

## JANUARY 21, 2025 – 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, Dinger, Gage, Sutton and Wiese. Commissioner Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #286 – FIRST READING:

Moved by Commissioner Gage, seconded by Dinger to approve the First Reading of Proposed Ordinance #286. Applicant Lorin & Julie Flihs to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their future use: Description of property: Proposed Lot 1, “L and J Flihs First Addition” in the NE1/4 of the NE1/4 of Section 22-T125N-R60W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12105 410<sup>th</sup> Avenue, Claremont Twp.). All members present voting aye. Motion carried.

### ORDINANCE #287 – FIRST READING:

Moved by Commissioner Dinger, seconded by Gage to approve the First Reading of Proposed Ordinance #287. Applicant Jarod & Sarah Bierman to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Description of property: “Elsing’s Outlot 1” in the SW1/4 of Section 28-T121N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37640 147<sup>th</sup> Street, New Hope Twp.). All members present voting aye. Motion carried.

### ORDINANCE #288 – FIRST READING:

Moved by Commissioner Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #288. Application made by Petitioner, James Smith/Owner, Thomas Johnson to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Description of property: Lots 1, 2 & 3, “North Warner Homestead Addition” in the NW1/4 of Section 35-T124N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38615, 38623 & 38645 141<sup>st</sup> Street, Warner Twp.). All members present voting aye. Motion carried.

### VACATE A PLAT: OLE CROW ADDITION

This hearing was previously postponed at the December 31, 2024 meeting. Stacy Gossman, petitioned to vacate a plat pursuant to SDCL 11-3. The legal description of the plat: Proposed Former Lot 1, “Ole Crow Addition” in the NW ¼ of Section 17-T123N-R63W of the 5<sup>TH</sup> P.M., Brown County, South Dakota (765 Ole Crow Lane, Aberdeen Twp.). Aberdeen City Manager, Robin Bobzien informed the Commission that in 1993 there was an easement put into place for storm sewer and there was an agreement between Aberdeen Development Corp. and Twin City Fan for back road access for deliveries, there was a requirement that the city build the road and maintain it. Robin suggested there is a process to allow the vacation of the plat without taking the Right-of-Way (R-O-W) out of it. Scott Bader, Planning & Zoning Director informed the Commission that when the easement was created there was a plan for a Norwood Street to come through from 6<sup>th</sup> Ave. to 8<sup>th</sup> Ave., when they installed Milwaukee Ave. there was no curb cut to have a future apron or drive way there, when Sanford Hospital was built, they build it through that street, same with Mutual of Omaha, in the easement it states they did not have permission from the Railroad for access to cross the railroad, so the street won’t line up and isn’t going to happen. When put in storm sewer for drainage, there was originally an easement, platted storm sewer 30’ wide as an H plat, which then took away the easement off the storm sewer. Robin then shared there is an agreement for easement reading recital the agreement will allow the city to place storm sewer across Cutler’s property within a 66” R-O-W with an extension of Norwood if it were to extend North, after installation of the storm sewer the city will grade and compact the soil in at least 30’ width roadway within the 66” R-O-W for road running South from 8<sup>th</sup> Ave. to the Railroad tracks. Scott says his interpretation is that there was no easement, also there was no easement with Twin City Fan filed and/or record anything with the Register of Deeds, so they didn’t follow through. Chairman Sutton asked when you replatted it, the R-O-W came off the tax roll and that was correct. Stacy shared that he replatted it because he had investors lined up, but he lost those investors because of the city not granting them utilities for water and sewer so now he wants it to go back to the way it was. After further

discussion, Commissioner Wiese made a motion to deny the vacation of the plat, seconded by Dinger. Motion carried 4 to 1 with Commissioner Gage voting “No”. Stacy then gave notice of appeal.

#### VETERAN’S SERVICE OFFICE LEGISLATIVE/DEPARTMENT UPDATE:

Aaron Walberg, Brown County Veteran’s Service Officer (VSO) met with the Commission to share what legislation is being proposed that are troublesome and would affect his office. First one being, they are wanting to remove the salary supplement for VSO’s from the State Statute. Brown County received \$4,812.50 in 2024 for this supplement – if this goes through and passes the County would no longer receive these funds. Secondly, is they are wanting to remove the Headstone Setting Fee Reimbursement, which was raised to \$200 in 2023. Aaron shared this may not seem like a lot, but when you have families that are struggling it makes a huge difference, he mentioned there was more than one example of where if the headstone wasn’t covered by the government and the \$200.00 wasn’t there, it would have been next to impossible for that family to put a monument down & memorialize that loved one. This covers about half of the setting fee, and this was something that Aaron was involved in getting the fee raised. Aaron then shared he received a phone call over the weekend from a Legislator is and got a heads up on another potential issue that may come up: Senator Diebert is trying to change statute on SDCL 33A-1-22 from saying ... each county in this state ‘shall’ employ a county veteran’s service officer, proposing to strike “shall” and change it to “may” employ a county veteran’s service officer. Then counties would not have to have VSO’s, some counties are sharing VSO’s, in some counties VSOs have split duties such as Emergency Management and VSO. Even though Brown County is not a regional VSO office, we are helping Veteran’s from surrounding counties including North Dakota.

Aaron shared they have Veteran’s Coffee the first Wednesday of every month at 9am at the Senior Center.

#### PURCHASE CORONER VAN:

Brian Koens, Brown County Coroner met with the Commission to get approval to purchase a 2021 Chrysler Pacifica Limited Van for the Coroner Van due to the shape of the current van not being reliable and in poor condition. Moved by Commissioner Wiese, seconded by Gage to approve the purchase of the 2021 Chrysler Pacifica Limited Van to be used as the Coroner Van. All members present voting aye. Motion carried.

#### 2025 ASSESSMENT PLAN:

Gene Loeschke, Director of Equalization presented his 2025 Assessment Plan to the Commissioners.

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

Moved by Commissioner Wiese, seconded by Dennert 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 11, 2025 in the Commissioner’s Chambers, Courthouse Annex, Brown County, SD. All members present voting aye. Motion carried.

#### MINUTES:

Moved by Commissioner Gage, seconded by Wiese to approve the General Meeting Minutes of January 14, 2025. All members present voting aye. Motion carried.

#### CLAIMS/PAYROLL:

Moved by Commissioner Wiese, seconded by Gage to approve the following claims: Insurance: Insurance Plus \$2,823.56. Professional Fees: Aberdeen Area Chamber of Commerce \$800.00; Aberdeen Area Human Resources Assoc. \$100.00; Christy Griffin-Serr Law Office \$9,523.81; Cogley Law Office \$9,523.81; Dependable Sanitation Inc \$29,008.40; Dohrer Law Office \$9,523.81; Jerald M. McNeary \$9,655.81; John Noyes – Bantz, Gosch & Cremer \$9,523.81; Kuck Law Office \$9,671.94; Lisa H. Hutchison, MD \$2,375.00; Sanford Health Occupational Medicine \$413.00; Taliaferro Law Firm, PC \$9,523.81. Publishing: Groton Daily Independent \$79.72; McQuillen Creative Group, Inc \$64.12. Rentals: Northern Electric \$1,200.00. Repairs & Maintenance: Climate Control \$199.95; Dakota Doors Inc \$726.47; Diesel Machinery Inc. \$67,701.20; EcoLab Pest Elimination Division \$291.91; Graham Tire Inc. \$679.20; House of Glass \$66.67; Leidholt Electric, LLC \$244.90; Lien Transportation Company \$770.00; Pierson Ford Lincoln, Inc \$291.40; Pomp’s Tire Service, Inc \$273.16. Supplies: Advanced Auto Parts \$249.62; Amazon Capital Services Inc \$837.92; Applied Concepts, Inc \$447.00; Avera LTC Pharmacy Aberdeen \$4.90; Bob Barker Company Inc \$1,468.07; Century Business Products \$447.85; Cole Paper Inc \$1,381.12; Dakota Doors Inc \$100.00; Dependable Sanitation Inc \$290.40; Diesel Machinery Inc. \$5,198.35; Graham Tire Inc. \$5.05; Kessler’s \$327.46; LabSource Inc. \$2,372.52; NVC \$28.57;

Performance Oil \$1,207.87; Pierson Ford Lincoln, Inc \$79.85; Safety Service \$381.35; Taylor Harman \$57.31; Titan Machinery \$205.80. Travel & Conference: Dave Lunzman \$98.00. Utilities: CenturyLink \$9.90; City of Aberdeen Treasurer \$411.26; Dependable Sanitation Inc \$105.60; House of Glass \$33.33; James Valley Telecommunications \$209.10; Northwestern Energy \$3,803.08; NVC \$2,716.49; T-Mobile USA Inc \$99.78 Verizon Wireless \$1,522.26. Other: NESDCAP \$2,500.00. Machinery & Equipment: Aberdeen Chrysler Center \$35,174.00. All members present voting aye. Motion carried.

#### HR REPORT:

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

- Resignation of Joshua Eddy, Brown County Jail Detention Officer, FT; effective January 21, 2025. Request to fill.

All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert, 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.

#### 2024 SHERIFF REPORTS:

Moved by Commissioner Wiese, seconded by Dennert to approve all of 2024 Sheriff Reports: Incidents and offenses, Prisoner Care, JDC, and money deposited with the County Treasurer. All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Dinger to approve the following Travel Requests: Dan Bray and Linn Kamin with Sheriff's Department to attend Criminal Interdiction Training in Sioux Falls, SD on March 25-27, 2025. All members present voting aye. Motion carried.

OTHER BUSINESS: None

#### EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage to go into executive session to discuss 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 Dennert, seconded by Wiese to adjourn the Brown County Commission at 11:31 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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