Landeen; Southeastern Council of Governments-Urbanized Development Board2: Jim C. Jibben; Southeastern Council of Governments-Urbanized Development Board, Alternate: Michael Poppens; Emergency Management Communication System Member: Jim Schmidt; Emergency Management Service, Commission: Jim Schmidt; Emergency Management Service, Coordinator: Harold Timmerman; Lincoln County Weed Board: Jim C. Jibben; Southeastern Mental Health Board of Directors: Tiffani Landeen; Southeastern Mental Health Board of Directors, Alternate: Joel Arends; Lincoln County Development: Joel Arends; Lincoln County Development, Alternate: Jim Schmidt; Airport Liaison Board Member: Michael Poppens; Airport Liaison Board Member, Alternate: Jim C. Jibben; JDC Juvenile Board: Jim Schmidt; School/Police Liaison Officer: Jim C. Jibben; School/Police Liaison Officer, Alternate: Michael Poppens; Inter-Lakes Community Action, Inc.: Jim Schmidt; Inter-Lakes Community Action, Inc. Alternate: Michael Poppens; Sioux Falls Area Chamber of Commerce Board of Directors: Jim Schmidt; Sioux Falls Area Chamber of Commerce Board of Directors, Alternate: Joel Arends, Jim C. Jibben, Tiffani Landeen, Michael Poppens; Planning and Zoning Board: Michael Poppens; Planning and Zoning Board, Alternate: Tiffani Landeen. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to designate and appoint the following as 2021 Legal Newspapers for Lincoln County: The Sioux Valley News, The Lennox independent, The Tea Weekly, The Beresford Republic, and The Argus Leader. MOTION by Poppens and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to designate and appoint the following as 2021 official depositories of Lincoln County: Farmers State Bank at Canton, Security Savings Bank at Canton, First Bank & Trust at Canton, Reliabank Bank at Tea, First National Bank at Harrisburg, Premier Bank at Hudson, Frontier Bank at Sioux Falls, South Dakota Public Funds Investment Trust (FIT) at Sioux Falls, First National Bank at Sioux Falls, First Bank & Trust Wealth Management Services (TIF #7), US Bank (2013 Leased Acct & 2016 Leased Acct). MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to designate and appoint the 2021 Chattel Mortgage Sale Location for Lincoln County to be in front of the Lincoln County Courthouse at 105 North Main Street in Canton, South Dakota. MOTION by Arends and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED that SDCL §7-7-25 states that the Board of County Commissioners, by Resolution, may authorize county officials to attend educational conferences, meetings, and conventions held and conducted within a 500-mile radius of the Lincoln County Courthouse, 104 N Main, Canton, SD for up to three days, pertaining to the betterment and advancement of county government; THEREFORE, BE IT RESOLVED that the County Highway Superintendent, Auditor, Treasurer, Register of Deeds, State's Attorney, Sheriff, County Assessing Officer, Planning and Zoning Director, IT Director, 911 Coordinator, Building Superintendent, and their respective staff, be authorized to attend conferences, meetings, and conventions for the purpose set forth in SDCL §7-7-25 and that the mileage and necessary expenses to attend such be allowed. This Resolution shall be for the fiscal year 2021. MOTION by Schmidt and seconded by Poppens. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Chief Civil Deputy State's Attorney, William Golden, opened discussion on the applicants to the Courthouse Improvement Advisory Committee. In addition to the public representatives, the Committee is to also include a representative from the Sheriff's Office, a representative from the State's Attorney Office, Commissioner Arends, Commissioner Schmidt, the Buildings & Grounds Superintendent, and an Ex Officio representative from the Unified Judicial System. This committee will hold public, live-streamed, and published meetings. The Board directed Golden to contact the newly appointed members of this committee as well as someone from Architects Incorporated in order to set up meeting dates.

RESOLUTION: BE IT RESOLVED to appoint the following Lincoln County residents to the Courthouse Improvement Advisory Committee: Dave Van Nieuwenhuyzen, Betty Otten, Paul Paulson, Larry A. Nelson, and Chad Skiles. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Chief Civil Deputy State's Attorney, William Golden, asked for direction from the Board on selecting the firms from the proposals submitted in response to the Indigent Defense RFP. The Board agreed that Commissioner Landeen and Commissioner Arends would meet with Golden to look through the proposals and then have an Executive Session for negotiations at a future date.

PUBLIC HEARING was held as advertised upon application for sale of alcoholic beverages from The Good Earth Farm LLC located at the property legally described as Kroger's Addition, Tr 2C, NW1/4, 28-98-51. The applicant was present and spoke about her business and plans for an event center to host weddings though her business' primary focus is vegetables. One individual from Canton spoke in favor of granting the license saying that the applicant runs a good business. No one spoke in opposition. Commissioner Jibben commented that he spoke with the neighbors and almost all were in favor of the license; one neighbor had concerns about increased traffic.

RESOLUTION: BE IT RESOLVED to approve application for sale of alcoholic beverages from The Good Earth Farm LLC located at the property legally described as Kroger's Addition, Tr 2C, NW1/4, 28-98-51. MOTION by Jibben and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Chief Civil Deputy State's Attorney, William Golden, informed the Board of the necessary facts pertaining to a request to increase the hourly rate of Qualified Mental Health Professionals for the Mental Illness Board.

RESOLUTION: BE IT RESOLVED to increase the hourly pay for Mental Illness Board Qualified Mental Health Professionals from \$90.00 per hour to \$110 per hour. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Sheriff Steve Swenson informed the Board of the necessary facts pertaining to two E-911 agreements as well as a jailing contract.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the agreements with the City of Canton and the City of Worthing for E-911 services. MOTION by Jibben and seconded Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve and authorize the Chair to execute the Intergovernmental Agreement for Adult Detention Services between Lincoln County and Union County. MOTION by Arends and seconded by Schmidt. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: John Rombough, Buildings & Grounds Superintendent, informed the Board of a request from MJ Electric to store powerline poles on County property either at the Transfer Station or north end of the 4-H grounds. Commissioner Schmidt suggested the revenue for this storage should go towards the 4-H grounds improvements. The Board gave direction to Rombough to move forward and bring more information at a future meeting for approval.

COMMISSIONER BRIEFING: Julia Disburg, Human Resources Director, informed the Board of the necessary facts pertaining to several personnel items.

RESOLUTION: BE IT RESOLVED to promote Becky Vander Broek from Records Clerk to Deputy Register of Deeds in the Register of Deeds Office at \$21.39/hour (Grade 107, Step 3) 12/28/2020. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to deny request for an exception to policy for eligibility of Holiday Pay for Jess Wickre in the Register of Deeds Office. MOTION by Schmidt and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to approve the request for exception to vacation carry-over policy for an additional 6 hours to the 80 hour maximum for Tam Radcliffe for a total of 86 hours to be carried over to 2021. MOTION by Schmidt and seconded by Poppens. Arends: "Nay" Jibben: "Nay" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to extend current FFCRA provisions to staff through January 31, 2021. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: WHEREAS, the Lincoln County Commission is committed to attracting citizens of the highest quality to public service by establishing salaries for elected officials based upon the respective duties of each office as well as the fiscal concerns of the county; NOW, THEREFORE, BE IT RESOLVED, that effective December 20, 2020, the first day of the 2021 payroll year, as approved for the budget for fiscal year 2021, the salary for each member of the Board of Lincoln County Commissioners shall be set as follows: \$23,732.80 Annual Salary. MOTION by Schmidt and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to hire Greg DeGrange, as a full-time Deputy Sheriff for the Sheriff's Office at \$24.88/hr (SO1, Step 5) effective 1.11.2021. MOTION by Poppens and seconded by Arends. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 9:53 a.m. for the purposes of preparing for contract negotiations or negotiating with employees or employee representatives. SDCL 1-25-2(4) and 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 Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 10:54 a.m. MOTION by Poppens and seconded by Jibben. Arends: "Absent" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to enter Executive Session at 10:56 a.m. for the purpose of 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 Schmidt and seconded by Jibben. Arends: "Absent" Jibben: "Aye" Poppens: "Aye" Schmidt: "Aye" Landeen: "Aye". Motion carried.

RESOLUTION: BE IT RESOLVED to exit Executive Session at 11:32 a.m. Arends: "Aye" Jibben: "Aye" Poppens: "Absent" Schmidt: "Absent" Landeen: "Aye". Motion carried.

COMMISSIONER BRIEFING: Shaun Feilmeier, Deputy Auditor, informed the Board that the County did not receive a single bid for the Tax Deed Property legally described as Tract 16 in D&L Industrial Addition in the Southwest Quarter, Section 24, Township 100, Range 51, West of the 5th PM, Lincoln County, South Dakota, parcel number 100.50.64.K016. The Board directed Feilmeier to seek clarification on next steps from the State's Attorney Office. Feilmeier also asked for an amendment to the travel resolution previously passed in this meeting.

RESOLUTION: BE IT RESOLVED to add the Human Resources Director, GIS Director, Veteran Services Officer, and 4-H Advisor to the travel resolution previously passed during this meeting so it reads as follows: RESOLUTION: BE IT RESOLVED that SDCL §7-7-25 states that the Board of County Commissioners, by Resolution, may authorize county officials to attend educational conferences, meetings, and conventions held and conducted within a 500-mile radius of the Lincoln County Courthouse, 104 N Main, Canton, SD for up to three days, pertaining to the betterment and advancement of county government; THEREFORE, BE IT RESOLVED that the County Highway Superintendent, Auditor, Treasurer, Register of Deeds, State's Attorney, Sheriff, County Assessing Officer, Planning and Zoning Director, IT Director, 911 Coordinator, Building Superintendent, Human Resources Director, GIS Director, 4-H Advisor, and their respective staff, be authorized to attend conferences, meetings, and conventions for the purpose set forth in SDCL §7-7-25 and that the mileage and necessary expenses to attend such be allowed. This Resolution shall be for the fiscal year 2021. MOTION by Arends and seconded by Jibben. Arends: "Aye" Jibben: "Aye" Poppens: "Absent" Schmidt: "Absent" Landeen: "Aye". Motion carried.

MOTION by Jibben and seconded by Arends to adjourn at 11:34 a.m. until 8:30 a.m. on January 12, 2021. Arends: "Aye" Jibben: "Aye" Poppens: "Absent" Schmidt: "Absent" Landeen: "Aye". Motion carried.

Lincoln County Board of Commissioners

/s/

Tiffani Landeen, Lincoln County Chair

Attest: _____/s/

Shaun Feilmeier, Deputy Auditor

Approved _____

Please publish the week of January 11, 2021.