

October 29, 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 Gage led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Commissioner Wiese moved to approve the agenda, seconded by Dennert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

PUBLIC HEARING FOR LIQUOR LICENSE TRANSFERS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve transfer Ownership for Retail (On-Sale) Liquor License from Stacy Gossman, DBA: Nacho Business to transfer license located at 2520 8th Ave. NE – Lt. 1 Ronnie’s Way Addition Ste G., NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE – Lt. 1 Ronnie’s Way Addition Ste 6., NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve transfer Ownership for Retail (On-Sale) Liquor License from Stacy Gossman, DBA: Flying Pig to transfer license located at 2520 8th Ave. NE – Lt. 1 Ronnie’s Way Addition Ste A., NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE – Lt. 1 Ronnie’s Way Addition Ste 7., NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County. All members present voting aye. Motion carried.

PUBLIC HEARING FOR PURCHASE – PACKAGE (OFF SALE) LIQUOR:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the application for Package (Off-Sale) Liquor License to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE, Ste. 7 – Lt. 1 Ronnie’s Way Addition, NW ¼ of Sec 17-T123-R63 of 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE #279 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Wiese, seconded by Gage to adopt Ordinance #279. Applicant West Lake, LLC to rezone from Mini-Agriculture District (M-AG) to Highway Commercial District (HC) to bring these parcels into compliance for a future liquor and video lottery establishment: Lots 1 and 2 in the NE1/4 of Section 15-T123N-R64W, Except Highway R.O.W., of the 5th P.M., Brown County, South Dakota (2035 8th Avenue NW; Aberdeen Twp.). All members present voting aye. Motion carried.

ORDINANCE #280 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to adopt Ordinance #280. Applicant T.W., LLC to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Lot 1 and Lot 2, “Wollman Subdivision” in the SW1/4 of Section 29-T124N-R62W of the 5th P.M., Brown County, South Dakota (39504 129th Street & 12892 395th Avenue; Cambria Twp.). All members present voting aye. Motion carried.

ORDINANCE #281 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #281. Applicant Alan & Janet Dixon to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Proposed Lot 4, “Dixon Third Addition” in the NW1/4 of Section 15-T122N-R63W of the 5th P.M., Brown County, South Dakota (39135 138th Street, Gem Twp.). All members present voting aye. Motion carried.

ORDINANCE #282 - SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #282. Applicants City of Aberdeen and New Angus, LLC to rezone from Heavy Industrial District (H-I) to Municipal State and County Use District (M) as requested by the City of Aberdeen: Proposed Lot 2, “New Angus Second Subdivision” in the N1/2 of

Section 36-T123N-R64W of the 5th P.M., Brown County, South Dakota (Approximately 498 135th Street SE; Aberdeen Township). All members present voting aye. Motion carried.

GRANDSTAND BIDS:

Time and place, to open, read and consider bids for use of the Brown County Grandstand and adjacent areas located at Brown County Fairgrounds, 400 24th Ave. NW, Aberdeen, SD 57401 for a one-year contract may include options for up to four additional one-year terms (2026, 2027, 2028 and 2029) and subject to rights of termination negotiated between Brown County and the Lessee. One bid was received from Motor Sports, LLC to operate the Brown County Speedway from April 1, 2025 to September 30, 2025 for the purpose of promoting stock car racing. For 2025 - \$20,500.00; 2026 - \$20,500.00; 2027 - \$20,500.00; 2028 - \$21,500.00 and 2029 - \$22,500.00. Rachel Kippley, Fair/Fairgrounds/Parks Manager recommended approving the bid provided, tentative pending on the contract agreement. Moved by Commissioner Wiese, seconded by Gage to accept the bid from Motor Sports, LLC for \$20,500.00 for years 2025-2027; \$21,500.00 for 2028 and \$22,500.00 for 2029. All members present voting aye. Motion carried.

CLUBHOUSE BIDS:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the Clubhouse bids; suggested December 3rd to open the bids; than can refer to the Fair Board for December 11th meeting and award the bid on December 17th Commission Meeting. Moved by Commissioner Fjeldheim, seconded by Dennert to approve and authorize publication for Clubhouse Bids during the Fair 2025-2027. All members present voting aye. Motion carried.

HAY LAND BIDS:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the bids for Hay Land at Richmond Youth Camp and Fairgrounds; suggested December 3rd to open the bids. Moved by Commissioner Gage, seconded by Wiese to approve and authorize publication for Hay Land Bids for 2025 with two additional one-year options for 2026 & 2027. All members present voting aye. Motion carried.

COPIER FOR PLANNING & ZONING:

Scott Bader, Planning & Zoning Director met with the Commission to talk about the office copier. Scott shared that the maintenance agreement for his current copier will end on December 31, 2024 so looking for their input on whether to replace it or continue using it and just pay for repairs as they come up. After some discussion, Commissioner Dennert motioned to approve Planning & Zoning replacing their copier on January 1st, seconded by Gage. The motion passed with 4 votes; Commissioner Wiese abstained due to being employed by the Company that they are looking at purchasing from.

APPLICATION FOR OCCUPANCY FOR NORTHWESTERN ENERGY:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following application submitted by NW Energy for occupancy of Brown County Highway 19, Section 20-T123-R64, Brown County, South Dakota to install 2" gas main to serve new customers. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent met with the Commission to give them a department update. Dirk informed them they are still mowing, patching with hot mix if the weather holds out than will switch to cold mix, finished up shouldering on Co. Rd. 5, West of Frederick; will be striping on 12W and on Hwy. 10 to Warner. Commissioner Dennert asked about striping on 5 and 14; commented it looks good but has received calls with concerns about when foggy and by the water. Dirk said he will see if they can get it done yet this year. Commissioner Dennert also shared that Warner Township wants to discuss a cost share to put the culvert under the road.

CHANGE ORDER FOR BUILDING RESTORATION CORPORATION:

Judy Dosch, Building Superintendent and Randy Zens, Assistant Building Superintendent met with the Commission to ask they approve Chairman to sign Change Order from Building Restoration Corporation: credit for \$65,383.00 due to issues with garage and included \$113,674.00 for opening the roof, making change order total \$48,291.00 for an updated contract amount of \$852,805.00. Moved by Commissioner Wiese, seconded by

Dennert to approve and authorize Chairman Sutton to sign the Change Order for total of \$48,291.00, updating the contract total to \$852,805.00. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting Minutes of October 22, 2024. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Aberdeen Advanced Care Ambulance \$613.38; Aberdeen ED \$113.54; Aberdeen Imaging \$30.54; Brick's TV and Appliance \$3,198.75; Carrels & Bain Family Dental Care, LLC \$296.23; Carrie Weisenberger \$38.52; CenturyLink-Lumen \$197.52; Dakota Group LLC \$2,500.00; Faulkton Area Medical Center \$79.94; Horizon Health Care, Inc \$412.82; IMEG Corp \$6,815.00; Jeremy Lund – Siegel Barnett & Schutz, LLP \$437.00; Network Center, Inc \$3,002.57; Northeastern Mental Health Center \$225.00; Sanford Health \$420.00; Schriver's Memorial Mortuary, Inc. \$1,800.00; US Bank \$944.00. Publishing: Groton Daily Independent \$37.09; Todd County Tribune/Mellette County News \$24.46; US Bank \$300.00. Rentals: Weismantel Rent-All \$1,301.00. Repairs & Maintenance: Dakota Doors Inc \$302.04; Diamond Mowers LLC \$10.58; Heartland Powersports \$1,499.99; Jason's Electric Inc \$385.40; Pro Ag Supply, Inc \$5.54; Steven Lust Automotive \$234.49; TripleC Pros LLC \$850.00; US Bank \$2,119.77. Supplies: Amanda Brumfield \$74.16; Amazon Capital Services, Inc \$1,462.34; Arts South Dakota \$350.00; Avera LTC Pharmacy Aberdeen \$4,227.93; Century Business Products \$163.05; Cole papers Inc \$528.20; Dakota Electronics \$1,289.00; Dakota Supply Group \$49.16; Diamond Mowers LLC \$487.12; Farm Power Mfg. \$10.84; Faulkton Drug \$552.35; Geffdog Designs \$634.60; GovConnections, Inc \$2,247.04; Jensen Rock & Sand Inc \$18,673.20; Karen Swank \$145.00; Marco Technologies, LLC \$76.25; Menards \$678.84; Performance Oil \$309.85; Pro Ag Supply, Inc \$369.31; Rinker Materials \$55,543.76; Runnings \$36.06; US Bank \$14,797.73. Travel & Conference: Dale Kurth \$150.51; David North \$147.00; James Meyers \$36.54; Patrick Keatts \$31.70; Paul Johnson \$120.27; Stan Beckler \$25.56; US Bank \$2,483.96. Utilities: CenturyLink \$359.22; Dependable Sanitation, Inc \$172.00; James Valley Telecommunications \$209.10; Montana-Dakota Utilities Co. \$44.90; Northwestern Energy \$480.80; NVC \$2,372.53; T-Mobile \$98.40; Verizon Wireless \$42.73; US Bank \$10,145.18. Other: Ayalyn Crary \$5.00; Gina Malsam \$5.00; Gwyn Fischbach \$5.00; Joan Johnson \$10.00; Kylee Wild \$10.00; Lloyd Wetenkamp \$10.00; Nancy Radke \$5.00; SD Dept of Agriculture & Natural Resources \$500.00; Terry Salfrank \$5.00; WEX Health Inc \$6,000.00. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Dennert, seconded by Wiese to acknowledge and approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Resignation of Jaycob Aldea De Jesus, Brown County Jail Detention Officer; FT – effective October 22, 2024. Request to fill.
- Last day for seasonal worker, Richard Burns, Brown County Fairgrounds; effective October 23, 2024.
- Last day for seasonal worker, Kendell Titze, Brown County Highway; effective October 17, 2024.
- Hiring of Joel Torigian as Brown County Jail Detention Officer, FT; starting wage \$21.29/hr. – effective October 28, 2024.
- Hiring of Sara Eilers as Brown County Jail Detention Officer, FT; starting wage \$21.29/hr. – effective October 28, 2024.

All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Auditor Heupel to sign the Claim Assignments against individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS FOR AUGUST 2024:

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts for August 2024 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$20,889,663.99;

Total Savings Account Balances \$1,125,447.42; Total Certificates of Deposit \$8,398,681.71; Grand Total Cash & Balances \$30,421,493.12 General Fund Cash and Investment Balances by Funds: General Fund \$17,753,337.21; Road & Bridge Fund \$3,400,702.77; Road & Bridge Fund-restricted \$231,883.27; 911 Service \$276,769.57; Emergency & Disaster \$93,811.32; Domestic Abuse \$1,465.00; Grant \$32.11; SA Grants \$45,036.59; Truancy Court \$135.68; 24/7 Sobriety \$58,681.19; ROD M&P \$99,439.36; Rural Access Infrastructure \$551,894.22; TIF Debt Service \$30,747.57; Landfill + cash change \$6,313,173.20; Landfill – restricted \$1,894,495.06; Trust and Agency Funds \$1,796,267.33; Grand Total General Fund Cash & Investments \$30,421,493.12. All members present voting aye. Motion carried.

ABATEMENTS/REFUNDS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following abatements or refunds: Abatements: Parcel #12846: Tax Yr. 2024 - \$157.17. Refunds: Parcel # 12846 – Tax Yr. 2023 - \$1,940.33. All members present voting aye. Motion carried.

TRAVEL REQUEST:

Moved by Commissioner Dennert, seconded by Wiese to approve the following travel requests: Wes Graff. Sheriff's Office to travel to Sioux Falls, SD for the Law Enforcement Coordinating Committee on October 29-30, 2024. All members present voting aye. Motion carried.

LIQUOR LICENSE RENEWALS:

Moved by Commissioner Gage, seconded by Wiese to approve the following applications for liquor license renewals of Alcoholic Beverage Licenses to operate outside of the Municipality: PACKAGE (OFF-SALE) LIQUOR: P'ZA Inc DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2) AND Dustin Guthmiller DBA Bath Quick Stop LLC (Lot B Weismantels 1st SD Lot 1 Ex. N 12' Jenkins SD Inc Adjacent N 12' Lot 1 Jenkins SD E2 SE 18-123-62) AND Travis Swenson DBA Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE 8-128-65) AND Roderic L Hanson DBA Ferney Farmers Bar (Lot 4-5, Block 5 Ferney SW 31-122-60) AND Jackie Chantal LLC DBA Richmond Oasis (Lot 4 Schaeffer Richmond Lake 2nd Addition NW & NE 25-124-65). RETAIL (ON-SALE) LIQUOR: P'ZA Inc DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2) AND Stacy J Gossman DBA Big Fella's (Lot 1B, Gossman 1st Addition, S2 15-123-63) AND Travis Swenson DBA Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE 8-128-65) AND Roderic L Hanson DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60) AND Moccasin Creek Country Club Inc (Prairiewood Village OL 7, E2, 33-124-63) AND Tyler Jones DBA: Tacoma Park Place LLC (5 acres in NE Corner of NW ¼ 23-124-62). RETAIL (ON-OFF-SALE) WINE AND CIDER: ARR LCC DBA Flatland Flyways Lodge (Russo's OL 1 NW ¼ 1-127-62) AND Moccasin Creek Country Club (Prairiewood Village OL 7, E2, 33-124-63) AND Parkview Nursery (Lot 1, Parkview Nursery Addition, NE ¼ Section 25-T123-R64). All members present voting aye. Motion carried.

OTHER BUSINESS:

Chairman Sutton asked for input regarding Commission meeting the week of December 23rd since County offices are closed December 23rd – 25th. Discussion was held and it was decided not to have a Commission meeting that week.

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.

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission at 10:42 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published November 6-7, 2024, at the total approximate cost of \$_____ and may be viewed free of charge at www.sdpublicnotices.com.