

FEBRUARY 4, 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, Dinger, Gage, Sutton and Wiese. Commissioner Dinger led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #286 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dennert, seconded by Gage to adopt 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 current use: Description of property: Proposed Lot 1, “Land J Flihs First Addition” in the NE 1/4 of the NE 1/4 of Section 22-T125N-R60W of the 5th P.M. Brown County, South Dakota (12105 410th Ave, Claremont Twp.). All members present voting aye. Motion carried.

ORDINANCE #287 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dinger, seconded by Wiese to adopt 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 SW 1/4 of Section 28-T121N-R65W of the 5th P.M., Brown County, South Dakota (37640 147th Street, New Hope Twp.). All members present voting aye. Motion carried.

ORDINANCE #288 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to adopt Ordinance #288. 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 NW 1/4 of Section 35-T124N-R64W of the 5th P.M., Brown County, South Dakota (38615 38623 & 38645 141st Street, Warner Twp.). All members present voting aye. Motion carried.

PUBLIC HEARING FOR MALT BEVERAGE & SD FARM WINE LICENSE TRANSFERS:

Moved by Commissioner Dennert, seconded by Wiese to approve transfer Ownership for Retail (On-Sale) Malt Beverage & SD Farm Wine from James Ernest Duree Boyden, GT Gaming DBA: Dakota Players Club BC to transfer license located at 5759 E Hwy 12 Suite 2., - Lt. 1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of 5th P.M. Brown County, SD to Stacy Gossman, DBA: Head East located at 5759 E Hwy 12 Suite 2- Lt.1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dinger to approve transfer Ownership for Retail (On-Sale) Malt Beverage & SD Farm Wine from James Ernest Duree Boyden, GT Gaming DBA: Dakota Players Club BC to transfer license located at 5759 E Hwy 12 Suite 3., - Lt. 1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of 5th P.M. Brown County, SD to Stacy Gossman, DBA: West Bound located at 5759 E Hwy 12 Suite 3- Lt.1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Wiese to approve transfer Ownership for Retail (On-Sale) Malt Beverage & SD Farm Wine from James Ernest Duree Boyden, GT Gaming DBA: Dakota Players Club BC to transfer license located at 5759 E Hwy 12 Suite 4., - Lt. 1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of 5th P.M. Brown County, SD to Stacy Gossman, DBA: Up North located at 5759 E Hwy 12 Suite 4- Lt.1B Gossman 1st Addition Kessler’s Outlot South ½ of 15-123-63 of the 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

RESOLUTION FOR OPPOSITION TO MANDATORY ELECTRONIC IDENTIFICATION (MEID)
LIVESTOCK TAGS

Commissioner Dennert offered the following Resolution:

RESOLUTION #2025-09

A RESOLUTION FOR OPPOSITION TO MANDATORY ELECTRONIC IDENTIFICATION (MEID)
LIVESTOCK TAGS

OPPOSITION TO Mandatory Electronic Identification (MEID) LIVESTOCK TAGS

WHEREAS: The traceability of livestock program is incremental. USDA APHIS stated on its website, updated October 11th, 2024 after approving the new rule, that it "is committed to implementing a modern system that tracks animals from birth to slaughter, and

WHEREAS: The cost of EID tags disproportionately burdens small and medium sized independent farmers and ranchers. The USDA rule allows large, corporate-owned herds to be grouped and tagged as one group, creating a huge loophole that keep costs low for larger companies, and

WHEREAS: The EID mandate would potentially interfere with price discovery found in traditional markets, thereby furthering vertical integration of the US food supply at the expense of the consumer and independent producer, and

WHEREAS: South Dakota Codified Law 40-3-27 provides for identification of animals and premises involved in animal movement. The Animal Industry Board may develop and implement specific programs for the identification of animals and premises involved in animal movements. Any program implemented pursuant to 40-3-27 to 40-3-29, inclusive, must provide for confidentiality of identification records other than those records requested by law enforcement officers of the state and those records used for mandatory disease control or eradication efforts. A Livestock owner may choose to identify animals using any methods set forth in 9 C.F.R. part 86, as adopted on January 9, 2013, as well as any additional methods that are later approved by the South Dakota Animal Industry Board pursuant to this section, and

WHEREAS: The EID mandate is far overreaching, intrusive and potentially circumvents privacy laws, threatening the livelihood of independent cattle and bison producers, and

WHEREAS: Independent, family-owned cattle ranches are of paramount importance to our local economy and to the economy as a whole, and

WHEREAS: The comments received by USDA APHIS in the rulemaking process were overwhelmingly against the new rule, and

WHEREAS: America has the safest and highest quality meat in the world using our current, fully functioning and effective traceability system. The mandated rule claims to be about animal health, but does nothing to prevent or treat disease, and

THEREFORE, BE IT RESOLVED: The Board of Brown County Commissioners vehemently opposes the implementation of any EID mandate by the USDA, with the suggestion that funds currently earmarked for this program be reallocated to efforts to restore import standards that protect all livestock producers and consumers

BE IT FURTHER RESOLVED: The Board of Brown County Commissioners requests that all elected officials make every effort to block this government overreach by the USDA.

Dated this 4th day of February 2025.

Seconded by Commissioner Dinger

Roll call vote: Dennert-Aye; Dinger-Aye; Gage-Aye; Sutton-Aye; Wiese-Aye. Resolution Adopted .

HAZARD MITIGATION GRANT PROGRAM RESOLUTION:

Commissioner Wiese Offered the following Resolution:

RESOLUTION #2025-10

RESOLUTION FOR APPOINTMENT OF APPLICANT AGENT
FOR THE HAZARD MITIGATION GRANT PROGRAM (HMGP)

WHEREAS, Brown County is submitting a Hazard Mitigation Grant application to the South Dakota Division of Emergency Management and the Federal Emergency Management Agency; and

WHEREAS, Brown County is Required to appoint an Applicant Agent for the purpose signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that Brown County appoints the Emergency Manager as the authorized Applicant Agent.

Dated this 4th day of February, 2025

Seconded by Commissioner Dennert.

Roll Call Vote: Dennert-Aye; Dinger-Aye; Gage-Aye; Sutton-Aye; Wiese-Aye, Resolution Adopted.

DESIGNATION OF APPLICANT AGENT:

Moved by Wiese, Seconded by Dennert to Approve and Authorize Chairman Sutton to sign the Designation of Applicant Agent Form listing Scott Meints as the Applicant Agent. All members present voting aye. Motion Carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting Minutes of January 28, 2025. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Dinger, seconded by Wiese to approve the following claims: Professional Fees: CGI, LLC \$512.11; Cogley Law Office \$528.00; Dohrer Law Office \$876.00; Environmental Systems Research Institute \$17,600.00; Helms & Associates \$2,220.00; Kuck Law Office \$1,506.00; SD Assoc of County Officials \$100.00; SD Dept of Transportation \$3,943.58; Taliaferro Law Firm, PC \$312.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$599.48; McQuillen Creative Group Inc \$154.00. Repairs & Maintenance: Custom Installation Solutions \$50.00; Custom Sheet Metal \$519.50; Gary Fischer \$596.00; K&S Plumbing Inc \$381.09; Lawson Products \$90.10; Motorola Solutions Inc \$43,959.46; Myers Tire-Salt Lake City #20 \$71.64; Precision Kiosk Technologies \$3,000.00. Supplies: Amazon Capital Services \$130.91; Avera LTC Pharmacy \$2,512.40; Century Business Products \$135.72; Cole Papers Inc \$1,200.56; Dakota Electronics, LLC \$1,275.00; Detco \$1,022.61; Emily Jacobs \$81.71; Fastenal Company \$12.48; Great Western Tire \$5,990.34; Hillyard Sioux Falls \$176.09; Howmedica Osteonics Corp \$696.00; K&S Plumbing Inc \$101.77; Karen Swank \$180.00; Kuck Law Office \$55.63; Lang's Audio, TV & Appliance \$115.00; Lawson Products \$1,301.34; Menards \$365.44; Midstates Group \$39.40; Myers Tire-Salt Lake City #20 \$814.58; Northstar Safety Inc \$144.07; Pantorium Cleaners Inc \$32.00; Performance Oil \$427.38; Pitney Bowes Global Financial Services LLC \$15,000.00; Safe Life Defense \$654.10; Sander's Sew-N-Vac \$299.92. Travel & Conference: Dave Lunzman \$70.00; Property Records Industry Association(PRIA) \$139.00; Trajan LaRocque \$415.97. Utilities: AT&T Mobility \$186.97; CenturyLink \$366.84; Midcontinent Communications \$332.04; Montana-Dakota Utilities Co \$63.42; Northwestern Energy \$12,943.94. Other: Area IV Nutrition \$6,000.00; WEX Health Inc \$3,000.00. Machinery & Equipment: Little Falls Machine Inc \$32,910.00. All members present voting aye. Motion carried.

HR REPORT:

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

- Acknowledge:
 - Resignation of Jordanne DuCheny, Brown County 911 Communications Officer, Full-Time; Effective February 3, 2025. Request to fill
 - Transfer of Payton Beidler from Part-Time Brown County Jail Detention Officer to Full-Time Brown County Jail Detention Officer, effective February 2, 2025.
- Approve:
 - Request to fill Brown County Highway Mechanic, Full-Time.
 - Request to fill Brown County Highway Road & Bridge Crew Leader, Full-Time.
 - Adding Lora Schaunaman to the approved volunteers list for work comp purposes.
- Mileage Report:
 - Approve personal miles driven for October 2024 as follows: Joshua Matthews 240 miles at \$160.80; Matt Heupel 105 Miles at \$70.35; John Florey 120 miles at \$80.40; Mike Scott 200 miles at \$134.00.
 - Approve personal miles driven for November 2024 as follows: Joshua Matthews 204 miles at \$136.68; Matt Heupel 75 miles at \$50.25; John Florey 108 miles at \$72.36; Mike Scott 90 miles at \$60.30.
 - Approve personal miles driven for December 2024 as follows: Joshua Matthews 228 miles at \$152.76; Matt Heupel 75 miles at \$50.25; John Florey 102 miles at \$68.34; Mike Scott 140 miles at \$93.80.

All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Wiese, Seconded by Gage to approve and authorize Chairman Sutton to sign the following Lease Agreements: Great Plains CEF Church(Pastor Neil Hannahs) for lease of Richmond Youth Camp on June 23-28th, 2025; Sheena Rohrbach for lease of parking lots surrounding Gate E on May 30-31st, 2025; Cory Mehlhaff for lease of Richmond Youth Camp on June 28, 2025; CEF of South Dakota(Genda Palmquist) for lease of Richmond Youth Camp on July 20th – 25th, 2025; Brown County 4H for lease of the Akkerman Open Horse Arena on June 17th, 2025 and July 5th-6th, 2025; Aberdeen Home Builders Association for lease of the Holum Expo Building on February 28th-March 2nd, 2025; Liebelt Homes for lease of the Holum Expo Building on March 10th-23rd, 2025. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, seconded by Dennert 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.

SURPLUS EQUIPMENT:

Scott Madsen, GIS Coordinator submitted a request to Surplus HP DesignJet T1300 Plotter in order to sell or dispose of at the landfill. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor submitted a request to surplus a FormaxFD342 Folder, Serial #H101041 to be disposed of at the landfill. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION: None

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dinger to adjourn the Brown County Commission at 9:10 a.m. All members present voting aye. Motion carried.

David Engraf, Brown County Deputy Auditor

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