

MARCH 28, 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, Wiese, Gage, and Sutton. Commissioner Gage led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT: None

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Tonya & Shane Reich DBA: Richmond Pavilion, LLC at 12805 S. Shore Dr., Aberdeen, SD - Richmond Resort Outlot 2, NE ¼ of Section 25-T124N-R65W of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

ORDINANCE #241 – SECOND READING & ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Dennert to adopt Ordinance #241. Applicants Adam & Ashley Borg requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring parcels into compliance: “Quiggle’s Outlot 1” in the NW ¼ of Section 12-T123N-R61W of the 5th P.M., Brown County, South Dakota (13149 406th Ave., Groton Twp.). All members present voting aye. Motion carried.

ORDINANCE #242 – SECOND READING & ADOPTION:

Moved by Commissioner Wiese seconded by Gage to adopt Ordinance #242. Application filed by Colleen Callum for owners Delbert and Caroline Lowe requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for its future use: Proposed Lot 1, “Delbert and Caroline Lowe First Addition” in the SE ¼ of Section 15-T123N-R64W of the 5th P.M., Brown County, South Dakota (38556 133rd St.). All members present voting aye. Motion carried.

ORDINANCE #243 – FIRST READING:

Ross Aldentaler, Deputy State’s Attorney shared this is the revised Pipeline Ordinance. The waiver needs to be cleaned up yet, removed the depth of the pipe and put the setback at 1500 feet. Dave Meyer with Summit Carbon Solutions asked why the 1500 feet, where did they find this information, if this includes other pipelines and wondering about the voluntary easements that have already been signed. Scott Bader, Planning & Zoning Director stated his office and the Board did a lot of research and felt that is best suited for this area. He also questioned the wording of the Pipeline Facility, Ross shared they used the Pipeline Safety Act and the Pipeline Facility as a catch-all. This includes all pipelines that are hazardous gas or liquid except natural gas due to Government regulations. Those that have signed voluntary easements would have to sign the waiver. Craig Schaunaman asked why the 6 foot depth was removed and was informed that the State DOT regulates that portion so Brown County can’t control the depth. Janet Hedges shared that this pipeline is going to kill the value of homes, businesses, and any future growth in the west part of town but did Thank the Commissioners for the moratorium. Moved by Commissioner Fjeldheim, seconded by Gage to approve the First Reading of Proposed Ordinance #243 consider amending portions of Title 4 Zoning, Chapters 4.01 Definitions, 4.06 Agriculture Preservation District (AG-P), Chapter 4.07 Mini-Ag District (M-AG), 4.15 Light Industrial District (L-I), and Chapter 4.16 Heavy Industrial District (H-I). The proposed ordinance will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

AUTHORIZING SOLID WASTE MANAGEMENT PROGRAM SIGNATORY FOR BROWN COUNTY:

Commissioner Dennert offered the following Resolution.

Resolution #09-23

WHEREAS Brown County is proposing to purchase a loader truck to assist in landfill activities at the Brown County Landfill; and

WHEREAS, Brown County is applying for a Solid Waste Management Program Grant (SWMP) in an amount up to, but not exceeding \$231,081; and

WHEREAS, Brown County needs to authorize a SWMP signatory.

NOW THEREFORE, BE IT RESOLVED that Brown County make application to the South Dakota Department of Agriculture and Natural Resources for a SWMP grant in an amount up to, but not exceeding \$231,081; and

BE IT FURTHER RESOLVED that the Chair of Brown County be the authorized signatory for all grant and loan related documents, including the application and pay requests.

Dated this 28th day of March, 2023.

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

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of March 21, 2023. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Wiese, seconded by Dennert to approve the following claims: Professional Fees: Blackburn & Stevens, Prof. LLC \$160.50; CGI, LLC \$1,497.50; Cogley Law Office, Prof LLC \$85.94; Computer Forensic Resources \$4,329.40; Lumen \$185.70; Schriver's Memorial Mortuary, Inc \$1,800.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$86.65. Repairs & Maintenance: Aberdeen Chrysler Center \$263.90; Century Business Products \$36.99; CommTech Inc \$299.00; Do-All Insulation \$3,643.00; HF Jacobs & Son Const. Inc \$185.00; Hoven Auto Repair, Inc \$576.14; Hub City Roofing Inc \$140.00; Jasper Weller LLC \$123.33; Joel Durheim \$240.00; K & S Plumbing, Inc \$1,264.82; Meister Mowing LLC \$3,082.50; Olson's Pest Technicians \$214.00; Sewer Duck, Inc \$850.00; Woodman Refrigeration, Inc \$266.94. Supplies: Century Business Products \$260.65; Cole Paper Inc \$3,231.15; Cricket Media \$39.95; Dakota Supply Group \$45.86; Farm Power Mfg \$56.58; Jasper Weller LLC \$2,652.23; JGE, Inc \$10.05; Kessler's \$192.48; Marco Technologies, LLC \$45.30; Matthew Bender & Co., Inc \$86.08; Menards \$102.24; Midstates Group \$537.75; Pitney Bowes Global Financial Services LLC \$1,046.10; Plumbing & Heating Wholesale, Inc \$1,266.52; SD Dept of Transportation \$13,287.00; Thomson Reuters-West Payment Center \$1,839.44. Travel & Conference: SDACC \$50.00. Utilities: Montana-Dakota Utilities Co \$58.16; Northwestern Energy \$14,708.22. Others: WEX Health Inc \$4,000.00.

Payroll: Commission \$4,615.41; Auditor \$11,162.89; Treasurer \$16,590.19; SA \$30,699.48; Maintenance \$8,738.59; Assessor \$16,796.81; ROD \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$6,035.79; HR \$5,001.68; Sheriff \$42,411.99; Jail \$61,807.36; Court Security \$7,414.46; JDC/HD \$34,910.75; Welfare \$2,336.49; Museum \$11,840.05; Parks/Fairgrounds \$5,034.26; Fair \$4,107.21; 4-H \$786.79; Weed \$1,058.37; P&Z \$7,232.60; Highway \$63,191.32; Dispatch \$31,513.48; EM \$4,933.61; 24/7 \$1,227.48; Landfill \$13,897.42; FICA \$24,340.54; Medicare \$5,692.52; Discovery HSA \$1,421.17; Health Insurance_Wellmark BCBS \$119,441.42; Dental Insurance_Delta \$7,855.68; Life Insurance_Dearborn \$1,044.14; Retirement_SDRS \$53,042.26. 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 Director, Erica Coughlin:

- Acknowledge employment ending for Angel Sanchez, Brown County Jail Detention Officer, FT; effective March 23, 2023. Request to fill.
- Adjust the wage for hiring of Logan Flack as Brown County 911 Communications Officer, FT; starting wage \$22.26/hour; effective March 13, 2023.
- Approve hiring one Fair and Parks full-time, seasonal employee in exchange for two interns.

All members present voting aye. Motion carried.

SPECIAL MALT BEVERAGE LICENSE HEARING:

Moved by Commissioner Fjeldheim, seconded by Gage to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023 to consider the following application for Special Malt Beverage License, submitted by Brown County Fair Foundation, Aberdeen, SD – Holum Expo Building, SW ¼ of Sec 1-T123N-R64 Brown County, SD. Special License effective May 6, 2023. All members present voting aye. Motion carried.

LIQUOR LICENSE HEARING:

Moved by Commissioner Dennert, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023, to consider the following application for Retail (on-off sale) Malt Beverage & SD Farm Wine License, submitted by Parkview Nursery at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

LIQUOR LICENSE HEARING:

Moved by Commissioner Dennert, seconded by Wiese to authorize advertising a public hearing to be held in the Commissioners Chambers, Courthouse Annex, Brown County, SD on April 18, 2023, to consider the following application for Retail (on-off sale) Wine and Cider License, submitted by Parkview Nursery at 304 E. Melgaard, Aberdeen, SD – Lot 1, Parkview Nursery Addition to Aberdeen in the NE ¼ of Section 25-T123-R64W of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

CLAIM ASSIGNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignment against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS:

Moved by Commissioner Gage, seconded by Dennert to approve the Auditor's Report of Accounts of February 2023 as follows: Total Cash and Checks on Hand 7,700.00; Total Checking Account Balances 19,762,400.43; Total Savings Account Balances 3,525,447.42; Total Certificates of Deposit 5,479,550.72; Grand Total Cash & Balances 28,775,098.57. General Fund Cash and Investment Balances by Funds: General Fund 7,679,722.12; Road & Bridge Fund 3,076,323.63; Road & Bridge Fund – restricted 423,243.27; 911 Service 842,063.67; Emergency & Disaster 205,612.86; Domestic Abuse 373.26; Teen Court 250.28; Grant 32.11; JDAI 31,738.94; Richmond Youth Camp 0.00; 24/7 Sobriety 24,788.13; ROD M & P 108,550.92; American Rescue Plan Federal Grant 7,551,800.75; Rural Access Infrastructure 295,534.81; TIF Debt Service 50,713.05; Landfill + cash change 3,904,757.72; Landfill – restricted 1,400,479.44; Trust and Agency Funds 3,179,113.61; Grand Total General Fund Cash & Investments 28,775,098.57. All members present voting aye. Motion carried.

LANDFILL FEES & UPDATE:

Mike Scott, Landfill Manager shared that they generate about \$650,000 per year from the SW Fees that help maintain the 18 container sites in Brown County plus covers contract to haul, take care of trash at landfill and part-time help to clean up the sites. Fees are sufficient for this year but will readdress this fall for next year. Mike also shared that the Dumpster site at the Fire Station has got the lighting in place and fence. Planning on planting some trees, also. Only trash at the Fire Station site, no yard waste – that goes to the Fairgrounds site or Landfill. Commissioner Wiese asked for an update on the Scale and was informed that the new scale will hopefully be installed this summer. Scales are certified annually.

SOLID WASTE FEES:

Commissioner Gage offered the following Resolution:

Resolution #10-23

WHEREAS, Title 3, Solid Waste Management System, Chapter 3.07011 of the Second Revision Brown County Ordinances, effective March 12, 1997, as amended, requires the Board of County Commissioners to establish the Solid Waste Special Assessment fee schedule for the following year.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Special Assessment fees shall be effective January 1, 2023 through December 31, 2023, for the Brown County Sanitary Landfill:

SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE

(Assessment plus applicable sales tax billed with the Real Estate Tax Notice)

1. Households within Incorporated Cities or Civil Townships that require curb service @ \$33.00 per year.
2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$83.00 per year.
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$33.00 per year.
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$83.00 per year.
5. Apartment Units and Assisted Living Units within incorporated Cities that require curb service @ \$15.00 per unit per year.
6. Seasonal Lake Cabins @ \$50.00 per year.
7. Mobile Home parks, outside incorporated municipalities, which provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$33.00 per unit per year.
8. Mobile Home parks, outside incorporated municipalities, which do not provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$83.00 per unit per year.

Dated this 28th day of March, 2023

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

GRAVEL BID:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Highway Department to purchase Gravel from Hanlon's off their 2022 Bid. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Gage wanted to say Thank-you to the Brown County Fair Foundation and Fair Office for all their time to put on the Hall of Fame Banquet to induct the 1986 Fair Board members.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into executive session to discuss 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 Fjeldheim to adjourn the Brown County Commission meeting at 10:54a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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