

APRIL 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 Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT:

Chief Dave McNeil, Captain Jay Tobin and Captain Tanner Jondahl with Aberdeen Police Department (APD) met with the Commission to respond to recent issues with the Brown County Sheriff's Office and matters of public concern regarding a Blood Draw Investigation. APD expressed concerns with the nepotism issue of Sheriff Lunzman employing his wife and offered some solutions/recommendations to improve communication and teamwork for the Brown County Sheriff Office and its supporting agencies and partners. Sheriff Lunzman responded to the APD statements stating that the video doesn't encompass the entire event of the night in question, explained the jail was extremely busy that evening, but the only job the Blood Tech is to do is draw the blood. Sheriff also commented that due to staff shortages for Blood Techs, he questioned the State's Attorney office prior to hiring his wife, MJ. He also stated that he waited quite some time before moving forward with hiring his wife to do the blood draws.

ORDINANCE #267 - SECOND READING/ADOPTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to adopt Ordinance #267. Applicant Trevor Zeck to rezone from Chapter 4.06 Agriculture Preservation District (AG) to Chapter 4.07 Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: "T. Zeck Outlot A" in the SW1/4 of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota (13451 400th Avenue, Henry Twp.). All members present voting aye. Motion carried.

DISCUSS PIPELINE FROM GROTON:

Kyle Sueltz met with the Commission to inform them of his and several other Brown County residents concerns regarding POET plans to tie into the SUMMIT/Glacial Lakes CO2 Pipeline. The proposed route will go across Henry, West Hanson and Gem Townships and plan to be within 200 yards of farms, houses, and livestock. Kyle commented that by having a pipeline on the West and South side of Aberdeen they are boxing in Aberdeen City and Warner, which will limit the economic expansion of this area along with the infrastructure and shortening the life of Hwy. 21. Another issue, Kyle mentioned was the tax revenue. He also stated that they will be requesting significant deductions on parcels that are containing or adjacent to the pipelines due to not being able to develop on them. Kyle shared they have spoken to drain tile contractors and they stated they are not going to cross the pipelines due to liability and safety. He discussed safety concerns and how this will affect the prices of utilities for everyone due to the amount of electricity and water that is needed for these pipelines; believes blackouts will be more common. Kyle questioned the Commission to see if they have looked at costs for safety precautions to be ready for CO2 issues: Chairman Sutton replied that Emergency Management has been attending meetings and doing research and trying to establish Safety Features and/or Training for potential ramifications. Kyle also asked if the PUC has been taking input from the Counties on this issue: Chairman Sutton shared they have attended several meetings early on but there haven't been any lately because was waiting to see what would come out of the Legislative Process, which ended up being SB201 and there are a lot of people with concerns and unanswered questions at this time; including what they are taking away from the Counties. Commissioner Gage asked Kyle if he had been approached regarding an easement: Kyle stated he had been and shared that he was told directly that Summit has no intentions of following the set-back ordinance and they are looking for volunteers at this point. Commissioner Dennert wanted to clarify that the landowners' intentions are to go into Assessor's office to ask for reduction in their land values if the pipeline crosses their property due to future development being less and topsoil not being as productive; Kyle replied yes to all of it. Kyle encouraged everyone to talk to their utility providers, people who are unfamiliar with this so they can understand how it will hit your pocketbook and trying to keep the lights on. Representative Perry shared there is a Referendum to SB201 being circulated and needs to be in by July to be referred to the people and be on the November 5th General Election Ballots. Other landowners' encouraged people to visit with your neighbors, stand your line: landowners' will be affected first and the city people will have power to vote but everyone will be affected.

JDC AGREEMENT:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the JDC Agreement with the Aberdeen School District that will be in effect from July 1, 2024 to June 30, 2025. All members present voting aye. Motion carried.

TOWING SERVICES AGREEMENT:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the Towing Services 3-year Agreement with Kirk's Auto & Towing Service. All members present voting aye. Motion carried.

MINUTES:

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

Moved by Commissioner Dennert, seconded by Gage to approve the April 23, 2024 Consolidated Equalization Meeting Minutes. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following Claims: Insurance: SD Public Assurance Alliance \$103.25. Professional Fees: Aberdeen ED \$399.91; Avera Medical Group Radiology \$197.09; Avera St. Luke's Hospital \$68.95; Carrels & Bain Family Dental Care, LLC \$86.38; Den Herder Law Firm \$161.00; Elisa Martinez \$20.00; Emergency Services Marketing Corp, Inc \$5,461.75; Fox Law Firm, PLLC \$230.00; Lewis & Clark BHS \$426.00; LexisNexis Risk Data Mgt, LLC \$364.04; Lucy Lewno \$90.00; Mark Katterhagen \$30.00; Sara J. Zahn \$120.50; Thomson Reuters-West Payment Center \$583.60; US Bank Visa \$2,879.14; Valerie Larson \$30.00; Yankton County Treasurer \$702.00; Zylstra Investigations \$2,740.00. Publishing: Aberdeen Parks, Recreation and Forestry \$500.00; US Bank Visa \$300.00. Repairs & Maintenance: Ace Refrigeration, LLC \$163.20; Gary's Engine and Repair \$438.88; Jason's Electric Inc \$878.24; Lawson Products, Inc \$120.05; Leidholt Electric, LLC \$187.18; Olson's Pest Technicians \$250.00; Pomp's Tire Service, Inc \$80.00; Quality Welding, Inc \$372.94; Sign Solutions USA, LLC \$601.04; Superior Jetting, Inc \$4,381.52; Thee Glass Doktor, LLC \$90.00; US Bank Visa \$433.91. Supplies: Advance Auto Parts \$68.10; Agtegra Cooperative \$94.98; Amazon Capital Services, Inc \$307.10; Century Business Products \$282.56; Cole Paper Inc \$1,436.19; Dooley Enterprises, Inc \$2,219.99; Fox Law Firm, PLLC \$3.53; Great Western Tire \$1,833.44; Interstate Battery System of South Dakota \$325.90; Larson Products, Inc \$1,870.41; Leidholt Electric, LLC \$171.85; Lucy Lewno \$1.75; Marco Technologies, LLC \$117.97; Menards \$91.03; Midstates Group \$76.00; Performance Oil \$1,155.42; Pomp's Tire Service, Inc \$761.28; Pressure Washer Central \$101.20; Pro Ag Supply, Inc \$4.39; Runnings \$53.58; Share Corporation \$570.00; Sign Solutions USA, LLC \$7,847.19; Stan Houston Equipment Company, Inc \$151.27; US Bank Visa \$9,316.96. Travel & Conference: Jennifer Stoddard \$427.54; Jesse Milbrandt \$221.06; Karla Nelson \$427.54; Lynn Heupel \$104.86; Tuckor Anderson \$427.54; US Bank Visa \$4,056.97. Utilities: AT&T Mobility \$141.40; Montana-Dakota Utilities Co \$63.54; Northwestern Energy \$4,543.62; US Bank Visa \$3,654.89; Verizon Wireless \$3,480.97. Others: SD Dept of Revenue \$3,150.00; WEX Health Inc \$3,000.00. All members present voting aye. Motion carried.

HR REPORT:

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

- Resignation of Kristin Boeshans, Brown County Museum Curator of Education, FT – effective June 29, 2024. Request to fill.
- Adjusted effective date: Hiring of Nancy Radke as Brown County Fairgrounds Seasonal Worker – effective April 22, 2024.

All members present voting aye. Motion carried.

MALT BEVERAGE & SD FARM WINE LICENSE RENEWALS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the renewal of the following Retail (on0off sale) Malt Beverage and SD Farm Wine Licenses to operate outside of the Municipality: : Aberdeen Hockey Association (Brown County Fairgrounds SW ¼, Sec 1-T123N-R64W – Odde Hockey Building); P'ZA Inc. DBA Anchors Away Lodge & Resort (Palmer's Richmond Resort SD Lt 1, SD OL 1 Richmond OL 1 & 2); Stacy J.

Gossman DBA Annies (Lt 1 Ronnie's Way ADD NW 17-123-63 – Ste. C); Bath Quick Stop (Lot B Weismantels 1st Subdivision of Lot 1 EX N 12' Jenkins Subdivision Inc. Adj N 12', Lt 1 Jenkins Subdivision E ½ of SE ¼ Section 18-123-62); Stacy J. Gossman DBA Bergyz (Lt 1 Ronnie's Way ADD NW 17-123-63 – Ste. E); Stacy J. Gossman DBA BigZ (Lt 1 Ronnie's Way ADD NW 17-123-63 – Ste. D); Brown County Centennial Village (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – Centennial Village) Motor Sports LLC DBA Brown County Speedway (Brown County Fairgrounds SW ¼ Sec 1-T123N-R64W – Grandstand); Stacy J. Gossman DBA Caponez (Lt 1 Ronnie's Way ADD NW 17-123-63 – Ste. F); G & T Gaming Inc DBA Dakota Player's Club BC (Lt 1B Gossman 1st ADD (Kessler's OL1) S ½ 15-123-63 – Ste. 2); G & T Gaming Inc DBA Dakota Player's Club BC (Lt 1B Gossman 1st ADD (Kessler's OL1) S ½ 15-123-63 – Ste. 3); G & T Gaming Inc DBA Dakota Player's Club BC (Lt 1B Gossman 1st ADD (Kessler's OL1) S ½ 15-123-63 – Ste. 4); Elm Lake Resort LLC (Lot 1 Elm Lake Resort SE ¼ 8-128-65); ARR LLC DBA Flatland Flyways Lodge (Lodge OL Art Russo OLS in GOV Lt 3 & 4 NW 1-127-62); Moccasin Creek Country Club Inc (Prairiewood Village OL 7, E2, 33-124-63); Parkview Nursery Inc. (Lot 1 Parkview Nursery Addition to Aberdeen in the NE ¼ Sec 25-T123-R64W); Stacy J. Gossman DBA Ollies (Lt 1 Ronnie's Way ADD – NW 17-123-63 – Ste. B); Jackie Chantal LLC DBA Richmond Oasis (Lot 4 Schaeffer Richmond Lake 2nd Add NW & NE 25-124-65 5 AC); Richmond Pavilion LLC (Richmond Resort Outlot 2, NE ¼ of Section 25-T124N-R65W); Marge Frohling DBA The Connection (Lots 10-11-12-13 & 14, Block 2 Sec 31-T127-R61); Stacy J. Gossman DBA Tinkaz (Lt 1 Ronnie's Way ADD NW 17-123-63 – Ste. H). 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 Assignment 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 Gage, seconded by Wiese to approve and authorize the Chairman to sign the following Lease Agreements: Doug Kranz for lease of the Richmond Lake Youth Camp Lodge & 1 Dormitory on May 31- June 2, 2024; Carl Perry for lease of the Club House on May 4, 2024 for a Campaign Event. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Gage to approve the following Travel Requests: Brandon Mills, Sheriff's Office to attend Criminal Interview & Interrogations on July 15-17, 2024 in Pierre, SD; Adelaide Mouna, State's Attorney's Office to attend Mass Fatality Incident Management on April 28 – May 1, 2024 in Rapid City, SD and to attend SD Victim Witness Subcommittee Meeting on May 1-3, 2024 in Deadwood, SD; Josh Lee, Sheriff's Office to attend 2024 Narcotics Officer Conference May 1-3, 2024 in Deadwood, SD. All members present voting aye. Motion carried.

TEMPORARY SPECIAL EVENT ALCOHOL LICENSE PERMIT HEARING:

Moved by Commissioner Fjeldheim, seconded by Wiese to authorize advertising public hearing for the following Special Alcohol License Permit: Aberdeen Area Chamber of Commerce for Business After Hours Event to be held at Budget Furniture, LT1 Budget Furniture – Schumaker SD NW 22-123-63 (Old Schumaker) Brown County, SD on May 21, 2024. (Special License effective July 11, 2024). All members present voting aye. Motion carried.

TOWNSHIP BONDS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following Township Bonds (Treasurer & Clerk): PORTAGE #1 – Mary A. Ewing Thorpe, Tom Stehly; GREENFIELD #2 – Valerie Weisser, Karen Lunzman; FREDERICK #3 – Dennis Walworth, Jill Gisi; ALLISON #4 – Kash Cutler, Pamela Sue Cutler; LANSING #5 – Dixie Clark; ONEOTA #6 – Karla Engelhart, Neil Schaunaman; BRAINARD #7 – Charles Dennert, Diane Bruns; SHELBY #8 – Michael Knecht, William Colby Crawford; NORTH DETROIT #9 – Candi Beck; CLAREMONT #10 – Donald J. Wegleitner, Justin Wegleitner; COLUMBIA #11 – Martin Weismantel, Amy Weismantel; WESTPORT #12 – Bruce Jones, Doug Fjeldheim; CARLISLE #13 – Ashlee Nelson; ORDWAY #14 – Kerry Howell, Mike McHugh; CAMBRIA #15 – Monte McNickle, Brenda Johnson; RIVERSIDE #16 – Steve Simon, Adam Sippel; GROTON #17 – Joyce Walter, Jeff Howard; HENRY #18 – Matt Oswald, Darlene Sass; BATH #19 – David Stahl, Scott Sperry; ABERDEEN #20 – James Kunkle, Heather

Basham; MERCIER #21 – Rodney Artz, Daryl Reick; NEW HOPE #22 – Alan Borchard, Kim Schneider; WARNER #23 – Stacie Wiedebush, Robert Seaton; GEM #24 – Loel Schott, Bob Simon; EAST HANSON #25 – Justin Harry, Lynn Miller; GARDEN PRAIRIE #26 – Craig Dunker, Todd Osterman; EAST RONDELL #27 – Carson Stange, Megan McNeil; PALMYRA #28 – Renae Martin, Greta Thorpe; OSCEOLA #29 – Deborah Kay Witte, Zachary Christopher Sumption; SAVO #30 – Calvin Raisanen, Judy Bretsch; LIBERTY #31 – Todd Lunzman, Janet Elsen; RAVINIA # 34 – Anna Wyly, Peggy Salwei; HIGHLAND #35 – Dan Misslitz, Deanna Nelson; FRANKLYN #36 – Chelsea Gappa, Shirley Stein; RICHLAND #37 – Taylor J Sumption, Cheryl L. Gelling; LINCOLN #39 – Tawney Beitelspacher, Terry Nash; BATES #44 – Kathy Dobberpuhl, Betty Geist; GARLAND #46 – Landon Dennert, JoLynn Podoll; PUTNEY #48 – David LaMee, Mark Thompson; WEST HANSON #49 – Alyssa Lord, Jennifer Dirks; HECLA #50 – Susan Rosendahl, Mary Tisher; PRAIRIEWOOD #53 – Heidi Carrels, Matt Prehn; WEST RONDELL #57 – Jim Fischbach, Allen Ryckman; SOUTH DETROIT #59 – Faye Hoines. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into Executive Session for 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 Wiese, seconded by Fjeldheim to adjourn the Brown County Commission at 10:36 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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