

NOVEMBER 22, 2022 – 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 Feickert, Fjeldheim, Gage, Sutton, and Wiese. Commissioner Gage led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT: None

REGIONAL JAIL SUMMER STUDY:

Julie Johnson, met to update the Commissioners on the Regional Jail Summer Study. They have 6 Committees that are looking at different aspects of the Regional Jail. Money in Reserves for the State to build a new State Prison. The recommendations are to have a Regional Jail, use the Appropriate Funds and Property Tax Freeze. Chairman Sutton Thanked Julie for her work and support on this project. Commissioner Wiese said they have heightened awareness and appreciates the work Julie has done, also. Chief Deputy Sheriff, Dave Lunzman commented that this is a 1-time opportunity, so we need to move on this now.

BROWN COUNTY FAIR (BCF) PRCA RODEO CONTRACT:

McKenzie Bierman, Asst. Fair Manager asked the Commission to approve and authorize Chairman to sign the BCF PRCA Rodeo Three Year Contract (2023-2025) with Bailey Pro Rodeo. Moved by Commissioner Feickert, seconded by Wiese. All members present voting aye. Motion carried.

R-O-W OCCUPANIES FOR NORTHERN ELECTRIC:

Dirk Rogers, Highway Superintendent met with Commission to ask for approval of three R-O-W for K&H Electric to do work for Northern Electric on Br. Co. Hwy. 5, Section 19, T128- R61; Br. Co. Hwy. 28, Section 128-T128-R60; Br. Co. Hwy. 10 T127-R60. Moved by Commissioner Fjeldheim, seconded by Wiese to approve these three R-O-W. All members present voting aye. Motion carried.

Dirk Dirk Rogers, Highway Superintendent met with Commission to ask for approval of one R-O-W for Schmidt Construction to do work for Northern Electric on Br. Co. Hwy. 23, Section 32, T122- R65. Moved by Commissioner Feickert, seconded by Wiese to approve these this R-O-W. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave a department update to the Commissioners. Ice problems were addressed, working on the culvert program with Townships and hauling gravel today. Dirk will look into Elm Lake Project and report back.

ORDINANCE #231 – SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to approve the Second Reading and Adopt Ordinance #231, Applicant Todd Ochsner/Ochsner Real Estate LP requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.15 Light Industrial District (L-I): The S ½ of Section 19-T123N-R64W lying South of Railroad R.O.W. of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

ORDINANCE #232 – SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Second Reading and Adopt Ordinance #232, Applicant Jerrad Jangula requesting rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG): Proposed Lot 1, “Jangula Subdivision” in the NE ¼ of Section 24-T123N-R65W of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

**ORDINANCE #233 – SECOND READING/ADOPTION:**

Moved by Commissioner Gage, seconded by Fjeldheim to approve the Second Reading and Adopt Ordinance #233, Applicant John Daily requesting rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG): Lot 1, “First Subdivision of Bieber’s Outlot 1” in the N ½ of Section 21-T126N-R64W of 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

**ORDINANCE #234 – SECOND READING/ADOPTION:**

Moved by Commissioner Wiese, seconded by Gage to approve the Second Reading and Adopt Ordinance #234, Applicant Stacy Gossman requesting to rezone from Chapter 4.08 Residential District (R-1) to Chapter 4.13 Commercial District (C): Proposed Lot 1, “Ole Crow Addition” in the NW ¼ of Section 17-T123N-R63W of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

**MINUTES:**

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the November 14, 2022 General Election Canvass Meeting Minutes and November 15, 2022 General Meeting Minutes. All members present voting aye. Motion carried.

**PAYROLL/CLAIMS:**

Moved by Commissioner Feickert, seconded by Gage to approve the following payroll/claims:  
Payroll: Commission \$4,503.96; Elections \$17,660.73; Auditor \$11,366.88; Treasurer \$14,440.56; SA \$29,563.31; Maintenance \$9,871.21; Assessor \$15,275.89; ROD \$8,157.60; VSO \$4,143.28; GIS \$2,483.72; IT \$5,686.59; HR \$4,061.37; Sheriff \$45,354.04; Jail \$63,087.02; Court Security \$6,420.21; JDC/HD \$28,209.14; Welfare \$2,161.43; Museum \$8,018.95; Parks/Fairgrounds \$3,080.80; Fair \$4,790.80; 4-H \$638.80; W&P \$4,238.06; P&Z \$5,681.44; Hwy. \$36,358.37; Dispatch \$39,002.66; EM \$4,285.81; 24/7 \$1,314.76; Landfill \$16,320.15; Meal Benefits \$210.00. **MATCHING BENEFITS:** FICA \$22,662.30; Medicare \$5,300.02; Discovery/HSA \$1,421.17; Retirement/SDRS \$47,619.32.

**Claims:** Professional Fees: Agterra Technologies, Inc. \$70.00; Avera St. Luke's \$1,533.29; Dakota Counseling; Group, LLC \$2,100.00; Dana J. Larson \$50.00; Darcy Lockwood \$30.00; Dependable Sanitation Inc \$38,330.80; Gail Stoltenberg \$500.00; Hannah Schmierer \$493.54; Larry Dixon \$675.00; Lucy Lewno \$270.00; Sanford Health \$940.12; Sanford Health Network \$244.92; Sd Dept Of Health \$2,475.00; Tyler Technologies Inc \$650.00; Valerie J. Larson \$30.00; West Publishing Corp. \$177.20; Yankton County Sheriff Office \$100.00; Yankton County Treasurer \$127.50.

Publishing: ARGUS LEADER \$20.89; GateHouse Media South Dakota Holdings, Inc. \$572.52; Moody County Enterprise \$15.56; TDS Media Direct, Inc. \$630.00.

Rentals: Linde Gas & Equipment Inc. \$47.11; Pantorium Cleaners Inc. \$207.36.

Repairs & Maintenance: Butler Machinery Co. \$924.42; Century Business Products \$162.73; Dakota Fluid Power Inc. \$48.42; Diesel Machinery \$6,948.40; Ecolab Pest Elimination \$105.45; IMEG Corp \$20,775.90; Interstate Powersystems \$1,691.00; Jalene M. Palmer \$1,250.64; Lien Transportation Company \$742.50; Northstar Safety, Inc \$45.02; Pantorium Cleaners Inc. \$447.65; Pumps Tire Service, Inc \$230.58; R.D. Offutt Company \$1,957.25; Schroeder Construction Inc. \$159,936.57; Schwan Welding \$281.50; Sewer Duck Inc \$85.00; Titan Machinery, Inc - Aberdeen Case Ih \$1,099.36; Transource Truck & Equipment, Inc. \$300.00; Woodman Refrigeration, Inc \$563.86.

Supplies: Agtegra Cooperative \$1,532.59; APH Stores, Inc \$684.45; Arlin Zoellner \$1,960.00; Avera LTC Pharmacy Aberdeen \$1,210.72; Butler Machinery Co \$695.58; Century Business Products \$811.05; Cole Papers \$1,618.86; Dakota Fluid Power Inc \$2,297.63; Dakota Oil \$542.25; Dakota Supply Group \$119.15; Daniel Higgins \$290.00; Diesel Machinery \$389.25; Great Western States Supply Co. \$497.40; Interstate Battery System Of Sd \$141.95; Jensen Rock & Sand Inc \$2,387.98; Linde Gas & Equipment Inc. \$103.00; Lucy Lewno \$13.14; Marco Inc \$23.33; Menards \$371.69; Northern Valley Communication \$26.76; Northstar Safety, Inc \$240.00; Patricia Slutts \$74.94; Pitney Bowes Inc. \$15,000.00; Plumbing & Heating Wholesale, Inc. \$360.13; R.D. Offutt Company \$5,601.09; Runnings \$530.93; Schwan Welding \$168.00; State Of South Dakota \$292.00; Transource Truck & Equipment, Inc. \$1,075.88; Web Water Bottling Company \$18.00; West Publishing Corp. \$1,972.34.

Travel & Conference: City of Groton \$182.00; Ernest Thompson \$222.18; Judith Lloyd \$33.35; SDSU Extension \$190.82.

Utilities: City of Aberdeen \$706.80; City Of Hecla \$135.22; Dependable Sanitation Inc \$348.00; James Valley Telecommunications \$223.10; Northern Electric Coop, Inc \$870.13; Northern Valley Communication \$4,978.57; Northwestern Energy & Communications \$89.76; Verizon Wireless Services LLC \$328.44.

Others: WEX Health Inc. \$4,000.00.

All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Human Resource Report:

- Acknowledge the last day of temporary employment for Lois Usselman, Brown County Election worker; effective November 15, 2022.
- Acknowledge the resignation of Lane Kahler as Brown County Jail Correctional Officer, full-time; effective November 25, 2022. Request to fill.
- Approve Cortney Paul as Brown County Sheriff's Deputy, as needed; starting wage \$25.00/hour; effective October 31, 2022.
- Approve Jon Lemke as Brown County Chief Deputy Sheriff in training effective November 28, 2022.
- Approve hiring of Sydney Kamin as Brown County IT intern, as needed; starting wage \$12.50/hour; effective November 16, 2022.

All members present voting aye. Motion carried

#### ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Feickert, seconded by Wiese to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held December 6, 2022 in the Commissioner's Chambers, Courthouse Annex, Brown County, SD at 8:45 a.m.: Proposed Ordinance 235, applicants Lyle Biegler, Diane Bindenagel and Travis Bindenagel requesting to move from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.17 Mini-Agriculture District (M-AG) and Chapter 4.08 Residential District (R-3): Lot 1 and Lot 2, "Bindenagel Richmond Lake Subdivision", Lot 1, "Bindenagel Third Richmond Lake Subdivision" and Lot 1A, "BNB Second Richmond Lake Subdivision" all in the NW ¼ or Section 25-T124N-R65W of the 5th P.M., Brown County, South Dakota; Proposed Ordinance 236, applicant Rory Haar, Estate of Roland W. Haar and Walter Schott requesting to move from Chapter 4.08 Residential District (R-1) and Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG): "Schott Outlot" and Lot 1, "Haar Addition" both in the SE ¼ of Section 6-T123N-R63W. Proposed Lots 1 thru 4, "Haar's Second Addition" in the E ½ of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota; Proposed Ordinance 237, applicant Lon Gellhaus for Derrill J. Mahan Family Trust requesting to move from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG): Proposed Lot 1, "Mahan Addition" in the NW ¼ of Section 5-T123N-R60W of the 5th P.M., Brown County, South Dakota; Proposed Ordinance 238, applicant Marian Mettler/Rick Mettler, P.O.A. requesting to move from Chapter 4.11 Rural Urban District (RU) and Multi-Zone District (MZ) to Rural Urban (RU) Proposed Lot 1 & Proposed Lot 2 and then Proposed Lot 3 to Chapter 4.06 Agriculture Preservation District (AG-P): Proposed Lot 1, Proposed Lot 2 & Proposed Lot 3, "Mettler Second Subdivision" in the NE ¼ of Section 6-T126N-R61W of the 5th P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #57-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Agtegra First Addition to the City of Columbia, in the SW ¼ of Section 28-T125N-R62W of the 5TH P.M., Brown County, South Dakota," having been examined, is hereby approved in accordance with the provisions of SDCL 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #58-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "CORRECTIVE PLAT of Carlson Addition in the NW/4 of Section 28, Township 125 North, Range 62 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #59-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "Duncan-Tobin Outlots in the NW ¼ of Section 1-T123N-R64W of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #60-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commission of Brown County, South Dakota, that the plat showing "Mettler Second Subdivision in the NE ¼ of Section 6-T126N-R61W of the 5TH P.M., Brown County, South Dakota," having been examined, is hereby approved in accordance with the provisions of SDCL 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #61-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Fischer Land Resources Addition in the SE ¼ of Section 6, Township 124 North, Range 63 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #62-22

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Webb Vilhauer Addition in the E ½ of Section 20, Township 123 North, Range 65 West of the 5TH P.M., Brown County, South Dakota" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3 and any amendments thereof." Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

SHERIFF REPORT:

Moved by Commissioner Wiese, seconded by Gage to approve the following September 2022 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Feickert, seconded by Wiese to approve the following travel requests:

- Rachel Kippley, Fair Manager and McKenzie Bierman, Asst. Fair Manager to travel to Indianapolis on November 26<sup>th</sup> to December 1<sup>st</sup> for IAFE Convention.

All members present voting aye. Motion carried.

OTHER BUSINESS: Commissioner Feickert just wanted to comment that when he called Dirk regarding the icy roads in the Frederick Area, the Highway Dept. salted the next day, and the constituents were very happy.

EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into executive session to discuss Personnel, Legal and Contracts 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 Fjeldheim, seconded by Wiese to adjourn the Brown County Commission at 10:00 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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