

AUGUST 27, 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 Wiese led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT: None

QUOTES FOR A/C UNIT AT 124 BUILDING:

Judy Dosch, Building Superintendent and Randy Zens, Building Assistant Superintendent met with the Commission regarding the quotes for replacing one of four A/C units at the 124 Building. They contacted Woodman Refrigeration because their quote included a natural gas heat furnace but only wanted the cooling unit. So, the quotes presented from Custom Sheet Metal is \$12,300.00 for a Carrier 5-ton cooling only unit and Woodman Refrigeration is \$12,137.00 for a Trane 5-ton cooling only unit. Judy recommended to accept the Quote from Woodman Refrigeration for \$12,137.00. Moved by Commissioner Wiese, seconded by Gage to go with Woodman Refrigeration quote for \$12,137.00. All members present voting aye. Motion carried.

ORDINANCE #275 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim, seconded by Wiese to adopt Ordinance #275. Applicant Nicole Kempf to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its future use: Proposed Lot 1, “Palmyra Farmhouse Second Addition” in the SW1/4 of Section 18-T128N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (10260 373<sup>rd</sup> Avenue, Palmyra Twp.). All members present voting aye. Motion carried.

RESOLUTION FOR SPEED LIMIT CHANGE:

Dirk Rogers, Highway Superintendent presented the Commission with amended changes to the speed limits that were discussed last week. Dirk shared these changes are due to the public contacting him or the Commission with concerns and if the Resolution is passed, they will go into effect when the signs are put up.

Commissioner Wiese brought the following Resolution:

RESOLUTION #44-24

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, Resolution #94-13, Resolution #69-14, Resolution #15-16, Resolution #26-17, Resolution #30-18, Resolution #51-21, Resolution #37-23, and Resolution #41-23.

WHEREAS, the Brown County Commission has recommended amending the speed zone on County Road #15; County Road #19; County Road #14WA and County Road #13E

NOW THEREFORE BE IT RESOLVED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, #101-08, #94-13, #69-14, #15-16, #26-17, #30-18, #51-21, #37-23 and #41-23 be amended as follows:

**AMEND:**

**County Road #15**, beginning at the intersection of County Road #15 and County Road # 19, located at the NE Corner of Section 8, Township123, Range 63, of the 5<sup>th</sup> P.M., then west on County Road #15 one-half mile at 45 mph.

**County Road #19**, beginning at the intersection of County Road #15 and County Road # 19, located at the NE Corner of Section 8, Township123, Range 63, of the 5<sup>th</sup> P.M., then south on County Road #19 one-half mile at 40 mph.

**County Road #14WA**, beginning at the intersection of County Road #10 and County Road #14WA, located at the NE Corner of Section 35, Township123, Range 64, of the 5<sup>th</sup> P.M., then east on County Road #14WA three miles at 45 mph.

**County Road #13E**, beginning at the intersection of County Road #13E and US281 located at the NW Corner of Section 35, Township124, Range 64, of the 5<sup>th</sup> P.M., then east on County Road #13E one mile at 45 mph.

Dated this 27th day of August 2024.

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

#### MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting Minutes of August 20, 2024. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Gage, seconded by Dennert to approve the following claims/payroll:  
Claims: Professional Fees: Amusement Midway Providers \$39,769.00; Bailey Pro Rodeo \$300.00; CenturyLink-Lumen \$215.72; CGI LLC \$433.13; Devnet \$3,789.84; Jeremy Lund \$2,453.34; Midstates Group \$123.00; Network Centers Inc \$5,670.00; Northern Plains Animal Health \$375.00; Three Seasons Tent Rental \$1,900.00; Thurman Law Office \$241.50; US Bank \$1,899.25. Publishing: Aberdeen Community Concert Association \$125.00; I3G Media \$640.00; Midstates Group \$174.50; US Bank \$608.70. Rentals: Advantage Self Storage \$276.00; Vestis \$333.10. Repairs & Maintenance: Climate Control \$14,484.00; HF Jacobs & Son Construction \$290.82; Penny Sampson \$757.50; US Bank \$9,615.78. Supplies: Amazon Capital Services \$296.74; Auto Value \$7.59; Century Business Products \$791.48; Cole Papers \$598.25; Dakota Electronics \$1,859.00; Dakota Fluid Power \$50.63; Dakota Oil \$64.15; Faulkton Drug \$59.20; GovConnection Inc \$585.59; Jacob Kumpf \$150.00; Josh Eddy \$45.96; K&S Plumbing Inc \$518.83; Laminating & Binding Solutions Inc \$140.48; Mac's \$20.40; Menards \$563.92; Midstates Group \$3,463.00; Midwest Pump & Tank \$104.00; Plumbing & Heating Wholesale \$1,345.80; Rixtine Recognition \$1,800.09; Runnings \$395.93; Sherwin Williams \$59.27; Swank Motion Pictures Inc \$345.00; Thurman Law Office \$6.30; US Bank \$10,882.23; Van Diest Supply Company \$6,389.87; WEB Water Bottling Company \$63.70. Travel & Conference: Dave Lunzman \$328.00; Lynn Heupel \$258.42; SD Assoc of County Commissioners \$1,000.00; The Lodge at Deadwood \$1,221.00; US Bank \$2,515.00. Utilities: City of Aberdeen \$4,098.16; Northwestern Energy \$6,060.52; NVC \$264.35; State of South Dakota PMB 0112 \$151.90; T-Mobile \$92.40; US Bank \$ 4,118.74; Verizon Wireless \$125.37. Others: US Bank \$335.18.  
Payroll: Commission \$4,753.89; Elections \$1,834.40; Auditor \$10,247.06; Treasurer \$17,284.76; SA \$32,688.79; Maintenance \$11,836.91; Assessor \$15,370.27; Register of Deeds \$10,406.83; VSO \$4,491.56; GIS \$2,790.90; IT \$9,322.67; HR \$4,960.64; Sheriff \$51,421.68; Jail \$64,228.43; Coroner \$829.37; Court Security \$8,287.09; JDC \$35,374.35; Welfare \$2,466.75; Museum \$12,494.01; Parks/Fairgrounds \$11,210.86; Fair Board \$41,353.64; 4-H \$3,534.21; Weed \$6,429.48; Planning & Zoning \$7,655.31; Highway \$60,624.15; Dispatch \$34,705.71; Emergency \$5,105.94; 24/7 Sobriety \$3,250.32; Landfill \$17,777.10; SDRS Pay-out \$1,515.63; FICA \$29,294.09; Medicare \$6,851.01; Discovery-HSA \$2,369.15; Health Insurance-Wellmark BCBS \$131,217.28; Dental Insurance-Delta \$9,045.20; Life Insurance-Dearborn \$1,064.54; Retirement-SDRS \$58,169.56. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to acknowledge and approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Last day of internship for Ava Wienk, Brown County Fair Board intern; effective August 15, 2024.
- Last day for seasonal worker, Spencer Hunstad, Brown County Fairgrounds; effective August 20, 2024.
- Resignation of Kirsten Bluestone, Brown County Sheriff's Office Record's Technician; FT – effective August 20, 2024. Request to fill.

- Employment ending for Ross Collins, Brown County Jail Detention officer; FT – effective August 20, 2024. Request to fill.
- Transfer of Brittany Watts from Brown County Jail Records Technician to Brown County Jail Administrative Assistant, FT; starting wage \$21.29/hr. – effective September 1, 2024.
- Hiring of Mark Anderson as Union Consultant for Brown County at an agreed upon rate of \$125.00/hr. – effective September 1, 2024.
- Adding Jackson Marnette to the approved volunteers list for Work Comp purposes.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

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

#### LEASE AGREEMENT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the following Lease Agreement: Aberdeen Area Humane Society to lease the Holum Expo Building on September 28-29, 2024 for Fall Second Paw Sale. All members present voting aye. Motion carried.

#### AUDITOR’S REPORT OF ACCOUNTS FOR JULY 2024:

Moved by Commissioner Dennert, seconded by Wiese to approve the Auditor’s Report of Accounts for July 2024 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$23,814,323.07; Total Savings Account Balances \$1,125,447.42; Total Certificates of Deposit \$8,370,112.40; Grand Total Cash & Balances \$33,317,582.89. General Fund Cash and Investment Balances by Funds: General Fund \$18,333,263.92; Road & Bridge Fund \$5,861,106.61; Road & Bridge Fund-restricted \$231,883.27; 911 Service \$337,610.54; Emergency & Disaster \$111,775.73; Domestic Abuse \$1,453.50; Grant \$32.11; SA Grants \$38,608.40; Truancy Court \$135.68; 24/7 Sobriety \$64,375.42; ROD M&P \$94,492.87; Rural Access Infrastructure \$551,894.22; TIF Debt Service \$30,747.57; Landfill + cash change \$6,221,657.90; Landfill – restricted \$1,894,495.06; Trust and Agency Funds \$1,670,428.42; Grand Total General Fund Cash & Investments \$33,317,582.89. All members present voting aye. Motion carried.

#### ZONING ORDINANCES – SET HEARING DATE & AUTHORIZE ADVERTISING:

Moved by Commissioner Wiese, seconded by Gage to set hearing date and authorize publication for the first reading of the following zoning ordinance to be held on September 24, 2024 in the Commission Chambers, Courthouse Annex. Brown County, South Dakota. Proposed Ordinance #276, applicant Jeffery Walth for the purpose of rezoning the following property from Heavy Industrial District (H-I) to Highway Commercial (HC) to bring this parcel into compliance for its future use: Proposed Outlot 2, “Aberdeen Twp 20W Outlots” in the E 1/2 of Section 20-T123N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.). Proposed Ordinance #277, applicant Amy & Joshua Gulstad for the purpose of rezoning the following property from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use: “Olson’s Outlot A” in the NW1/4 of Section 25-T126N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (11646 387<sup>th</sup> Avenue, Oneota Twp.). Proposed Ordinance #278, applicant Jacki Holler – S&P Holdings, LLC for the purpose of rezoning the following property from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Lot 1, “Johnson South Third Subdivision” in the NE1/4 of Section 22-T122N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13919 386<sup>th</sup> Avenue, Warner Twp.). All members present voting aye. Motion carried.

#### PRELIMINARY PLAT – LARKOTA ACRES FIRST ADDITION:

Moved by Commissioner Gage, seconded by Wiese to approve the Preliminary Plat for Larkota Acres, LLC for new Subdivision named “Larkota Acres First Addition” in N ½ SW ¼ of Section 3-T121N-R64W of the 5<sup>TH</sup> P.M., Brown County, South Dakota . All members present voting aye. Motion carried.

#### ABERDEEN TOWNSHIP 20W OUTLOTS PLAT:

RESOLUTION #45-24

Commissioner Wiese brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota that the plat showing “ABERDEEN TWP 20W OUTLOTS IN THE E ½ OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.” Seconded by Fjeldheim. All members present voting aye. Resolution adopted.

**BERGMAN SECOND ADDITION PLAT:**

**RESOLUTION #46-24**

Commissioner Fjeldheim brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota that the plat showing “BERGMAN SECOND ADDITION IN THE SW ¼ OF SECTION 11-T122N-R65W OF THE 5<sup>H</sup> P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.” Seconded by Wiese. All members present voting aye. Resolution adopted.

**HOUGHTON CEMETERY FIRST ADDITION PLAT (INCLUDES BLOCK H, I, J AND K):**

**RESOLUTION #47-24**

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota that the plat showing “HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J AND K, IN THE NE ¼ OF SECTION 7-T126N-R61W OF THE 5<sup>TH</sup> P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.” Seconded by Wiese. All members present voting aye. Resolution adopted.

**OTHER BUSINESS:**

District 3 Representative Carl Perry shared that the Exchange Club of Aberdeen, President is Tyler Hanson; they have flag drops at C Express, Runnings and the Police Station – people sometimes wonder what they do with the flags, and he shared they do a Flag Retirement Ceremony. The Exchange Club will be having a Flag Retirement Ceremony today at 5pm at the previous residence of Jerry and Marlene Loeb's residence. Chairman Sutton informed him that there is also a flag drop in the lobby of the Annex entrance, which is sponsored by NACO. Representative Perry also informed the Commission that Professor Ric Dias at NSU will be having a Constitution Day to commemorate the Sept. 17, 1787; signing of the United States Constitution on September 17<sup>th</sup> from 11am to 1pm.

**EXECUTIVE SESSION:**

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Personnel 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 Fjeldheim to adjourn the Brown County Commission at 10:04 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published September 4-5, 2024, at the total approximate cost of \$\_\_\_\_\_ and may be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).