

JANUARY 17, 2023 – 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:

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

SWEARING IN:

Mike Wiese was sworn in as Brown County Commissioner by Lynn Heupel, Auditor.

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #239 – SECOND READING AND ADOPTION:

Moved by Commissioner Wiese, seconded by Gage to adopt Ordinance #239. Applicants Nicole Kempf, Personal Representative of the Estate of Daniel C. Kempf requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1, “Palmyra Farmhouse Addition” in the SW ¼ of Section 18-T128N-65W of the 5th P.M., Brown County, South Dakota (10260 373rd Ave., Palmyra Twp.). All members present voting aye. Motion carried.

ORDINANCE #240 – SECOND READING AND ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #240. Applicants Lucas & Mary Keahey and CJ Lane requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Proposed Lot 1 to bring this parcels into compliance for their current use: The South 250’ of the East 963’, Except Road R.O.W., and the 337’ North of the South 250’ of the East 963’, Except Road R.O.W., both in the NE1/4 of Section 19-T123N-R64W of the 5th P.M., Brown County, South Dakota. (13341 & 13345 383rd Ave., Aberdeen Twp.). All members present voting aye. Motion carried.

BROWN COUNTY HWY 14 – ENGINE BREAK:

Commissioner Sutton shared that he received a request from the residents around intersection Br. Co. 13 and Br. Co. 14 to add engine break prohibition signs on Hwy. 14 because they are already on Hwy. 13. Patrick Coughlin was in attendance and voiced his concern on this issue because it is getting worse and feels it is an enforcement issue and wants to make the Commission aware of this. Commissioner Sutton has spoken with Dirk Rogers, Highway Superintendent and he had no objections to placing additional signs. Commissioner Sutton asked Sheriff Lunzman about being able to up the enforcement in this area as well. Commissioner Gage questioned what we are trying to control, whether is it the decibel level or just the trucks. Commissioner Fjeldheim shared that the problem comes in with the trucks that have the 14’ straight pipes, most farmers have the basic semi with a muffler on and when they jake-break you can’t hardly hear it. Commissioner Wiese made a motion to approve posting additional signs on Br. Co. 14, which was seconded by Sutton. Commissioner Gage then questioned which sign they are going to post – he feels a sign that states “No Unmuffled Dynamic Engine Breaking” would better serve this area because there is a reason trucks have a jake-break on their trucks (save the breaks). Commissioner Fjeldheim then questioned having a noise reduction area sign posted then it qualifies for semis, motorcycles, etc. Commissioner Gage also stressed the ways that trucks are told to use to get to the Beef Plant and Soybean Plant. Commissioner Fjeldheim questioned what sign would be more effective. Dirk Rogers asked if they would want to table the issue until next week so he could do some research. Commissioner Wiese then withdrew his motion, seconded by Sutton to table this until next week. All members present voting aye. Motion carried.

ELM VALLEY COMMUNITY CLUB:

Commissioner Fjeldheim asked Dirk Rogers, Highway Superintendent about opening up the Elm Lake Access due to them having a Fishing Tournament on January 28th. Dirk said they will go check it out – they will do it unless there are some unforeseen circumstances.

2023 ASSESSMENT PLAN:

Gene Loeschke, Director of Equalization presented his 2023 Assessment Plan with the Commissioners. Moved by Commissioner Wiese, seconded by Fjeldheim to accept the 2023 Assessment Plan payable 2024. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the Amended minutes of January 3, 2023 Reorganization Meeting Minutes. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the General Meeting minutes of January 10, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Wiese, seconded by Gage approve the following:

Claims: Professional Fees: Avera McKennan Hospital \$125.63; Avera St. Luke's \$1,405.90; Certified Languages International LLC \$488.40; Christopher A. Haar \$213.60; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Computer Forensic Resources Inc \$1,548.20; Dean Schaefer Court Reporting \$336.00; Dohrer Law Office \$7,211.64; Domain Networks \$289.00; Heather M. LaCroix \$219.54; Houston Engineering, Inc \$11,578.08; Jerald M. McNeary \$7,211.64; Jeremy Lund \$7,211.64; John Noyes \$7,211.64; Kennedy Pier Loftus, LLP \$181.80; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$1,288.00; Lucille M. Youngberg \$732.10; Sanford Health Network \$8,509.79; Sanford Health Occupational Medicine Aberdeen \$176.00; Schriver's Memorial Mortuary, Inc. \$1,800.00; SD Dept of Revenue & Regulations \$3,162.99; Taliaferro Law Firm \$7,211.64; Yankton County Sheriff Office \$50.00; Zylstra Investigations \$3,000.00. Publishing: Groton Independent \$264.66; SeaChange Printing & Marketing Services LLC \$185.00. Rentals: Aramark Uniform & Career Apparel Group, Inc \$222.13; Linde Gas & Equipment Inc. \$397.06. Repairs & Maintenance: Diamond Mowers Inc \$20.20; Diesel Machinery \$2,905.87; Ecolab Pest Elimination \$264.79; House of Glass \$89.33; Lawson Products, Inc. \$28.02; Meister Mowing LLC \$1,030.00; Pierson-Ford-Lincoln-Mercury \$62.95; Pomp's Tire Service, Inc \$637.16; Pro Windmill Inc. \$690.00; State of South Dakota \$65.70; Steven Lust Automotive \$264.95; Transource Truck & Equipment, Inc. \$4,063.50. Supplies: Advance Auto Parts \$1,146.33; Agtegra Cooperative \$2,805.55; APH Stores, Inc \$192.95; Avera McKennan \$68.93; Century Business Products \$3,117.11; Charm-Tex \$701.12; Cole Papers \$653.10; Diamond Mowers Inc \$510.82; Floor To Ceiling \$50.00; J Gross Equipment \$405.76; Jack's Uniforms & Equipment \$327.08; Kessler's \$240.21; Kirby Kiesz \$240.40; Lawson Products, Inc. \$331.94; Lesli Geranen \$136.02; Linde Gas & Equipment Inc. \$148.79; Lucille M. Youngberg \$5.40; Menards \$33.99; Midstates Printing \$43.00; Midwest Pump & Tank \$589.60; Napa Central \$53.47; Performance Oil & Lubricants \$69.42; PharmChem \$408.85; Plumbing & Heating Wholesale, Inc. \$454.64; Pomp's Tire Service, Inc \$535.18; Runnings \$1,873.54; SD Dept of Revenue & Regulation \$6.00; Sherwin Williams \$373.75; Titan Machinery, Inc-Aberdeen Case IH \$238.25; Transource Truck & Equipment, Inc. \$864.18; Walth Safety Service Inc \$1,532.00. Travel & Conference: City of Groton \$388.80; Weed & Pest Conference \$510.00. Utilities: City of Aberdeen \$2,202.06; City of Hecla \$215.18; Economy Propane LLC \$4,800.90; Northern Electric Coop, Inc \$86.00; Northern Valley Communication \$263.72; State of South Dakota \$119.54; Verizon Wireless Services LLC \$202.07; WEB Water Development Assoc. Inc. \$101.19. Others: Glacial Lakes & Prairie Tourism Assoc. \$750.00; NESDCAP \$2,500.00; SD Assoc. Of County Officials \$714.00; SD Dept of Revenue & Regulations \$576,951.72; SD Unemployment Insurance Division \$1,893.12. Payroll: Commission \$4,615.42; Auditor \$11,370.62; Treasurer \$16,641.20; SA \$32,244.37; Maintenance \$11,791.36; Assessor \$16,796.81; ROD \$9,572.00; VSO \$3,625.53; GIS \$2,643.52; IT \$6,220.17; HR \$5,001.68; Sheriff \$46,484.13; Jail \$76,775.85; Coroner \$450.00; Court Security \$7,174.32; JDC/HD \$40,339.88; Welfare \$2,336.49; DPM \$10,016.08; Parks/Fairgrounds \$3,288.91; Fair \$4,107.21; 4-H \$786.79; Weed & Pest \$1,058.37; P & Z \$7,232.60; Highway \$46,020.42; Dispatch \$39,033.10; EM \$4,933.61; 24/7 \$1,734.01; Landfill \$16,215.17. SDRS Pay-out \$29,412.34; Retirement Award \$150.00. FICA \$25,598.45; Medicare \$5,986.75; Discovery-HSA \$1,359.38. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin:

- Acknowledge the resignation of Mackenzie Berninghaus, Brown County JDC Detention Officer, full-time; effective January 11, 2023. Request to fill.

- Acknowledge Duane Sutton nominated as Commission Chair; bi-weekly wage \$960.01; effective January 3, 2023.
- Approve hiring of Danielle Watson as Brown County JDC Detention Officer, full-time; starting wage \$20.67/hour; effective January 23, 2023.
- Approve hiring of Barb Wacholz as Brown County 911 Communications Officer, full-time; starting wage \$20.67/hour; effective January 30, 2023.
- Approve hiring of Bryon Gordon as Brown County Deputy Sheriff, full-time; starting wage \$25.18/hour; effective January 17, 2023.
- Approve hiring of Joe Kaven as Brown County Fair and Parks, Maintenance Technician, full-time; starting wage \$21.72/hour; effective January 30, 2023.
- Approve hiring of Adelaide Mouna, Brown County States Attorney Victim Specialist, full-time; starting wage \$23.97/hour; effective January 30, 2023.

All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Auditor's Report of Accounts for November 2022 as follows: November total cash and checks on hand \$7,700.00; Total Checking Account Balances: \$29,221,705.48; Total Savings Account Balances: \$3,250,447.42; Total Certificates of Deposit: \$3,978,174.09; Grand Total Cash and Balances: \$36,458,026.99. General Fund Cash and Investment Balances by Funds: General Fund \$9,799,157.26; Road & Bridge Fund \$3,558,195.61; Road & Bridge Fund – restricted \$423,243.27; 911 Service \$1,064,499.03; Emergency & Disaster \$244,203.96; Domestic Abuse \$598.52; Teen Court \$414.19; Grant \$32.11; JDAI \$30,244.80; Richmond Youth \$0.00; 24/7 Sobriety \$24,462.93; ROD M&P \$105,785.19; American Rescue Plan Federal Grant \$7,545,865.45; Rural Access Infrastructure \$295,338.93; TIF Debt Service \$423,809.72; Landfill + Cash change \$3,966,927.07; Landfill-restricted \$1,400,479.44; Trust and Agency Funds \$7,574,769.51. All members present voting aye. Motion carried.

SURPLUS:

Moved by Commissioner Gage, seconded by Wiese to declare the following Register of Deeds office equipment surplus: Small Desktop Printer; 4 Computer screens; 2 Label printers; Receipt printer and a Computer. Will be taken to the Landfill. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following abatements for tax year 2023: Gregg Erickson, Parcel #6945, \$2,037.52; Raymond Stange, Parcel #7733, \$903.96; Brown County, Parcel #17422, \$44,665.44; Brown County, Parcel #17427, \$861.79; Dillon Cutler, Parcel #29889, \$961.17; Donald Hoops, Parcel #7404, \$175.30; Jeremy Walberg, Parcel #3036, \$382.77; Frederick Farmers Elevator Coop, Parcel #20446, \$681.74; Brown County, Parcel #28298, \$63.20; Brown County, Parcel #14196, \$1,533.46; Brown County, Parcel #24370, \$34.49; Brown County, Parcel #12510, \$34.49; Brown County, Parcel #9609, \$651.02; Frederick City, Parcel #20571, \$75.59; American Legion Post #58, Parcel #22212, \$86.74; Aberdeen Downtown Apartments, Parcel #8732, \$291.80 and refund: Delbert Lowe, Parcel #4996, \$17.66. For tax year 2022: Craig Larson, Parcel #20670, \$34.49; Refund: Delbert Lowe, Parcel #4996, \$17.66. For tax year 2021: Refund: Delbert Lowe, Parcel #4996, \$15.04. For tax year 2020: Refund: Delbert Lowe, Parcel #4996, \$14.80. For tax year 2019: Refund: Delbert Lowe, Parcel #4996, \$.95. All members present voting aye. Motion carried.

SET HEARING DATE FOR LIQUOR LICENSE TRANSFER:

Moved by Commissioner Wiese, seconded by Gage to authorize advertising public hearing to consider the following application: TRANSFER - RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Flying Pig to update location from 5635 US Highway 12 East, Aberdeen, SD - Lot 2, Gossman Second Addition, SE 1/4 of Sec 15-T123N-R63 to 2520 8th Ave. NE, Aberdeen, SD 57401 to Lot 1, Ronnie's Way Addition in the NW 1/4 of Sec 17-T123-R63W of 5th P.M., Brown County, SD. TRANSFER - RETAIL (ON-SALE) LIQUOR – UPDATING LOCATION: Stacy Gossman, DBA Nacho Business to update location from 5485 US Highway 12 East, Aberdeen, SD - Outlot A, SE 1/4 of Sec 15-123-63 to 578 North Roosevelt St., Aberdeen, SD to Lot 1, Creekside addition in the NW 1/4 of Sec 17-T123N-R63W of 5th P.M., Brown County, SD. To be held on 31st day of January 2023 in the Chambers of the Brown County Commissioners, Brown County, South Dakota. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following Travel Requests:

- Chris Hemen, Mike Rohrbach and Jerry Lehrkamp to travel to Annual Weed & Pest Conference in Huron, SD on February 14-16, 2023.

All members present voting aye. Motion carried.

FAIRBOARD APPOINTMENT:

Moved by Commissioner Gage, seconded by Fjeldheim to approve appointing Jason Pettigrew for two 3-year terms. All members present voting aye. Motion carried.

SHERIFF OFFICE UNIFORM-CLOTHING ALLOWANCE:

Moved by Commissioner Wiese, seconded by Gage to approve the following Uniform-Clothing Allowance for Sheriff Office Employees: For the deputies, all equipment is provided for each deputy. Three pairs of pants, 3 short sleeved and 3 long sleeve shirts are provided. They are only replaced if they are damaged during work or have worn out due to age. This is at the discretion of the Supervisor. The body armor is provided and replaced every 5 years as the manufactured will not warranty or guaranty their effectiveness beyond 5 years. If a deputy wants to buy their own pants, they are allowed to with a \$50 cap. Anything over \$50, employee must play the difference. The office staff are provided shirts and allowed \$50 to purchase their own pants. Replacements are at the discretion of the Supervisor. The Jail and JDC are all provided 3 uniform shirts and are allowed up to \$50 per pair of pants and are also replaced as needed and approved by their supervisor. Many employees have clothing items with the Sheriff's Office logo on them. These items are not purchased by the Sheriff's Office. If an employee wants a certain item to wear with the Sheriff's Office logo, they are permitted to purchase these items at their own expense. All members present voting aye. Motion carried.

GIS PLOTTER:

Moved by Commissioner Gage, seconded by Fjeldheim to approve Scott Madsen, GIS Coordinator to purchase the new Plotter per proposal for \$9,729.87 from SHI. Current plotter will be transferred to EM. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Wiese shared that he got a text message from a Representative with Aberdeen Rural Fire that appreciates the lights that were put in by the Landfill for the Dumpster Site and how it lights up the whole area.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss Security, Personnel 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 Dennert, seconded by Wiese to adjourn the Brown County Commission at 10:47 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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