

JULY 2, 2024 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage, Sutton, and Wiese. Commissioner Wiese led the Pledge of Allegiance.

APPROVAL OF AGENDA:

An amendment to the agenda: Fireworks permit for the Brown County Speedway being changed from Lickfelt Fireworks to Bellino Fireworks. Commissioner Wiese moved to approve the agenda with the amendment, seconded by Dennert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #271 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert, seconded by Gage to adopt Ordinance #271. Applicant Morgan & Jackie Beving to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, “Beving Addition” in the W1/2 of the NE1/4 of Section 35-T123N-R65W of the 5th P.M., Brown County, South Dakota (37865 135th Street; Mercier Twp.). All members present voting aye. Motion carried.

ORDINANCE #272 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #272. Applicant Julie Lillis to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 2A, “Jackson and Karlen’s Third Subdivision” in the NW1/4 & the N1/2 of the SW1/4 of Section 33-T125N-R62W of the 5th P.M., Brown County, South Dakota (12342 396th Avenue; Columbia Twp.). All members present voting aye. Motion carried.

OFFICIAL NEWSPAPER FOR BROWN COUNTY:

Moved by Commissioner Wiese, seconded by Dennert to add ‘The Aberdeen Insider’ as an Official Newspaper for Brown County as of July 1, 2024. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Commissioner Wiese, seconded by Gage to approve the following application submitted by WEB Water Development for occupancy of West Shore Drive in Section 23-T124-R65 of the 5TH P.M. of Brown County, SD for potable water line. All members present voting aye. Motion carried.

Moved by Commissioner Fjeldheim, seconded by Dennert to approve the following application submitted by Northern Electric for occupancy of Brown County Highway #6, Sec 7-T123N-R64W of the 5TH P.M. of Brown County, SD for primary electrical services. All members present voting aye. Motion carried.

FINANCIAL ASSURANCE FOR SUBTITLE D LANDFILLS:

Commissioner Wiese brought the following resolution:

RESOLUTION #36-24

FINANCIAL ASSURANCE FOR SUBTITLE D LANDFILLS

IT IS HEREBY AGREED between the State of South Dakota Department of Environment and Natural Resources which has merged with SD Department of Agriculture so now known as South Dakota Department of Agriculture and Natural Resources, hereinafter referred to as SD DANR, and Brown County, South Dakota as follows:

WHEREAS, Brown County operates the Brown County Landfill, a regional solid waste disposal facility, as an enterprise fund in compliance with all Federal Subtitle D Regulations and State of South Dakota Laws and Regulations, and

WHEREAS, EPA 40 C.F.R. Part 258 and the Administrative Rules of South Dakota (ARSD) 74:27:16 establishes financial assurance requirements and mechanisms for local government owners and operators of Municipal Solid Waste Landfill Facilities, and

WHEREAS, ARSD 74:27:16:05 states the owner or operator may choose one or more of the following mechanisms, which comply with the provisions of 40 C.F.R. Part 258.74, to satisfy the provisions of this chapter:

- 1) Trust fund;
- 2) Security bond guaranteeing payment of performance;
- 3) Letter of credit;

- 4) Insurance; or
- 5) Cash.

WHEREAS, it is in the best interest of the residents of Brown County to choose Cash (mechanism #5), as the means to satisfy the provisions of 40 C.F.R. Part 258, ARSD 74:27:16 and South Dakota Codified Laws (SDCL) 34A-6-1.11 and 34A-6-1.12.

NOW, THEREFORE, it is mutually agreed as follows:

Brown County shall deposit funds associated with its financial assurance mechanism in a Certificate of Deposit at Dacotah Bank, Aberdeen, South Dakota in an amount sufficient to assure performance of the obligations imposed by SDCL 34-6 inclusive; and

Brown County shall increase the funds annually, if needed by the amount equal to the increased liability recognized each year hereafter; and

Brown County shall only make withdrawals from the Certificate of Deposit after received written permission from James Wendte, Administrator of SD DANR, or the Administrator designee; and

An account at Dacotah Bank of Aberdeen in an amount sufficient to assure performance of the obligations imposed by SDCL 34A-6-1.2 to 34A-6-1.38, inclusive.

SD DANR shall have access to the Certificate of Deposit at any time necessary to carry out its obligations if Brown County fails in any part of its obligation, under SDCL 34A-6 and upon notification to Brown County, and

Said account shall be specific to the Brown County Landfill.

This agreement is binding upon the signatories hereto not as individuals but solely in the capacities as officials of their respective organizations and acknowledges proper action of BROWN COUNTY and SD DANR to enter into same.

Dated this 2nd day of July, 2024.

Seconded by Commissioner Gage. Roll call vote: Dennert-aye; Fjeldheim-aye; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted.

ABERDEEN SECURITY & INVESTIGATIONS CONTRACT:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission asking them to approve a contract with Aberdeen Security & Investigations Contract for the week of the Fair at the rate of \$28.00 per hour per Guard. Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the contract with Aberdeen Security & Investigations for services during the week of the Brown County Fair at the rate of \$28.00 per hour per Guard. All members present voting aye. Motion carried.

FIREWORKS PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Fireworks permit for Bellino Fireworks for Aerial Show at the Brown County Speedway on July 5, 2024. All members present voting aye. Motion carried.

REQUEST FOR PROPOSAL FOR COURT APPOINTED ATTORNEY:

Time and place, as advertised to open, read and consider Request for Proposals (RFP) for Court Appointed Attorneys. There are 7 attorneys that sent in a proposal for a 2-year period; January 1, 2025 to December 31, 2026. Annual payment of \$850,000.00 for calendar year 2025/equal installments of \$10,119.05 and \$900,000.00 for calendar year 2026/equal installments of \$10,714.29. Moved by Commissioner Wiese, seconded by Dennert to defer the decision for 2-weeks so the State's Attorney can review the proposal. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the June 24, 2024 Post-Election Audit Minutes. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the June 25, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims/payroll:

CLAIMS: Insurance: Insurance Plus \$1,278.31. Professional Fees: Blackburn & Stevens Prof, LLC \$218.50; Explico \$2,600.00; Foerster Testing Limited \$250.00; Helms & Assoc, \$520.00; IMEG Corp. \$3,235.55; Kristi

Brandt \$292.45; Lincoln Co. Auditor \$478.17; Mariann Malsom \$60.00; Monica Hein \$70.00; SD Dept. of Health \$2,525.00; SDSU Extension \$22.54. Publishing: Groton Daily Independent \$34.96; McQuillen Creative Group \$794.00; SW Messenger Press \$267.12. Repairs & Maintenance: Butler Machinery \$2,899.86; DFP \$385.00; Farm Power Mfg. \$100.00; Hoven Auto Repair \$316.50; K&S Plumbing \$2,046.62; Lawson Products \$42.26; Leidholt Electric \$12.24; North Central Steel Systems \$81,168.78; Woodman Refrigeration \$4,294.90. Supplies: Amazon Capital Services \$963.70; American Solutions for Business \$217.54; Century Business Products \$504.65; Cole Papers \$3,166.86; Crescent Electric Supply Co. \$73.30; DFP \$4.23; Dakota Oil \$5,657.40; Fastenal \$411.39; Geffdog Designs \$127.50; Great Western Tire \$5,540.50; House of Glass \$126.81; Hoven Auto Repair \$39.00; Jensen Rock & Sand \$18,335.00; Josh Lee \$52.10; Lawson Products \$500.56; Leidholdt Tool Sales \$199.19; Lien Transportation \$7,941.05; Marco Technologies \$41.62; Menards \$247.57; Midstates Group \$586.00; Pantorium Cleaners \$32.00; Pomp's Tire Service \$157.93; Running's \$104.70; Thomson Reuters-West Payment Center \$639.89; TrueNorth Steel \$376.20; Van Diest Supply Co. \$1,471.50; Vestis \$134.06. Travel & Conference: City of Groton \$332.10; Doug Fjeldheim \$233.58; Drew Dennert \$307.76; Duane Sutton \$130.28; Michael Wiese \$26.24. Utilities: AT&T \$141.40; Butler Machinery \$1299.20; K&S Plumbing \$100.00; Leidholt Electric \$48.98; Midcontinent Communications \$170.11; NWPS \$16,804.52; Verizon \$41.91; Woodman Refrigeration \$522.37.

PAYROLL: Commission \$4,753.89; Elections \$1,834.40; Auditor \$9,850.85; Treasurer \$17,265.63; SA \$35,336.14; Maintenance \$11,871.07; Assessor \$15,383.26; Register of Deeds \$10,406.83; VSO \$4,491.55; GIS \$2,790.90; IT \$9,172.67; HR \$4,960.64; Sheriff \$55,186.64; Jail \$75,165.97; Coroner \$829.37; Court Security \$8,864.74; JDC \$36,600.76; Welfare \$2,466.75; Museum \$12,696.20; Parks/Fairgrounds \$6,984.70; Fair Board \$5,165.10; 4-H \$1,373.54; Weed \$5,847.69; Planning & Zoning \$9,116.40; Highway \$54,372.49; Dispatch \$37,488.88; Emergency \$5,208.68; 24/7 Sobriety \$3,072.54; Landfill \$18,467.40; FICA \$27,739.22; Medicare \$6,487.41; Discovery (HSA) \$1,739.78; Health Insurance (Wellmark BCBS) \$130,452.10; Dental Insurance (Delta Dental) \$8,918.88; Life Insurance (Dearborn) \$1,127.10; Retirement (SDRS) \$59,296.27. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Specialist, Jessica Johnson:

- Hiring of Balinda Roldan as Brown County 911 Communications Officer, FT; starting wage \$22.37/hr. - effective July 1, 2024.

All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Commissioner Gage, seconded by Dennert to approve the following abatement for Parcel #12623 (property combined with Parcel #12622): Tax Yr. 2022 - \$937.29; Tax Yr. 2021 - \$1,431.60; Tax Yr. 2020 - \$1,213.94; Tax Yr. 2019 - \$927.58; Tax Yr. 2018 - \$947.50; Tax Yr. 2017 - \$770.63 and Tax Yr. 2016 - \$919.25 (Grand Total of \$7,147.79). All members present voting aye. Motion carried.

NEW PER DIEM RATES EFFECTIVE JULY 1, 2024:

Moved by Commissioner Wiese, seconded by Gage to approve the new per diem reimbursement rates effective July 1, 2024 per SDCL 3-9; 3-9-2; ARSD 05:01:02:11; 05:01:02:14 and 05:01:02:10.01. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS:

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts for May 2024 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$33,219,229.05; Total Savings Account Balances \$2,775,447.42; Total Certificates of Deposit \$6,313,982.63; Grand Total Cash & Balances \$42,316,359.10. General Fund Cash and Investment Balances by Funds: General Fund \$20,386,989.28; Road & Bridge Fund \$6,072,799.11; Road & Bridge Fund – restricted \$231,883.27; 911 Service \$475,447.07; Emergency & Disaster \$131,232.38; Domestic Abuse \$1,565.00; Grant \$32.11; SA Grants \$50,845.94; Truancy Court \$135.68; 24/7 Sobriety \$70,870.45; ROD M & P \$92,041.62; Rural Access Infrastructure \$383,322.39; TIF Debt Service \$30,747.57; Landfill + cash change \$6,470,599.12; Landfill – restricted \$1,766,062.21; Trust and Agency Funds \$8,149,731.38; Grand Total General Fund Cash & Investments \$42,316,359.10. All members present voting aye. Motion carried.

TEMPORARY SPECIAL EVENT ALCOHOL LICENSE PERMIT HEARING:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize advertising public hearing for the following Special Alcohol License Permit: Aberdeen Aqua Addicts, Aberdeen, SD for Mid-west Regional Show Ski Tournament to be held at Dahme Lake, Lt 1 Aberdeen Aqua Addicts SD NW 35-T123-R64 (3301 Hwy. 281, Aberdeen) Brown County, SD on July 23, 2024. (Special License effective July 26-28, 2024). All members present voting aye. Motion carried.

OTHER BUSINESS:

Nancy Cutler and several Claremont residents met with the Brown County Commission to inform them that there will be 4 semi-trucks a day hauling tallow to unload into 4 – 5 tanker cars that will be on the railroad at all times, possibly more. The residents are concerned because they are making a draining ditch into the new city storm sewer, the smell and the truck traffic coming in and out of town. After much discussion, Commission thanked the residents for bringing this to their attention and they will continue to pursue what can be done at the County standpoint if anything. There is a Public Meeting on Thursday, July 11th at 7pm in Claremont with Project Manager from Dakota Missouri Valley & Western Railroad.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Personnel, Contracts and Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

IMPROVEMENT FUND BETWEEN BROWN COUNTY & ABERDEEN HOCKY ASSN.:

Moved by Commissioner Wiese, seconded by Gage to approve taking \$10,000.00 from the Contingency Fund to do the 50% match for the fund established for maintenance and improvement projects with Aberdeen Hockey Association. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Wiese to approve giving the Aberdeen Hockey Association \$5,000.00 one-time from the improvement fund for landscaping project. All members present voting aye. Motion carried.

CONSULTING SERVICES:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the consulting agreement with Explico Inc. and approve the voucher for the \$2600.00 retainer fee. All members present voting aye. Motion carried.

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to adjourn the Brown County Commission at 10:23 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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