

May 27, 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 Dennert 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:

Senator Carl Perry reminded everyone to get out and vote for the Aberdeen City Council, SE & SW Districts.

ORDINANCE #294 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dinger, seconded by Gage to adopt Ordinance #294. Petitioners Timothy and Kelly Serr to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: Lot 5, “Keatts Third Subdivision” in the NE1/4 of Section 22-T124N-R65W of the 5th P.M., Brown County, South Dakota (127160 West Bridge Road, Ravinia Twp). All members present voting aye. Motion carried.

ORDINANCE #295 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to adopt Ordinance #295. Petitioner Adam Monson to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: “Ellingson’s Outlot 1” in the SW1/4 of Section 33-T121N-R61W of the 5th P.M., Brown County, South Dakota (14788 402nd Avenue; Garden Prairie Twp.). All members present voting aye. Motion carried.

ORDINANCE #296 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to adopt Ordinance #296. Petitioners Jeffery and Tamara Sahli to rezone from Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) to bring this parcel into compliance for its current use: Description of property: “Meyer’s Outlot 1 to Millers Richmond Lake Subdivision” in the SW1/4 of Section 19-T124N-R64W of the 5th P.M., Brown County, South Dakota (382228 Spillway Drive; Lincoln Twp.). All members present voting aye. Motion carried.

ORDINANCE #297 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dinger, seconded by Dennert to adopt Ordinance #297. Petitioner Shane Reich to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: Lot 2, “Keatts Third Subdivision” in the NE1/4 of Section 22-T124N-R-65W of the 5th P.M., Brown County, South Dakota (127070 West Bridge Road, Ravinia Twp.). All members present voting aye. Motion carried.

ORDINANCE #298 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Wiese, seconded by Gage to adopt Ordinance #298. Petitioners James Johnson/William Mundhenke to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: Proposed Lots 1 thru 5, “Johnson Airport Subdivision” in the SW1/4 of Section 22-T123N-R-63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane; Bath Twp.). All members present voting aye. Motion carried.

AWARD BID – SAND LAKE BRIDGE PROJECT:

Dirk Rogers, Highway Superintendent recommended to the Commission to award the bid to Prahm Construction, Inc. at the cost of \$3,037,891.10, which is 0.84% below the Engineer’s Opinion of Probable Cost and falls within the grant amount awarded by the SDDOT Bridge Improvement Grant (BIG) Program. Moved by Commissioner Dennert, seconded by Wiese to award the Sand Lake Bridge Project to Prahm Construction in the amount of \$3,037,891.10. Therefore, rejecting bids from Industrial Builders @ \$6,486,900.10; SFC Civil Constructors @ \$3,731,109.40; KEA Constructors @ \$5,221,290.35; R.R. Schroeder Construction @ \$3,379,000.45 and General Excavating @ \$4,512,526.90. All members present voting aye. Motion carried.

MASS NOTIFICATION PROPOSAL:

Scott Meints, Emergency Management Director met with the Commission to discuss the options and quotes he received for the Mass Notification Programs. Scott shared that he had a list of requirements and received quotes from 5 companies. After comparing the features and cost, Scott recommended going with Motorola Rave. Moved by Commissioner Dennert, seconded by Dinger to accept the quote from Motorola Rave at the Annual Cost of \$6,840.00 for three years. Therefore, rejecting quotes from Civic EM at the Annual Cost of \$9,499.00; Civic Plus at the Annual Cost of \$11,998.00; Hyper at the Annual Cost of \$10,998.00 and Text MyGov at the Annual Cost of \$9,000.00. All members present voting aye. Motion carried.

SPRINKLER SYSTEM IN THE EXPO BUILDING:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the Sprinkler System in the Expo Building and had a representative from Western States Fire Protection in attendance. Rachel had gotten three quotes to replace the mains and dry valves: Western States Fire Protection in the amount of \$48,880.00; NOVA Fire Protection in the amount of \$61,395.00; The Fire Group, Inc. in the amount of \$54,675.00. After further discussion, Commissioner Wiese moved to accept the quote from Western States Fire Protection in the amount of 48,880.00, seconded by Dinger. All members present voting aye. Motion carried.

FAIR BOARD MEMBER RESIGNATION:

Rachel Kippley, Fair/Fairgrounds/Parks Manager asked the Commission to accept the resignation of Fair Board Member, Ethan Sass, due to family matters. Moved by Commissioner Dennert, seconded by Wiese to accept the resignation of Ethan Sass from the Brown County Fair Board. All members present voting aye. Motion carried.

TRASH PICK-UP SERVICE CONTRACT FOR BROWN COUNTY FAIR:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the contract with Aberdeen Leadership Class of 2025 for the Trash Pick-Up Services for the Brown County Fair for 2025 @ \$10,000.00. All members present voting aye. Motion carried.

SOFTWARE PURCHASE:

Lynn Heupel, Brown County Auditor, informed the Commission that she reached out to Tyler Tech, and they offered to reduce the price to \$6,500.00 annually from \$7,538.00. Since they host the software there is no license or maintenance fee option. After further discussion, Commissioners asked to counter offer at \$5,500.00 annually for three years. Commissioner Dinger moved to defer this another week to see if they will lower the price any further, seconded by Dennert. All members present voting aye. Motion carried.

EMPLOYEE PARKING LOT DISCUSSION:

Chairman Sutton shared that with the Tuckpointing that was happening at the Courthouse and the weather recently there were some concerns brought up by the Judges and Court Administration employees. He reached out to Dirk Rogers, Highway Superintendent to see what options they would have. Dirk shared the Highway Department could do the prep work and possibly pave it themselves or hire it out at the cost of \$25,000.00. This would include a 3" mat on the top. Dirk informed the Commission he would need to contact the City of Aberdeen regarding the curbs and sidewalks. Commissioner Dennert shared they should be proactive and complete this project since there is the potential to lose the parking lot to the west if the Dacotah Prairie Museum expands. Move by Commissioner Wiese, seconded by Gage to approve paving the parking lot on the west side of Gary's Building over to fence, which will be removed. The cost will be split between the Maintenance Budget and Contingency Funds. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Dinger to approve the General Meeting Minutes of May 20, 2025. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Gage, seconded by Wiese to approve the following Claims: Insurance: SD Assoc of County Commissioners \$21,569.00. Professional Fees: CenturyLink-Lumen \$198.41; Cogley Law Office, Prof LLC \$1,560.00; Computer Forensic Resources \$6,840.00; Dohrer Law Office, PC \$3,876.00; Jerald M. McNeary \$300.00; John Noyes – Bantz, Gosch & Cremer \$2,052.00; Kuck Law Office \$5,838.00; Lauren Nikolas \$1,000.00; Northern State University \$614.50; Priority Dispatch Corp \$425.00; Property Records Industry

Association (PRIA) \$145.00; Sara Zahn \$126.30; SpraySync \$1,400.00; Taliaferro Law Firm, PC \$822.00. Publishing: Fordham Signs and Designs \$3,250.00; Midstates Group \$3,213.00. Rentals: Advantage Self Storage \$276.00; Dakota Electronics LLC \$154.20; Fordham Signs and Designs \$2,200.00. Repairs & Maintenance: Diamond Mowers LLC \$179.01; Graham Tire Inc \$20.25; House of Glass \$718.61; Jake's Heating & Cooling \$1,240.77; Leidholt Electric, LLC \$1,029.27; On Site Repair Service \$477.50; One Source, The Background Check Co., Inc. \$75.63; Pomp's Tire Service, Inc \$148.40; Titan Machinery \$781.68; Vioc Thorco, Inc \$8.19. Supplies: Amazon Capital Services, Inc \$2,481.51; Amy LeBeau \$58.62; Bagster LLC \$175.00; Century Business Products \$337.08; Computer Forensic Resources \$7.05; Diamond Mowers LLC \$1,324.44; Jensen Rock & Sand Inc \$8,328.60; John Noyes – Bantz, Gosch & Cremer \$35.75; Ken's SuperFair Foods \$103.87; Kuck Law Office \$174.89; Menards \$676.42; One Source, The Background Check co., Inc. \$3,440.00; Performance Oil \$86.40; Pro Ag Supply, Inc \$40.12; Runnings \$49.37; Safety Service \$393.25; Vioc Thorco, Inc \$41.94. Travel & Conference: Neil Bittner \$14.00; Patricia VanMeter \$252.40; Steve Westby \$14.00; Tracy Engquist \$20.00. Utilities: Dependable Sanitation, Inc \$184.00; Montana-Dakota Utilities Co \$38.50; Northwestern Energy \$2,930.20; State of South Dakota PMB 0112 \$108.91. All members present voting aye. Motion carried.

HR REPORT:

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

- Promotion of Makendra Ochsner from Brown County JDC Officer to Brown County Deputy Sheriff-Court Security, starting wage \$26.72/hr. – effective May 27, 2025.
- Hiring of John Anderson as Brown County Deputy Sheriff, FT; starting wage \$26.72/hr. – effective May 27, 2025.
- Hiring of Alexandra Chavez as Brown County Jail Cook, FT; starting wage \$17.13/hr. – effective May 30, 2025.
- Payment of retirement award for Lori Goldade in the amount of \$150.00 before taxes, and the requirement was met.

All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Dinger, 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.

LOTTERY PERMIT:

Moved by Commissioner Dinger, seconded by Gage to approve and authorize Chairman Sutton to sign application submitted by Brown County 4-H for a Pie Auction to be held on August 14, 2025, at the Brown County Fair 4-H BBQ. All members present voting aye. Motion carried.

AUDITOR REPORT OF ACCOUNTS FOR MARCH & APRIL 2025:

Moved by Commissioner Gage, seconded by Wiese to approve the Auditor's Report of Accounts for March 2025: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$20,818,974.40; Total Savings Account Balances \$1,190,447.42; Total Certificates of Deposit: \$11,202,175.24; Grand Total Cash and Balances: \$33,219,297.06. General Fund Cash & Investment Balances by Funds: General Fund \$19,516,132.18; Road & Bridge Fund \$746,198.16; Road & Bridge Fund-Restricted \$231,883.27; 911 Service \$782,189.13; Emergency & Disaster \$18,104.86; Domestic Abuse \$523.79; Federal/State Grant \$32.11; SA Grants \$122,214.76; Truancy Court \$110.99; 24/7 Sobriety \$21,278.82; ROD M&P \$90,085.52; Rural Access Infrastructure \$559,577.54; TIF Debt Service \$59,888.97; Landfill + Cash Change \$7,081,608.63; Landfill-Restricted \$1,894,495.06; Trust & Agency Funds \$4,221,351.60; Grand Total General Fund Cash & Investments \$33,219,297.06.

And for April 2025: Total Cash and Checks on Hand \$7,690.00; Total Checking Account Balances \$35,070,014.73; Total Savings Account Balances \$1,690,447.42; Total Certificates of Deposit: \$11,202,175.24; Grand Total Cash and Balances: \$47,970,327.39. General Fund Cash & Investment Balances by Funds: General Fund \$23,045,119.46; Road & Bridge Fund \$850,118.13; Road & Bridge Fund-Restricted \$231,883.27; 911 Service \$714,386.78; Emergency & Disaster \$2,356.57; Domestic Abuse \$886.79; Federal/State Grant \$32.11; SA Grants \$121,190.81; Truancy Court \$110.99; 24/7 Sobriety \$17,452.28; ROD M&P \$90,647.23; Rural Access Infrastructure \$559,577.54; TIF Debt Service \$528,617.47; Landfill + Cash Change \$7,193,420.53; Landfill-

Restricted \$1,894,495.06; Trust & Agency Funds \$14,846,421.20; Grand Total General Fund Cash & Investments \$47,970,337.39. All members present voting aye. Motion carried.

ZONING ORDINANCES – SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on June 17, 2025, in the Commission Chambers, Courthouse Annex, Brown County, South Dakota. Proposed Ordinance #299, applicants Jeff Brockel/Jacob Palmer for the purpose of rezoning from Highway Commercial District (HC) to Commercial District (C) to bring these parcels into compliance for their current use: Description of property: Lots 1 thru 10, “Todd Rosebrock First Subdivision” in the NW1/4 of Section 9-T123N-R63W of the 5th P.M., Brown County, South Dakota (4095, 4185, 4275, 4365, 4395, 4390, 4360, 4270, 4180 & 4090 Paper Lane; Aberdeen Twp.). Proposed Ordinance #300, applicants Darian & Kimberly Browning for the purpose of rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: Lot 1, “Browning First Subdivision” in the SW1/4 of Section 35-T122N-R65W of the 5th P.M., Brown County, South Dakota (14172 378th Avenue; Highland Twp.). Proposed Ordinance #301, applicants Edward Price for the Braun Family Limited Partnership for the purpose of rezoning from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Description of property: Lot 1, “E. Price Addition” in the NW1/4 of the NW1/4 of Section 23-T121N-R63W of the 5th P.M., Brown County, South Dakota (14510 392nd Avenue; West Rondell Twp.). Proposed Ordinance #302, amendment to Wind Energy Systems (WES) to the Brown County Title 4 Zoning Ordinances by replacing proposed changes: Chapter 4.36, Wind Energy System (WES). (The proposed ordinance will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning & Zoning Office during regular business hours.) Proposed Ordinance #303, a new ordinance, Data Center being added to the Brown County Title 4 Zoning Ordinances of Brown County, Chapter 4.01 – Definitions; Chapter 4.16 – H-I District; An Addition to Title 4 Zoning Ordinances of Brown County with Chapter 4.38-Data Centers. (The proposed ordinance will be made available for public inspection at the Brown County Auditor’s Office or Brown County Planning & Zoning Office during regular business hours.) All members present voting aye. Motion carried.

PRELIMINARY PLAT – MINA LAKE NORTHEAST ADDITION:

Moved by Commissioner Gage, seconded by Wiese to approve the Preliminary Plat for Mina Lake Northeast Addition in S ½ of Section 7-T123-R65 of the 5TH P.M., Brown County, South Dakota . All members present voting aye. Motion carried.

LEIKVOLD SECOND ADDITION PLAT:

Resolution #2025-20

It was moved by Commissioner Dennert and seconded by Dinger, that the plat as shown hereon and as described on the accompanying plat of “LEIKVOLD SECOND ADDITION”, in the SW ¼ of Section 26, Township 124 North, Range 64 West of the 5th P.M., in Brown County, South Dakota, be approved and accepted. All members present voting aye. Resolution adopted.

HUBERT OUTLOT PLAT:

Resolution #2025-21

Commissioner Wiese brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “HUBERT OUTLOT IN THE SW ¼ OF SECTION 19, TOWNSHIP 128 NORTH, RANGE 61 WEST OF THE 5TH 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 Dinger. All members present voting aye. Resolution adopted.

DM SMITH ADDITION PLAT:

Resolution #2025-22

Commissioner Gage brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota that the plat showing: “DM SMITH ADDITION IN THE SE ¼ OF SECTION 12, TOWNSHIP 122 NORTH, RANGE 65 WEST OF THE 5TH 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 Wiese. All members present voting aye. Resolution adopted.

E. PRICE ADDITION PLAT:

Resolution #2025-23

Commissioner Dinger brought the following resolution “Be it resolved by the County Commission of Brown County, South Dakota that the plat showing: “E. PRICE ADDITION IN THE NW ¼ OF SECTION 23, TOWNSHIP 121 NORTH, RANGE 63 WEST OF THE 5TH 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 Dennert. All members present voting aye. Resolution adopted.

SCARBOROUGH SECOND ADDITION PLAT:

Resolution #2025-24

Commissioner Gage brought the following resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing: “SCARBOROUGH SECOND ADDITION IN THE NW ¼ OF SECTION 22-T121N-R65W OF THE 5TH 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: None

EXECUTIVE SESSION:

Move by Wiese, seconded by Dinger to go into Executive Session for Personnel & Legal 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 10:13 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published June 4-5, 2025, at the total approximate cost of \$_____and may be viewed free of charge at www.sdpublicnotices.com.