

## JANUARY 16, 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, Gage, Sutton, and Wiese. Commissioner Fjeldheim was Absent. 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:

Brent Gabler, who is a Farmer in Faulk County and on the Glacial Lakes Board of Directors met with the Commission to share reasons why he feels the CO2 pipeline is important. He shared that for every pound of ethanol that is produced, there is a pound of CO2 created and the government wants to capture this and are willing to pay for it through tax credits and cash to slow global warming (pollution). Brent believes that Natural Gas is more dangerous than CO2; from 2015 – 2017 there were 12 deaths and 10 injuries from Natural Gas and there is 5000 miles of CO2 pipeline in the U.S., and he couldn't find any deaths reported from that. He informed the Commission that if the pipeline is stopped or they are not able to get the CO2 out of the plants, Glacial Lakes will be subject to penalties and possibly closing the plants or the CO2 could be captured and placed on rail cars to transport to ND. Brent feels that is more dangerous than the pipeline because in 2022 there were 1259 derailments and 954 deaths; average is 1300 derailments each year. He believes in landowners rights, but those that want to sign the easements have rights too but believes setbacks should be in place, also. Brent shared that he has a Dakota Access pipeline about 1200 ft. from his house, that currently is producing 750,000 barrels per day and was informed they are going to be increasing that by 50% - the valve can be seen from his house and was informed that if there was an explosion he wouldn't have a window left in his house so he understands it is dangerous but feels Natural Gas is more dangerous. Brent doesn't want CO2 coming through Aberdeen but if something happens and Glacial Lakes is forced to do something; Glacial Lakes was contacted by the Burlington Northern Railroad, but they declined to meet with them – they believe that the Railroad hopes the pipeline fails and they can get the income by transporting the CO2. These were Brents thoughts that he wanted to share with the Commission to consider.

### ORDINANCE #265 – FIRST READING:

Moved by Commissioner Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #265. Applicant William Wulff requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Lot 1, “Wulff First Subdivision” in the SE ¼ of Section 7-T123N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13159 395<sup>th</sup> Ave., Bath Twp.). All members present voting aye. Motion carried.

### 2024 ASSESSMENT PLAN:

Gene Loeschke, Director of Equalization presented his 2024 Assessment Plan to the Commissioners. Moved by Commissioner Wiese, seconded by Dennert to accept the 2024 Assessment Plan payable 2025. All members present voting aye. Motion carried.

### FAIR CONTRACT – PETTING ZOO:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign the contract with Noah's Way Exotic Petting Zoo to be held at the 2024 Brown County Fair for a total cost of \$6,000.00. All members present voting aye. Motion carried.

### APPOINT COUNTY CORONER:

Sheriff Dave Lunzman gave the Commission an update on the first year of being appointed Coroner. Lunzman shared they have a system down and that both Spitzer's & Schriver's are happy with how things are going. Ross Aldentaler, States Attorney Deputy shared that at the request of Brown County the state law was changed that in lieu of an Election, the County can now appoint a Coroner, it used to be based on population but that has been removed. With a Resolution, we can appoint the Sheriff as Coroner every 4 years, when there is to be an Election for this position. Commissioner Wiese clarified that if someone would step forward and be interested in running for this position, we could allow for an Election at that time but at this point it is difficult for Brown County let alone smaller counties to fulfill this responsibility, so provides an option and an opportunity. Sheriff Lunzman

shared that they have put in place for the budgeting to be as accurate as possible, but with having a couple of salary employees that affects it some, but if someone does step forward then the County would know the cost it would incur. Commissioner Sutton shared that the reason Brown County proposed this legislation was due to a lot of Counties already doing this process, even though they were not at the population threshold, because of the lack of funeral directors in smaller counties, so now Codified Law reflects what was and is being done.

Commissioner Wiese offered the following Resolution:

RESOLUTION #08-24  
A RESOLUTION TO ADOPT OPTION TO APPOINT COUNTY CORONER

**WHEREAS**, Following the resignation of the duly elected coroner of Brown County the Brown County Commission determined that the Brown County Sheriff was the most appropriately suited to carry out the duties of the Brown County Coroner.

**WHEREAS**, during the 2023 South Dakota Legislative Session codified law was changed to provide for the appointment of a county coroner at the option of the county commission. *SDCL 7-7-1.4*

**WHEREAS**, the Brown County Commission is satisfied that residents are best served by the Brown County Sheriff and its deputies acting as county coroner.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Brown County Commissioners does hereby adopt the option to appoint the Brown County Coroner in lieu of an election pursuant to *SDCL 7-7-1.4*.

**BE IT FURTHER RESOLVED**, that the Borad of Brown County Commissioners does hereby appoint the Brown County Sheriff to serve as coroner at the pleasure of the board and until such time that the appointment be modified or rescinded by further resolution.

Dated at Aberdeen, South Dakota, this 16<sup>th</sup> day of January, 2024

Seconded by Commissioner Gage.

Roll call vote: Dennert-aye; Fjeldheim-absent; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted.

**INMATE HOUSING AGREEMENTS:**

Bob Schatz shared with the Commission and Sheriff Lunzman the 2023 Sheriff Management Study; according to the study Brown County currently has 57 beds available to rent out and the cost per bed comes to \$132.26, so if we are charging a \$100.00/adult per day (previously it was \$75.00-\$85.00/bed); we are losing \$32.00/bed. Bob would like to see the rate increased to cover this cost; currently Brown County is the highest one of all the jails that rent out beds. Bob also shared that there seems to be a short fall in the amount of money that was collected because he figured they were only collecting \$46.86/bed but Sheriff Lunzman shared that as per the agreement if the prisoners are in the Transport Line the County doesn't get paid for those so that will skew those numbers considerably. Bob asked to see those numbers at some point; in further discussion he feels that we are only 75% full of people that committed crimes in Brown County and the other 25% are beds that are being rented out and we need to be charging more to cover those costs instead of it being put on the taxpayers; so, doesn't believe we are truly full at the jail. Bob thanked to Commission for listening to him and he just wanted to point out those numbers. Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the Inmate Housing Agreements with Campbell County for Jail and JDC and Jerauld County for JDC. All members present voting aye. Motion carried.

**TREASURER FEES:**

Patty VanMeter, Treasurer submitted a request to get approval to charge a fee to supply the complete tax file to various mortgage companies. The fee would be \$250.00 for a full year with sales tax being backed out at rate of 6.2%. Currently, there are three large companies requesting the entire file. Moved by Commissioner Wiese, seconded by Gage to approve the \$250.00 Treasurer Fee for the complete tax file. All members present voting aye. Motion carried.

#### FREEDOM OF INFORMATION (FOIA) FEES:

Ross Aldentaler, States Attorney Deputy shared that when the requests come in there are copies and time put into gathering the information requested, so he feels we should set a fee but will leave it up to the Commission to determine that. Auditor Heupel shared that we created a form for the people to complete so we have it in writing as to what they are wanting; Register of Deeds charges a \$1.00/page for copies, we also discussed a flat fee, but it just depends on what information they are asking for. Commissioner Sutton shared that the information being requested could be extensive, it could exceed the \$100.00, so we need to consider that when setting our fees, also. Commissioner Wiese asked if we could include verbiage to establish a minimum. Ross shared that he looked at some other counties and they have a 4-hour minimum at an hourly rate. Commissioner Wiese moved to postpone this for a week to get further information, seconded by Dennert. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the January 9, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

#### CLAIMS:

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

Claims: Professional Fees: Aberdeen Advanced Care Ambulance \$254.30; Aberdeen Area Chamber of Commerce \$865.00; Bank North \$950,617.34; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Dean Schaefer Court Reporting \$276.00; Dohrer Law Office, PC \$7,211.64; Gellhaus & Gellhaus, P.C. \$240.00; Houston Engineering, Inc \$21,636.55; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Kristi Brandt \$1,035.40; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$1,065.00; Lucy Lewno \$90.00; Matthew Bender & Co., Inc \$179.10; Northeastern Mental Health Center \$225.00; Sanford Health Occupational Medicine \$458.00; Taliaferro Law Firm, PC \$7,211.64; Valstone Corporation Inc \$4,770.00. Publishing: Gannett South Dakota LocalIQ \$387.80; Groton Daily Independent \$430.80; Mobridge Tribune \$28.14. Rentals: Aramark \$224.48. Repairs & Maintenance: Auto Glass Solutions Inc \$40.00; Big Scoop Snow Removal \$1,290.00; EcoLab Pest Elimination Division \$280.91; Graham Tire Inc \$655.00; Hanlon Brothers, LLC \$1,380.00; House of Glass \$103.22; Lawson Products, Inc \$87.50; Pierson Ford Lincoln, Inc \$753.05; Pomp's Tire Service, Inc \$26.50; Steven Lust Automotive \$411.40; Transource Truck & Equipment, Inc \$12,200.30. Supplies: Advance Auto Parts \$410.15; Amazon Capital Services, Inc \$225.89; Avera LTC Pharmacy Aberdeen \$103.11; Bimbo Foods USA, Inc \$851.04; Century Business Products \$867.08; Dakota Oil \$728.70; East Side Jersey Dairy Inc \$1,149.41; Emily Jacobs \$58.38; Great Western Tire \$4,190.88; Kessler's \$199.32; Lawson Products, Inc \$1,363.28; Leidholdt Tool Sales, LLC \$112.66; Linde Gas & Equipment Inc \$493.43; Lucy Lewno \$1.50; Menards \$119.46; Midstates Group \$40.00; Performance Oil \$400.34; PharmChem, Inc \$766.80; Pierson Ford Lincoln, Inc \$955.88; Runnings \$468.27; Sewer Duck, Inc \$106.25; Steven Lust Automotive \$44.95; Transource Truck & Equipment, Inc \$33,633.24; Tri-State Water \$150.00. Travel & Conference: Assoc of SD County Weed & Pest Boards \$725.00; Brandon Black \$210.12. Utilities: CenturyLink \$1,217.59; City of Aberdeen Treasurer \$1,841.94; Economy Propane, LLC \$1,802.90; Northern Electric \$86.00; Northwestern Energy \$68.96; Verizon Wireless \$3,308.59.

Payroll: Commission \$4,753.89; Elections \$1,834.40; Auditor \$9,850.83; Treasurer \$17,275.20; SA \$34,157.25; SVAWA \$0.00; Maintenance \$11,924.03; Assessor \$17,373.47; Register of Deeds \$10,406.83; VSO \$4,491.55; GIS \$2,790.90; IT \$9,172.67; HR \$4,960.64; Sheriff \$63,369.90; Jail \$91,621.75; Coroner \$554.85; Court Security \$7,942.01; JDC \$42,025.04; Welfare \$2,466.75; Museum \$12,478.00; Parks/Fairgrounds \$5,191.95; Fair Board \$4,336.33; 4-H \$830.80; Weed \$1,117.37; Planning & Zoning \$7,635.86; Highway \$64,296.92; Dispatch \$44,688.08; Emergency \$5,208.67; Teen Court \$0.00; 24/7 Sobriety \$2,780.51; Landfill \$18,998.47; Mileage Benefits \$784.92; Meal Benefits \$28.00; FICA \$30,116.20; Medicare \$7,043.32; Discovery\_HSA \$1,688.61. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

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

#### LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreements: Aberdeen Chamber of Commerce for lease of the Hog & Sheep Barn and Panels on April 23, 2024; Stephanie Sumption for lease of the Club House on July 27, 2024 for a Wedding; Rita Schile for lease of the Richmond Lake Youth Camp on October 5, 2024 for a Wedding. All members present voting aye. Motion carried.

**TRAVEL REQUESTS:**

Moved by Commissioner Gage, seconded by Wiese to approve the Travel Request for Chris Hemen, Mike Rohrbach and Jerry Lehrkamp to attend the Annual Weed & Pest Conference on February 20-23, 2024 in Spearfish, SD. All members present voting aye. Motion carried.

**EXECUTIVE SESSION:**

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

**EXPO ROOF BID:**

Moved by Commissioner Wiese, seconded by Dennert to reject the bid from Mega Construction for the Expo Roof due to cost exceeding what was budgeted and some deficiencies with the bid itself. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to authorize readvertising for bids on the Expo Roof. All members present voting aye.

**EXECUTIVE SESSION:**

Moved by Commissioner Wiese, seconded by Dennert to go into executive session to discuss Legal and Personnel 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 11:27 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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