

JANUARY 30, 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.

MOMENT OF SILENCE:

A Moment of Silence was held in remembrance of former Commissioner, Legislator and Teacher Burton “Burt” Elliott.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #265 - SECOND READING/ ADOPTION:

Moved by Commissioner Gage, seconded by Dennert to adopt Ordinance #265. Applicant William Wulff 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 5th P.M., Brown County, South Dakota (13159 395th Ave., Bath Twp.). All members present voting aye. Motion carried.

BID DATE SET FOR HIGHWAY DEPT.: GRAVEL/ROAD OIL/HOT MIX/RENTAL EQUIPMENT:

Moved by Commissioner Wiese, seconded by Gage to authorize advertising public hearing to open, read and consider bids for Gravel, Road Oil, Hot Mix and Rental Equipment Materials to be held on Tuesday, February 20, 2024 in the Commissioner’s Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Brown County Commissioners an update on the Sand Lake Bridge Project: it will be closed next winter because if they would require it to be done by this fall the cost will increase. He also informed the Commission that SD DOT will be doing the Bridge on State Hwy 10 this summer so trying to figure a detour route. Dirk mentioned that he may need to look at putting on load limits but will depend on the weather; February 15th is the earliest they could be put on.

RESOLUTION FOR RECONVEYANCE OF REAL PROPERTY:

Commissioner Fjeldheim offered the following Resolution:

RESOLUTION #09-24
A RESOLUTION AUTHORIZING RECONVEYANCE OF REAL PROPERTY
TO THE OWNER OF RECORD

WHEREAS, On October 20, 2023 Brown County accepted a Tax Deed for real property located at: Lot 1, Block 14 Hagerty and Lloyd’s Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota,

; and

WHEREAS, Cassandra Bertsch, record owner, wishes to enter into an agreement for reconveyance of said property from Brown County; and

WHEREAS, South Dakota Codified Law 10-25-41 to 44 permits county commissioners to authorize a reconveyance by quitclaim deed to the record owner on payment in cash of the price fixed by the resolution of the county commissioners, which amount shall not be less than the total principal, interest, and costs of all taxed represented in the tax deed and any other taxes and interest which are unpaid on the real property; and

WHEREAS, the total amount due and owing Brown County calculated through January 31, 2024 is \$ 9915.72. **NOW, THEREFORE, BE IT RESOLVED**, in consideration for the amount due and owing of \$ 9915.72 the Board of Brown County Commissioners does hereby authorize the reconveyance by quitclaim deed to Cassandra Bertsch:

Lot 1, Block 14 Hagerty and Lloyd's Addition to Aberdeen, according to the plat thereof of record, Brown County, South Dakota,

Dated at Aberdeen, South Dakota, this 30th day of January, 2024.

Seconded by Commissioner Gage.

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

RESOLUTION FOR BROWN COUNTY LOCAL CONTROL:

Commissioner Dennert offered the following Resolution:

RESOLUTION #10-24
Brown County Local Control Resolution

Whereas: Local control is a key principle of the United States of America and South Dakota.

Whereas: South Dakota has a long history of allowing Counties, Municipalities, and Townships to adopt local zoning ordinances that benefit local jurisdictions and the citizens.

Whereas: Potential legislation threatens local control over matters of planning and zoning.

Whereas: Such legislation limiting the ability of local government to evaluate and regulate compatible land uses would by extension interfere with the opportunity for local citizens to have a voice in local planning and zoning matters.

Whereas: On April 25th, 2023, Ordinance #243 was unanimously passed by the board of Brown County Commissioners.

Whereas: Ordinance #243 requires a 1,500-foot setback from certain pipeline facilities.

Whereas: Ordinance #243 was strongly supported by many of the citizens of Brown County who made their voices heard during the public hearing.

Whereas: The board of Brown County Commissioners continues to support Counties, Municipalities, and Townships having the authority to adopt appropriate regulations for each unique jurisdiction.

Now therefore be it resolved by the Board of Brown County Commissioners that we oppose any legislation that limits or eliminates the local control of Counties, Municipalities, and Townships in matters of planning and zoning.

Dated at Aberdeen, South Dakota, this 30th day of January, 2024

Seconded by Commissioner Wiese

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

AGREEMENT WITH SD FARMER'S UNION – AG EDUCATION CENTER:

Rachel Kippley, Fair/Fairgrounds/Parks Manager presented the contract agreement with SD Farmer's Union for the Agriculture Education Center asking for approval and authorize Chairman to sign. Chairman Sutton asked if there could possibly be sponsorship signage sold and who would receive those funds. Rachel said there could be and that would go to the SD Farmer's Union since they are updating the building, securing grants, and allowed to use the building for a total of 4 events throughout the year. Rachel also commented that currently Glacial Lakes

sponsors the Ag Education Display that has been in the Odde building during the Fair, they may join with SD Farmer's Union and when they hold the 4th Grade Ag Day in the Spring, they could use the Ag Education Building for their event. Moved by Commissioner Dennert to approve and authorize Chairman Sutton to sign the contract agreement with SD Farmer's Union for the Agriculture Education Center, seconded by Fjeldheim. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the January 23, 2024 General Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following claims/payroll:

Claims: Professional Fees: Aberdeen Cardiology \$8.08; Aberdeen ED \$624.09; Aberdeen OB/GYN \$192.28; Acute Care Aberdeen \$59.26; Avera Medical Group Emergency \$491.47; Avera Medical Group Radiology \$1,049.20; BMI \$421.00; Carrels & Bain Family Dental Care, LLC \$799.47; CenturyLink-Lumen \$194.71; CGI, LLC \$45.00; Faulk County Sheriff's Office \$16,740.00; Faulkton Area Medical Center \$94.58; IMEG Corp \$2,250.00; Kristi Brandt \$21.25; Northeastern Mental Health Center \$75.00; Pathology Clinic Reference Lab \$26.61; Radiology-North Center \$224.06; Thomson Reuters-West Payment Center \$291.80; Uptown Aberdeen \$2,210.00; US Bank Visa \$2,278.75; Women's Health MFM PBB \$60.52. Publishing: Groton Daily Independent \$175.23. Repairs & Maintenance: Auto Glass Solutions Inc \$439.12; Dakota Doors Inc \$1,907.84; Honeywell International Inc \$29,881.93; K & S Plumbing, Inc \$1,241.58; Know Ink, LLC \$5,125.00; Leidholt Electric, LLC \$520.23; Midwest Pump & Tank \$1,373.10; Otis Elevator Company \$750.00; Pierson-Ford Lincoln, Inc \$20.00; US Bank Visa \$619.70. Supplies: Amazon Capital Services, Inc \$427.32; Century Business Products \$88.26; Cole Paper Inc \$892.32; Dooley Enterprises, Inc \$2,497.32; House of Glass \$184.36; Leidholdt Tool Sales, LLC \$163.77; Leidholt Electric, LLC \$120.00; Marco Technologies, LLC \$40.94; Mariann Malsom \$49.86; McKesson Medical-Surgical Government Solutions \$624.69; Menards \$719.71; Performance Oil \$43.20; Pheasantland Industries \$134.77; Pierson-Ford Lincoln, Inc \$132.11; Plumbing & Heating Wholesale, Inc \$281.98; Ryan McClain \$72.17; Safety Service \$1,846.93; Sander's Sew-N-Vac \$444.87; Sherwin Williams \$216.55; Stan Houston Equipment Company, Inc \$1,119.55; US Bank Visa \$13,941.34; WEB Water Bottling Company \$70.50; Woodman Refrigeration, Inc \$705.86. Travel & Conference: US Bank Visa \$4,109.13. Utilities: Dependable Sanitation, Inc. \$532.00; Midcontinent Communications \$142.50; Montana-Dakota Utilities Co \$56.18; Northwestern Energy \$456.55; US Bank Visa \$4,347.82. Others: Aberdeen Area Chamber of Commerce \$150.00; Aberdeen Development Corporation \$15,000.00; Area IV Nutrition \$5,000.00; Boys and Girls Club of Aberdeen Area \$5,000.00; Groton Community Transit, Inc \$1,000.00; WEX Health Inc \$4,000.00. Payroll: Commission \$4,753.89; Elections \$1,834.41; Auditor \$9,850.83; Treasurer \$17,098.43; SA \$34,708.67; Maintenance \$11,862.11; Assessor \$17,390.44; Register of Deeds \$10,406.83; VSO \$4,491.56; GIS \$2,790.90; IT \$9,322.67; HR \$4,990.01; Sheriff \$57,332.79; Jail \$78,219.14; Coroner \$567.00; Court Security \$6,937.41; JDC \$40,470.99; Welfare \$2,466.75; Museum \$12,388.98; Parks/Fairgrounds \$5,191.94; Fair Board \$4,336.34; 4-H \$830.79; W&P \$1,572.95; P&Z \$7,661.79; Highway \$53,938.77; Dispatch \$36,288.69; EM \$5,318.73; 24/7 Sobriety \$2,630.59; Landfill \$19,313.52; Meal Benefits \$234.00; FICA \$27,735.76; Medicare \$6,486.61; Discovery_HSA \$1,688.61. All members present voting aye. Motion carried.

HR REPORT:

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

- Resignation of Joshua Sitarz, Brown County 911 Communications Officer, FT; effective January 31, 2024. Request to fill.
- Hiring of Cheyenne Waldo as Brown County 911 Communications Officer, FT, starting wage \$22.37/hr.; effective February 5, 2024.

All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following travel requests: Keith Baker, Sheriff's Office to attend the Sex Offender Registry Training on April 9-10, 2024 in Deadwood; Dirk Rogers, Highway Dept. to attend House/Senate Local Government Committee in Pierre on January 12 & 23, 2024. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

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

LOTTERY PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign application, submitted by Elm Lake Action Committee for a lottery to be held on July 4, 2024 at Elm Lake Resort. All members present voting aye. Motion carried.

ABATEMENTS:

Moved by Commissioner Gage, seconded by Sutton to approve the following abatements for tax year 2024: Parcel #10395 - \$41.68; Parcel #16889 - \$41.68; Parcel #13105 - \$41.68; and Parcel #31420 – \$4,136.52. For tax year 2023: Parcel #12840 - \$753.73; Parcel #12622 - \$41.68. For tax year 2022: Parcel # 12840 - \$1,315.06; Parcel #12622 - \$1,786.16. For tax year 2021: Parcel #12840 - \$944.07; Parcel #12622 - \$1,150.45. For tax year 2020: Parcel #12840 - \$666.45; Parcel #12622 - \$1,502.86. For tax year 2019: Parcel #12840 - \$658.26, Parcel #12622 - \$1,097.25. For tax year 2018: Parcel #12840 - \$666.80; Parcel #12622 - \$1,179.33. For tax year 2017: Parcel #12840 - \$621.08; Parcel #12622 - \$1,138.02. For tax year 2016: Parcel #12840 - \$641.94; Parcel #12622 - \$1,089.65. All members present voting aye. Motion carried.

TRANSFERS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve cash transfers for Highway Department in the amount of \$105,210.32 and for 24/7 in the amount of \$20,000.00 for December 2023. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

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

OTHER BUSINESS: None

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission at 12:28 p.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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