

AUGUST 26, 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 Dinger 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.

PUBLIC COMMENT:

Mike Elsen from Hecla voiced some concerns over the plans for Hwy. 5; west of the bridge that crosses the James River, not getting resurfaced. Dirk Rogers, Highway Superintendent says they plan to mill that up treat it and then do a blotter surface at this time. Mike also asked the Commission to look at their Ordinance regarding Right-To-Farm Ordinance and having to sign an easement before a building permit is granted by the County Planning & Zoning.

Senator Carl Perry shared with the Commission that he will be attending the North Dakota Legislative Council Meeting in Ellendale and some of the topics will be Review of the Supplementary Rules of Operations and Procedures of the ND Legislative Management; Mayor of Ellendale will be talking about Data Center Project along with several other topics.

REVIEW & ACKNOWLEDGEMENT OF OPEN MEETING LAWS:

Chairman Sutton shared that S.D. Attorney General's Office in partnership with S.D. News Media Association revised the Open Meeting Laws. Per SDCL 1-23-13 Annual Review of Open Meeting Laws the political subdivision must annually review during an official meeting and be included in the minutes. Moved by Commissioner Wiese, seconded by Dennert to acknowledge the 2025 revised Open Meeting Laws. All members present voting aye. Motion carried.

ORDINANCE #307 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Gage, seconded by Dennert to adopt Ordinance #307. Applicant Dennis Volzke to rezone from Residential District (R-1) to Highway Commercial District (HC) to bring these parcels into compliance for their current use: Description of property: The 500' west of the east 700' of the north 658' in the NW1/4 of Section 11-T123N-R64W, except highway R.O.W. and except H-1; Lot C, Block 12, "Wylie Park Estates 5th Addition" in the N1/2 of Section 11-T123N-R64W of the 5th P.M., Brown County, South Dakota (1421 24th Avenue NW & 1920 N Hwy 281; Aberdeen Twp.). All members present voting aye. Motion carried.

ORDINANCE #308 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dennert, seconded by Dinger to adopt Ordinance #308. Applicant Roger Pic 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 1, "Brick Subdivision" in the SE1/4 of Section 31-T122N-R65W of the 5th P.M., Brown County, South Dakota (14177 375th Avenue; Highland Twp.). All members present voting aye. Motion carried.

ORDINANCE #309 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dinger, seconded by Gage to adopt Ordinance #309. Applicant Mina Northeast, LLC – Carl Hanson to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG), Agriculture Preservation District (AG-P) to Lake Front Residential District (R-3) and Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3) to bring these parcels into compliance for their current use: Description of property: Lot 1 thru 4, 6, 8, 9, 10, Block 1; Lot 1, Block 2; Lot 2, Block 4; Lot 1 thru 6, Block 3; all of "Mina Lake Northeast Addition" in the S1/2 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (13147, 13151, 13155, 13159, 13163, 13167, 13174, 13178, 13182, 13186 N Sunrise Drive; 37334 & 37345 Dusk Drive; 13135, 13184 & 13193 Feickert Drive; 37344 132nd Street; Mercier Twp.). All members present voting aye. Motion carried.

AUTHORIZING SECOND RESTATEMENT OF AGREEMENT ESTABLISHING THE ABERDEEN – BROWN COUNTY REGIONAL RAILROAD AUTHORITY (ABCRA):

Commissioner Wiese offered the following Resolution:

RESOLUTION # 2025-36

A RESOLUTION OF CONTINUED PARTICIPATION IN THE ABERDEEN - BROWN COUNTY REGIONAL RAILROAD AUTHORITY AND AUTHORIZING THE CHAIR TO SIGN THE SECOND RESTATEMENT OF THE AGREEMENT ESTABLISHING THE ABERDEEN - BROWN COUNTY REGIONAL RAILROAD AUTHORITY

WHEREAS, SDCL Chapter 49-17A authorizes the creation of regional railroad authorities; and

WHEREAS, the Aberdeen - Brown County Regional Railroad Authority was established in 1991 and restated in 2007, and membership currently includes the City of Aberdeen, Brown County, Edmunds County, Spink County, and Beadle County (collectively, the "Members"); and

WHEREAS, the Members in 2025 desire to amend and restate the Agreement by which the ABCRRA is organized and operated.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Brown County shall continue its membership in the ABCRRA in accordance with the Second Restatement of the Agreement Establishing the ABCRRA.

BE IT FURTHER RESOLVED that Commissioner Kyler Dinger is hereby appointed as the Commissioner and Commissioner Mike Wiese is appointed as alternate Commissioner of the ABCRRA from Brown County for a term of three (3) years.

BE IT FURTHER RESOLVED that the Chair is authorized to sign the Second Restatement of Agreement evidencing Brown County's continued membership in the ABCRRA.

Dated this 26th day of August, 2025.

Seconded by Commissioner Dinger.

Roll call vote: Dennert-aye; Dinger-aye; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted

2026 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT SUB-RECIPIENT AGREEMENT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the 2026 Local Emergency Management Performance Grant (LEMPG) Sub-Recipient Agreement that provides a single funding and reporting instrument. Grant is provided to counties to pay for 50% of the Emergency Management Director's Salary & Benefits. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Commissioner Dennert, seconded by Wiese to approve the application submitted by Northern Valley Communications for occupancy to install broadband by replacing copper line with fiber optic line to improve communication of Brown County 6 in Section 19-T124-R64, Brown County, South Dakota. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Gage to approve the application submitted by Northern Valley Communications for occupancy to replace copper line with fiber optic line to improve communication of Brown County 18 in Section 34,33-T128-R611, Brown County, South Dakota. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent informed the Commission that the James (Jim) River is 31" below crest level and Crow Creek is 51" below crest level. They are still paving on Co. Rd. 5 then moving to Mansfield. Commissioner Dennert asked about Co. 14, but Dirk said he knows there are issues, but it will be early 2026 before they can get to it.

MINUTES:

Moved by Commissioner Gage, seconded by Wiese to approve the General Meeting Minutes of August 19, 2025. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims/payroll:

CLAIMS: Professional Fees: Amusement Midway Providers Inc \$52,826.00; Bill Schaefer \$44.00; Brick's TV and Appliance \$1,803.75; Christy Griffin-Serr Law Office \$3,600.00; Cogley Law Office, Prof LLC \$900.00;

Dohrer Law Office, PC \$1,943.00; Janet Wright \$50.00; Kelli Lardy \$454.75; Kuck Law Office \$5,706.00; Lakefront Entertainment, LLC \$449.95; Lucy Lewno \$396.00; Mark Katterhagen \$44.00; Sanford Clinic \$596.00; Tyler Technologies, Inc \$540.00; Yellow Robe Consulting \$1,800.00; US Bank \$897.70. Publishing: Aanenson Media, LLC \$2,846.00; Dakota Broadcasting, LLC \$1,580.00; Groton Daily Independent \$116.22; McQuillen Creative Group, Inc \$383.56; Midstates Group \$4,444.00; US Bank 300.00. Rentals: Advantage Self Storage \$276.00. Repairs & Maintenance: Dakota Doors Inc \$120.51; Diesel Machinery, Inc \$206.33; Eilers Water Conditioning and Lawn Irrigation \$207.00; Jake's Heating & Cooling \$1,781.38; Leidholt Electric, LLC \$576.67; New Waste Concepts, Inc \$3,990.00; US Bank 6,396.49. Supplies: Amazon Capital Services, Inc \$512.62; Century Business Products \$591.78; Cole Paper Inc \$3,797.15; Dakota Kids Pedal Pulls \$25.00; Dakota Oil \$792.25; Dakota Supply Group \$86.00; Geffdog Designs \$326.50; Government Forms & Supplies \$131.37; Graham Tire Inc \$36.00; Kuck Law Office \$215.01; Leidholdt Tool Sales, LLC \$79.54; Leidholt Electric, LLC \$321.61; Lien Transportation Company \$13,349.70; Lucy Lewno \$13.46; McDonald's \$242.15; Menards \$1,000.50; Midstates Group \$560.00; Performance Oil \$618.27; Pierson Ford Lincoln, Inc \$125.72; Pitney Bowes Global Financial Services LLC \$15,000.00; Runnings \$322.00; Schwan Welding \$12.00; Sherwin Williams \$70.45; Sprocket Ventures, LLC \$15.80; US Bank \$27,899.98. Travel & Conference: Erin Kumpf \$26.00; Linda Marcuson \$14.00; Lynn Heupel \$268.20; Scott Kolb \$14.00; Steve Westby \$14.00; US Bank \$1,684.48. Utilities: City of Aberdeen Treasurer \$2,953.80; Dependable Sanitation, Inc \$184.00; Northwestern Energy \$1,266.47; NVC \$528.63; State of South Dakota PMB 0112 \$164.00; US Bank \$2,635.14. Machinery & Equipment: Jake's Heating & Cooling \$136,142.08.

PAYROLL: Commission \$4,896.51; Elections \$1,945.88; Auditor/Welfare \$11,404.97; Treasurer \$18,764.33; SA \$37,154.12; Public Defender \$7,743.81; Maintenance \$12,755.17; Assessor \$16,592.82; Register of Deeds \$10,905.91; VSO \$4,741.87; GIS \$2,946.49; IT \$9,855.68; HR \$5,419.29; Sheriff \$59,611.11; Jail \$70,280.63; Coroner (Voucher) \$1,500.00; Court Security \$7,815.08; JDC \$30,387.02; Museum \$13,278.53; Parks/Fairgrounds \$18,977.65; Fair Board \$38,316.98; 4-H \$4,100.86; Weed \$6,547.05; Planning & Zoning \$8,062.17; Highway \$58,114.55; Dispatch \$34,711.86; Emergency \$5,343.66; 24/7 Sobriety \$3,011.11; Landfill \$18,560.97; Meal Benefits \$104.00; FICA \$31,459.94; Medicare \$7,357.39; HSA \$2,309.40; Health Insurance-Wellmark BCBS \$66,618.70; Dental Insurance-Delta \$4,662.24; Life Insurance-Dearborn \$556.92; Retirement-SDRS \$32,104.02. All members present voting aye. Motion carried.

HR REPORT:

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

- Last day of internship for Anna Johnson, Brown County 4-H Intern; effective August 18, 2025.
- Last day of internship for Gentry Pigors, Brown County Fair Intern; effective August 18, 2025.
- Last day for seasonal worker, Jesse Hernandez, Brown County Fairgrounds; effective August 18, 2025.
- Last day for part-time (as needed) Bartenders; effective August 12, 2025
 - Natalie Ballensky
 - Madison Norby
- Last day for part-time (as needed) Bartenders; effective August 17, 2025
 - Chase Bradfeldt
 - Lexy Herrera
 - Jasmine Locke
 - Shannon Northrop
 - Skyelar Timm
- Temporary 2025 Brown County Fair Worker, August 11-17, 2025
 - Gatekeeper: Cassandra Florence at \$12.50/hr.
- Amendment to August 5, 2025 HR Report; removed Hunter Kramer & Jonathan Shepard from the list of Temporary 2025 Brown County Fair Workers; which was effective from August 11 – 17, 2025.

All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Gage, seconded by Dennert to approve and authorize Chairman Sutton to sign the following lease agreements: Brown County Old Time Tractor Pullers Association to lease the Fairgrounds Area North of the Open Class Sheep Barn & One Set of Bleachers to hold their Antique Tractor Pull on August 23,

2025 that was cancelled due to weather during the Brown County Fair; Jerry & Kathy Bjerke to lease the Clubhouse on Sept. 19-22, 2025 for a wedding; American Foundation for Suicide Prevention to lease the Holum Expo Building, Stage and 5 sets of Bleachers on Sept. 5, 2025. All members present voting aye. Motion carried.

ZONING ORDINANCES – SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on September 16, 2025, in the Commission Chambers, Courthouse Annex, Brown County, South Dakota. Proposed Ordinance #310, applicant Paul Larson 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: Proposed Lot 1, “Paul Larson First Addition” in the E1/2 of the SE1/4 of Section 6-T122N-R63W of the 5th P.M., Brown County, South Dakota (13653 389th Avenue; Warner Twp.). All members present voting aye. Motion carried.

PRELIMINARY PLAT – KEATTS NINTH SUBDIVISION:

Moved by Commissioner Dennert, seconded by Dinger to approve the Preliminary Plat for Keatts Ninth Subdivision in NW ¼ of Section 23-T124N-R65W of the 5th P.M., Brown County South Dakota. All members present voting aye. Motion carried.

PRAIRIE LAKE THIRD SUBDIVISION PLAT:

Resolution #2025-37

Commissioner Dinger brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “PRAIRIE LAKE THIRD SUBDIVISION IN THE E ½ OF THE W ½ OF SECTION 23-T124N-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.

PAUL LARSON FIRST ADDITION PLAT:

Resolution #2025-38

Commissioner Gage brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “PAUL LARSON FIRST ADDITION IN THE E ½ SE ¼ OF SECTION 6-T122N-R63W 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 Dennert. All members present voting aye. Resolution adopted.

FREY’S SECOND SUBDIVISION PLAT:

Resolution #2025-39

Commissioner Dinger brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “FREY’S SECOND SUBDIVISION IN THE NE ¼ OF SECTION 24-T126N-R60W 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 Gage. All members present voting aye. Resolution adopted.

LECHNER FIRST ADDITION PLAT:

Resolution #2025-40

Commissioner Dennert brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “LECHNER FIRST ADDITION IN THE SE ¼ OF SECTION 11-T124N-R64W 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. The motion passed with 4 votes; Commissioner Gage abstained due to doing business with the family. Resolution adopted.

GARY & LARRY FLIEHS FIRST ADDITION PLAT:

Resolution #2025-41

Commissioner Dinger brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “GARY AND LARRY FLIEHS FIRST ADDITION IN THE SW ¼ OF SECTION 30-T125N-R60W 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: None

ADJOURNMENT:

Moved by Commissioner Wiese, seconded by Dennert to adjourn the Brown County Commission at 9:13 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published September 3-4, 2025 at the total approximate cost of \$ _____ and may be viewed free of charge at www.sdpublicnotices.com.