

December 3, 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.

**APPROVAL OF AGENDA:**

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

**OPPORTUNITY FOR PUBLIC COMMENT:**

Dennis Feickert met with the Commission and Thanked them for what they have done thus far for local control and asked if they would draft a letter to the PUC and continue the fight.

**RICHMOND YOUTH CAMP HAY-CUTTING BIDS:**

Time and place, to open, read and consider bids for Hay Cutting on County Land at Richmond Youth Camp of approximately 21 acres, with a minimum of \$30.00 per acre for 2025 with two additional one-year options (2026 & 2027) with written notification by November 1<sup>st</sup>. Three bids were received from the following: Don Schumacher with a bid of \$40/acre; Don Griesel with a bid of \$52/acre and Dustin Bitz with a bid of \$62.50/acre. Rachel Kippley, Fair/Fairgrounds/Park Manager recommended accepting the bid from Dustin Bitz. Moved by Commissioner Wiese, seconded by Dennert to accept the bid from Dustin Bitz at \$62.50 per acre for the Hay Cutting Land located at Richmond Youth Camp. All members present voting aye. Motion carried.

**BROWN COUNTY FAIRGROUNDS HAY-CUTTING BIDS:**

Time and place, to open, read and consider bids for Hay Cutting on County Land at Brown County Fairgrounds of approximately 22 acres, with a minimum of \$60.00 per acre for 2025 with two additional one-year options (2026 & 2027) with written notification by November 1<sup>st</sup>. Two bids were received from the following: Don Schumacher with a bid of \$80/acre and Don Griesel with a bid of \$103.50/acre. Rachel Kippley, Fair/Fairgrounds/Park Manager recommended accepting the bid from Don Griesel. Moved by Commissioner Fjeldheim, seconded by Wiese to accept the bid from Don Griesel at \$103.50 per acre for the Hay Cutting Land located at Brown County Fairgrounds. All members present voting aye. Motion carried.

**CLUBHOUSE (BEER GARDENS) CONCESSIONS DURING BROWN COUNTY FAIR BIDS:**

Time and place, to open, read and consider proposals for operation of the Brown County Fair Clubhouse, aka Beer Gardens during the week of the Brown County Fair for years, 2025, 2026 and 2027. One bid was received from the Aberdeen Hockey Assn. (AHA) with the following proposal: \$15.00/case of Beer; 30% of gross sales for all pop, soft drinks and water; Commission on gross receipts at 15% of sales up to \$15,000.00 and 30% of sales between \$15,001.00 and up. Rachel Kippley, Fair/Fairgrounds/Parks manager asked to defer a decision so that she may take it to the Fair Board and come back with a recommendation. Moved by Commissioner Fjeldheim, seconded by Wiese to defer the decision at this time. All members present voting aye. Motion carried.

**SOLID WASTE COLLECTION SERVICE – CONTAINER SITES:**

Time and place, to open, read and consider bids for Solid & Yard Waste Collection Service for Brown County Container Sites. One Bid was received from Dependable Sanitation at the following rates for 5 years:

| Service Type                                    | Solid Waste  |
|---|--------------|
| Container Unit Cost per 6 YD Container          | \$200.00     |
| Container Cost Monthly 90 x Container Unit Cost | \$18,000.00  |
| Container Cost Annual                           | \$216,000.00 |
| Per Mileage Rate                                | \$2.00       |
| Mileage Cost Monthly 6.667 x per Mile Rate      | \$13,000.00  |
| Mileage Cost Annual                             | \$160,000.00 |
| Total Monthly Cost                              | \$31,333.33  |
| Total Annual Cost                               | \$376,000.00 |
| Fire station Extra Stop Fee                     | \$100.00     |
| Fairground Extra Stop Fee                       | \$150.00     |

|  |                     |
|--|---------------------|
| Service Type   | Yard Waste          |
| Per Unit Cost per 30 YD Container                      | \$150.00            |
| Total Estimate Annual Cost 500 x Per Unit Cost         | \$75,000.00         |
| <b>TOTAL SOLID WASTE &amp; YARD WASTE ANNUAL COSTS</b> | <b>\$451,000.00</b> |

Mike Scott, Landfill Manager and Leif Redinger with Helms & Associates asked to defer the decision for a few minutes to run the numbers. Moved by Commissioner Wiese, seconded by Dennert to defer the decision so Leif could double check the numbers. All members present voting aye. Motion carried.

APPROVE & AUTHORIZE CHAIRMAN TO SIGN RESOLUTION FOR COMPACTOR GRANT (NECOG): Ted Dickey, NECOG and Mike Scott Landfill Manager presented the following Resolution for the Landfill to apply for a matching grant for a new compactor.

**RESOLUTION #68-24**  
**Authorizing Solid Waste Management Program Signatory**  
**For Brown County – Compactor Purchase**

WHEREAS, Brown County is proposing to purchase a new compactor 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 \$534,305.55; 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 \$534,305.55 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 3<sup>rd</sup> day of December, 2024.

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign Resolution #68-24. All members present voting aye. Resolution adopted.

APPROVE & AUTHORIZE CHAIRMAN TO SIGN RESOLUTION FOR CELL #5 GRANT (NECOG): Ted Dickey, NECOG and Mike Scott Landfill Manager presented the following Resolution for the Landfill to apply for a matching grant for a designing and construction of Cell #5:

**RESOLUTION #69-24**  
**Authorizing Solid Waste Management Program Signatory**  
**For Brown County – Construction of New Cell**

WHEREAS, Brown County is proposing to construct a new cell 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 \$1,859,227.50; 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 \$1,859,227.50; 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 3<sup>rd</sup> day of December, 2024

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign Resolution #69-24. All members present voting aye. Resolution adopted.

**SW COLLECTION SERVICE-CONTAINER SITES BID:**

Moved by Commissioner Wiese, seconded by Dennert to accept the bid from Dependable Sanitation at the rates listed above that were confirmed by Leif Redinger from Helms & Assoc. All members present voting aye. Motion carried.

**CELL #5 ENGINEERING AGREEMENT:**

Mike Scott, Landfill Manager and Leif Redinger, Helms & Assoc. presented an Engineering Agreement with Helms and Associates asking for approval and authorizing Chairman Sutton to sign the agreement. Moved by Commissioner Wiese, seconded by Fjeldheim to approve the Engineering Agreement with Helms & Assoc. and authorizing Chairman Sutton to sign the agreement. All members present voting aye. Motion carried.

**ASPHALT PAVING BIDS:**

Moved by Commissioner Wiese, seconded by Gage to approve and authorize publication for Asphalt Paving Bids with opening to be on December 31, 2024. This is for 2025 Brown County Surfacing Project which includes the following work: 2" Asphalt Concrete overlay for approximately 21 miles and any additional items set forth in the Contract Documents. Successful Bidder will be required to provide Payment and Performance Bonds as described in the Bidding Documents, which can be viewed and obtained at [www.questcdn.com](http://www.questcdn.com) by entering QuestCDN project number 9433559. All members present voting aye. Motion carried.

**MEMORANDUM OF UNDERSTANDING FOR NORTH DAKOTA BORDER BRIDGE AGREEMENT:**

Dirk Rogers, Highway Superintendent informed the Commission that there are changes on the Federal Level for the Bridge Improvement Programs. We have split costs with Day & Spink Counties, currently. Dirk proposed a couple of changes to the agreement: all but James River Bridge, which is 100% Brown County, and the others are 100% Dickey County. Moved by Commissioner Wiese, seconded by Dennert to approve the MOU with changes recommended by Dirk and authorize Chairman Sutton to sign the MOU. All members present voting aye. Motion carried.

**HIGHWAY DEPARTMENT UPDATE:**

Dirk Rogers, Highway Superintendent informed the Commission that they are still shouldering, crusher came yesterday so will get started with that project, blading and hauling rock yet at this time.

Commissioner Wiese asked Dirk about the Bridge in East Rondell Township that was brought to their attention last week during Public Comment. Dirk stated that originally it wasn't going to be replaced but he had received some calls on it as well. He may either amend the 5 year plan or put it into the next 5 year plan.

**UNION CONTRACT:**

Moved by Commissioner Wiese, seconded by Gage to approve the Union Contract and authorize Chairman Sutton to sign it. All members present voting aye. Motion carried.

**MINUTES:**

Moved by Commissioner Dennert, seconded by Wiese to approve the General Meeting Minutes of November 26, 2024. All members present voting aye. Motion carried.

**CLAIMS/PAYROLL:**

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

Claims: Professional Fees: Birmingham & Cwach Law Office, PLLC \$345.00; Helms & Associates \$5,262.86. Publishing: McQuillen Creative Group, Inc \$601.48. Repairs & Maintenance: EcoLab Pest Elimination Division \$159.42; K&S Plumbing \$1,744.85; Sewer Duck, Inc \$375.00. Supplies: Agtegra Cooperative \$848.63; Birmingham & Cwach Law Office, PLLC \$6.46; Century Business Products \$152.03; Cole Paper Inc \$505.32; Menards \$40.86; Pantorium Cleaners Inc \$32.00. Utilities: Northwestern Energy \$172.97; Verizon Wireless \$42.73.

Payroll: Commission \$4,753.89; Elections \$2,018.06; Auditor \$10,106.99; Treasurer \$17,189.21; SA \$34,703.62; Maintenance \$11,777.17; Assessor \$15,745.18; Register of Deeds \$10,406.84; VSO \$4,510.54; GIS \$2,790.90; IT \$9,172.67; HR \$4,966.51; Sheriff \$52,919.67; Jail \$78,383.14; Coroner \$829.37; Court Security \$8,264.23; JDC \$36,056.46; Welfare \$2,466.75; Museum \$12,409.27; Parks/Fairgrounds \$5,191.94; Fair Board \$4,336.33; 4-H \$830.80; Weed \$1,117.37; Planning & Zoning \$7,678.00; Highway \$55,311.40; Dispatch \$38,513.46; Emergency \$5,311.40; 24/7 Sobriety \$2,608.31; Landfill \$21,577.57; Meal Benefits \$14.00; SDRS Payout \$4,454.16; FICA \$28,632.05; Medicare \$6,696.22; Health Insurance-Wellmark BCBS \$127,354.29; Dental Insurance-Delta \$8,967.96; Life Insurance-Dearborn \$1,042.78; Retirement-SDRS \$57,497.14. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Resignation of Heather Kulwicki, Brown County Jail Detention Officer; FT, effective-November 22, 2024. Request to fill.

All members present voting aye. Motion carried.

#### ABATEMENT/REFUND:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the following abatement or refund: Refund: Parcel #6765: Tax Yr. 2024 - \$514.87. All members present voting aye. Motion carried.

#### VACATING PLAT – REECE TREEBY ADDITION:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize advertising hearing for December 31, 2024 to vacate Lot 1, “Reece Treeby Addition” in the NW ¼ of Sec 15-T128N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota. Petition made by Treeby, LLC; Hal Treeby, Member; the legal description of the plat after being vacated: The NW ¼ of Sec 15-T128N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota. Use of the property is a residence and a shop. All members present voting aye. Motion carried.

#### VACATING PLAT – OLE CROW LANE:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize advertising hearing for December 31, 2024 to vacate Proposed Former Lot 1, “Ole Crow Addition” in the NW1/4 of Section 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (765 Ole Crow Lane, Aberdeen Twp.). Petition made by Stacy Gossman; the legal description of the plat after being vacated: “Ronnie’s Way Addition” in the NW ¼ of Sec 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. There are no structures, no improvements to lots but have added gravel and bladed road. 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 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 Dennert to adjourn the Brown County Commission at 10:19 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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