

JULY 28, 2026 – 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 Dennert to approve the agenda. All members present voting aye. Motion carried.

PUBLIC COMMENT:

Chairman Sutton shared that the County was having problems with their phone lines so not able to receive or make calls out, but the IT Department was working on it.

Representative Al Novstrup informed the Commission that they had an Appropriations meeting last week and Commissioner Greenfield gave an update on Richmond Dam. Representative Novstrup shared some of the information from the progress report given – Sioux Falls Construction will be driving sheet piles 24/7 for 6 days and Foothills Construction is working on the earth fill. Commissioner Greenfield gave an extensive report which is available online, but a comment was made that they were fortunate the lake was drained prior to the 7” and 4” of rain recently received because they are not sure the dam would’ve held.

Dirk Rogers, Highway Superintendent gave the Commission a quick update that they are setup and ready to start on Br. Co. 14 and the equipment takes up a lot of space but waiting for oil. The north half will be a test situation, and the south end should be good. Around the 10th of August they will be starting the Cold-In Place from Bath Corner and 6 miles south. Both roads will be open but be conscience of width restrictions during these projects. Dirk will reach out to DOT so not to be working on Prairiewood Detour during the Fair.

BRAINARD TOWNSHIP DRAINAGE ISSUE:

Jeff Forsting, Scott Dennert and Jeff Hanson with Brainard Township met with the Commission to discuss a drainage situation and looking for some guidance because they have been sued twice and are still dealing with the dilemma and due to cost of legal fees want to see what options there are. The Township authorized the replacement of a culvert, the landowner said he would hire Jacobs, but township said they needed to be notified when they were going to be there to do it, which they were not. There were 2-18” culverts there and the landowner had 1-24” culvert installed. Township requested to have it put back the way it was with 2-18” culverts. Landowner didn’t do that; it was decided the Township would replace it back at their expense. Landowner then filed a restraining order against the township so they couldn’t do anything until it went to court, which was 2 years ago. Now they are suing the township for damages to their land because they didn’t allow proper drainage. Dirk Rogers, Highway Superintendent, shared that he may have an option for them to help with Engineering Costs.

RICHMOND DAM UPDATE:

Chairman Sutton shared that Emergency Management Director, Scott Meints sent the following information: SFC will continue driving sheet piling on the upstream cofferdam; is maintaining lake elevation of 1349’; Foothills Contracting will start building the upstream cofferdam week of July 27th and Bauer Foundations is scheduled to start full production of the Seepage Cutoff Wall on August 3rd and they will be working 24/7 for 6days until the cutoff wall is completed. Commissioner Wiese mentioned that the residents have been doing a lot of clean up. Mike Russell stated the clean-up days went well, and they still have dumpsters around the lake.

ORDINANCE #331 – FIRST READING:

Chairman Sutton informed everyone that the Commission plans to pass this ordinance and refer it to the vote of the people on November 3, 2026. It doesn't benefit any renters but will benefit owner-occupied homeowners. Commissioner Wiese commented that it gives the county the option or opportunity to broaden our tax base and collect sales tax revenue from non-citizens of Brown County. Commissioner Dennert shared that he appreciates this will go to the voters in November and that property taxes have been an issue the last couple of years. Gene Loeschke, Director of Equalization, shared that the amount of savings will vary because this is only on the County Levy portion. SB 245 will go into effect for 2027, and SB 96 will go into effect in 2028, if passed in Brown County.

Moved by Commissioner Dinger, seconded by Wiese to amend Ordinance #331 and add refer to a vote of the people in the General Election to be held on November 3, 2026. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Dinger to approve the Amended Proposed Ordinance #331 for the purpose of providing additional revenue for Brown County, South Dakota, by imposing county gross receipts tax pursuant to the powers grant to the county by the State of South Dakota, by SDCL 10-XX entitled Uniform County Non-Ad Valorem Tax Law and acts amendatory thereto. The purpose of the county gross receipts tax is to provide property tax relief on the county property tax levy for all property classified as owner-occupied. All monies collected by the county from the gross receipts tax must be deposited into a property tax reduction fund, which is hereby created. From and after the first day of January 2027, a one half percent (0.5%) on the gross receipts of all persons engaged in business with the jurisdiction of Brown County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and at the same rate upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax, SDCL 10-46, and acts amendatory thereto. Referring to a vote of the people in the General Election on November 3, 2026. All members present voting aye. Motion carried.

ORDINANCE #328 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to adopt Ordinance #328. Applicant Stanley & Carol Gage to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its future use. Description of property: Proposed Lot 1, "Zemlicka Addition" in the NE1/4 of Section 12-T124N-R64W of the 5th P.M. Brown County, South Dakota (12541 388th Avenue; Lincoln Twp.). The motion passed with 4 votes; Commissioner Gage abstained. Motion carried.

ORDINANCE #329 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Gage, seconded by Dennert to adopt Ordinance #329. Amending Title 4 Zoning Ordinance of Brown County with Chapter 4.02 – Jurisdictions. Title 4 Zoning; Chapter 4.02 Jurisdiction: 4.0201 **Jurisdiction**. The provisions of Title 4 shall apply within the unincorporated area of Brown County, South Dakota, ~~excluding~~ **including** areas of joint jurisdiction being, one (1) mile **outside** of Groton **city limit boundary line**, one (1) mile **outside** of Hecla **city limit boundary line**, one-half (1/2) mile **outside** of Frederick **city limit boundary line**, and ~~one and one-half (1 1/2) miles of Warner City limits~~; and also including the incorporated communities of Claremont, Columbia, ~~Verdon~~ and Stratford, as established on the map entitled "The Official Zoning Map of Brown County, South Dakota". All members present voting aye. Motion carried.

ORDINANCE #330 – SECOND READING/POSSIBLE ADOPTION:

Moved by Commissioner Dinger, seconded by Gage to adopt Ordinance #330. Amending Title 5 Subdivision Regulations; Chapter 5.01 General Provisions: 5.0102 **Jurisdiction**. These regulations shall apply within the unincorporated areas of Brown County, South Dakota, and ~~including~~ **including** the incorporated municipalities of Claremont, Columbia, ~~Verdon~~ and Stratford ~~yet excluding~~ **and including** areas of joint jurisdiction with Frederick (1/2 mile **outside city limit boundary line**), Groton (1 mile **outside city**

limit boundary line), **and** Hecla (1 mile **outside city limit boundary line**) and ~~Warner (1 ½ mile).~~
(~~Ordinance 087 amendment~~). All members present voting aye. Motion carried.

VICTIMS OF CRIME ACT (VOCA) AND DOMESTIC & SEXUAL ABUSE (DASA) GRANT SIGNATORY:

Moved by Commissioner Wiese, seconded by Dennert to authorize Karly Winter, States Attorney, to sign the VOCA & DASA Grant documents. All members present voting aye. Motion carried.

BUDGET HEARING:

Moved by Commissioner Wiese, seconded by Gage to move \$992,872.07 from Assigned for Jail fund balance to Unassigned Fund Balance due to purchasing of the new jail building. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Dinger to supplement the Maintenance Budget in the amount of \$992,872.07 for purchasing the new jail building. All members present voting aye. Motion carried.

Moved by Commissioner Dennert, seconded by Gage to move \$256,404.02 from Assigned for Fairgrounds/Hwy Roads fund balance to Unassigned Fund Balance for improving the roads at the Fairgrounds. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Dinger to do a budgeted Cash transfer from General 101.5.911.191.00 to Road & Bridge Fund 201.4.37100 in the amount of \$256,404.02 for repairing the roads at the Fairgrounds. All members present voting aye. Motion carried.

FY2027 PROVISIONAL BUDGET:

Auditor Heupel shared that the request of \$500,000 for the Grandstands would not be included in the FY2027 Budget unless they planned on including that as a Capital Accumulation for several years per Legislative Audit. They can assign funds at the end of the Fiscal Year. Moved by Commissioner Wiese, seconded by Dennert to approve FY2027 Provisional Budget and to authorize advertising public hearing for September 8, 2026 for the purpose of considering the foregoing Provisional Budget for the fiscal year of 2027 and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget. All members present voting aye. Motion carried.

LANDFILL CELL #5 CONSTRUCTION – PAYMENT #3:

Moved by Commissioner Dinger, seconded by Wiese to approve and authorize Chairman Sutton to sign the Payment #3 for the Landfill Cell #5 Construction to Midland Contracting, Inc. for \$623,093.91. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Dennert, seconded by Gage to approve the General Meeting Minutes of July 21, 2026. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Gage, seconded by Dinger to approve the following Claims: Professional Fees: CenturyLink-Lumen \$203.38; Cogley Law Office, Prof LLC \$4,074.80; Kuck Law Office \$2,202.10; Modern Day Health Care Prof LLC \$4,725.00; Taliaferro Law Firm, PC \$1,692.60; Tammy Stolle Court Reporting \$1,636.80; Yankton County Sheriff's Office \$50.00; Youngberg Law, Prof. LLC \$256.20; US Bank \$755.22. Publishing: Groton Daily Independent \$381.00; McQuillen Creative Group, Inc \$245.69; US Bank \$567.50. Rentals: Advantage Self Storage \$276.00. Repairs & Maintenance: Asphalt Zipper \$20.69; Auto Glass Solutions Inc \$352.44; Dependable Sanitation, Inc \$387.00; Hub

City Roofing Inc \$90.00; Jake's Heating & Cooling \$689.50; JGE, Inc \$165.44; Leidholt Electric, LLC \$76.53; Lola Sandoz \$99.98; Menards \$1,064.47; TripleC Pros LLC \$1,220.00; US Bank \$781.64. Supplies & Materials: A-1 Locksmithing \$72.00; AgTegra Cooperative \$120.00; Amazon Capital Services, Inc \$335.98; Asphalt Zipper \$252.50; Bob Barker Company Inc \$186.39; C Scott Bader \$9.99; Century Business Products \$13.63; Cole Paper Inc \$1,204.54; Johnson Brothers of South Dakota, Inc. \$1,493.06; Kuck Law Office \$75.10; L.G. Everist, Inc \$22,775.56; Leidholdt Tool Sales, LLC \$71.18; Menards \$2,722.84; Performance Oil \$27.30; Runnings \$61.97; Stan Houston Equipment Company, Inc \$204.00; Steven Lust Automotive \$44.83; US Bank \$6,930.57. Travel & Conference: American Red Cross Training Services \$754.00; Becca Tullar \$35.00; Brandon Mills \$161.00; C Scott Bader \$544.90; Neil Bittner \$19.00; Scott Kolb \$19.00; US Bank \$3,257.30. Utilities: Dependable Sanitation, Inc \$322.00; Montana-Dakota Utilities Co \$37.39; Northwestern Energy \$9,197.60; T-Mobile USA Inc \$1,545.49; US Bank \$2,640.88. Other: Midland Contracting Inc \$623,093.91; Tommy Ortmeier \$315.00. Machinery & Equipment: Pierson Ford Lincoln, Inc \$50,000.00. Payroll: Commission \$5,165.81; Elections \$6,270.33; Auditor/Welfare \$9,682.16; Treasurer \$19,864.99; SA \$38,966.19; Public Defender \$14,449.33; Maintenance \$12,800.90; Assessor \$17,506.93; Register of Deeds \$12,672.05; VSO \$5,259.85; GIS \$3,110.76; IT \$10,766.94; HR \$5,721.14; Sheriff \$59,619.63; Jail \$75,186.98; Coroner (Voucher) \$1,250.00; Court Security \$6,540.44; JDC \$31,536.37; Museum \$15,906.94; Parks/Fairgrounds \$9,574.03; Fair Board \$5,638.89; 4-H \$1,662.07; Weed \$6,231.57; Planning & Zoning \$8,510.51; Highway \$58,710.24; Dispatch \$37,892.42; Emergency \$5,805.34; 24/7 Sobriety \$2,744.96; Landfill \$14,372.34; Meal Benefits \$76.00; FICA \$29,978.25; Medicare \$7,011.03; HSA \$6,584.58. 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:

- Promotion of Daniel Dow from Brown County Jail Detention Officer to Brown County Jail Senior Detention Officer; starting wage \$24.93/hr. – effective August 2, 2026.
- Promotion of Chase Galbraith from Brown County Jail Detention Officer to Brown County Jail Senior Detention Officer; starting wage \$25.55/hr. – effective August 2, 2026.
- Promotion of Logan Hanson from Brown County Jail Detention Officer to Brown County Jail Senior Detention Officer; starting wage \$24.32/hr. – effective August 2, 2026.
- Promotion of Tyler Richards from Brown County Jail Detention Officer to Brown County Jail Senior Detention Officer; starting wage \$25.55/hr. – effective August 2, 2026.
- Temporary 2026 Brown County Fair Workers, August 10th to 16th
 - Fair Security - \$41.00/hr.
 - Andrea Carlson
 - Justine Charles
 - Chris Jackson
 - Keith Miller
 - Michael Volz
 - Ticket Sellers
 - April Fryer - \$15.25/hr.
 - Samantha Garrison - \$14.00/hr.
 - Anje Hinkelman - \$14.75/hr.
 - April Larman - \$14.25/hr.
 - Jackie Ohleen-Kallhoff - \$15.50/hr.
 - Diane Randall - \$14.25/hr.
 - Odde Office Staff
 - Marlys Brick - \$14.25/hr.

- Roberta Dempsey - \$14.50/hr.
- Jan Erickson - \$14.50/hr.
- Jeannette Hassebroek - \$14.50/hr.
- Penny Rohrbach - \$14.00/hr.
- Julie Van Dover - \$14.50/hr.
- Gates
 - Cassandra Florence - \$12.25/hr.
 - Tyler Garrison - \$12.00/hr.
 - John Huettl - \$12.00/hr.
 - Kyle Johnson - \$12.00/hr.
 - Hunter Kramer - \$12.00/hr.
 - Colleen Palmer - \$12.00/hr.
 - Ivy Rott - \$12.00/hr.
 - Jake Wipf - \$12.00/hr.

All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following Travel Requests: Ron Keller & D. Chris Anderson with Planning & Zoning to attend Western Planners/South Dakota Planners Assoc. Conference; Mariann Malsom, ROD to attend the SDACO Fall Convention. All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign the following lease agreements: Brown County Democrat Party to lease 1 People Mover on Sept. 25-26, 2026; Jenna Helms & Brent Hokeness to lease Clubhouse on July 16-19, 2027 for a wedding. All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS FOR JUNE 2026:

Moved by Commissioner Dinger, seconded by Dennert to approve the Auditor's Report of Account for June 2026: Total Cash and Checks on Hand \$7700.00; Total Checking Account Balances: \$21,575,608.75; Total Savings Account Balances: \$1,275,447.42; Total Certificates of Deposit: \$13,336,058.88; Grand Total Cash and Balances: \$36,194,815.05. General Fund \$20,106,717.97; Road & Bridge Fund \$3,429,631.16; Road & Bridge Fund - restricted \$0.00; 911 Service \$678,898.92; Emergency & Disaster \$168,330.62; Domestic Abuse \$1,338.08; SA Grants \$178,368.07; 24/7 Sobriety \$60,939.31; ROD M&P \$71,068.35; Opioid Settlement Fund \$45,598.64; Rural Access Infrastructure \$473,290.90; Tif Debt Service \$78,175.39; Landfill + cash change \$8,080,616.48; Landfill - restricted \$1,894,495.06; Trust and Agency Funds \$2,821,841.16; GRAND TOTAL GENERAL FUND CASH AND INVESTMENTS \$36,194,815.05. All members present voting aye. Motion carried.

ZONING ORDINANCES-SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Dinger to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on August 18, 2026 in the Commission Chambers, Courthouse Annex, Brown County, South Dakota. Proposed Ordinance #332, applicant Michael & Caroline Sommers 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: Lots 7 & 8, in the SW1/4 of Section 17-T123N-R64W of the 5th P.M. Brown County, South Dakota (38310 133rd Street; Aberdeen Twp.). Proposed Ordinance #333, applicant Wayne & Janeen Haas 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: Thomas' Outlot 1 in the SE1/4 of Section 23-T126N-R64W of the 5th P.M. Brown County, South Dakota (38696 116th Street; Oneota Twp.). All members present voting aye. Motion carried.

REINTS FIRST ADDITION PLAT:

RESOLUTION #2026-28

Commissioner Dinger brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota that the plat showing “REINTS FIRST ADDITION” in the E ½ SE ¼ of Section 10-T125N-R60W of the 5th P.M., Brown County, South Dakota” having been examined, is hereby approved in accordance with the provision of SDCL 11-3, and any amendments thereof. Seconded by Dennert. All members present voting aye. Resolution adopted.

MARK ERICKSON’S THIRD SUBDIVISION PLAT:

RESOLUTION #2026-29

Commissioner Dinger brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota that the plat showing “MARK ERICKSON’S THIRD SUBDIVISION” in the SW ¼ of Section 20-T122N-R62W of the 5th P.M., Brown County, South Dakota” having been examined, is hereby approved in accordance with the provision of SDCL 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

ZECK FAMILY FIRST ADDITION PLAT:

RESOLUTION #2026-30

Commissioner Gage brought the following Resolution “Be it resolved by the Board of County Commissioners of Brown County, South Dakota that the plat showing “ZECK FAMILY FIRST ADDITION” in the E ½ SW ¼ and the SE ¼ of Section 25-T123N-R62W of the 5th P.M., Brown County, South Dakota” having been examined, is hereby approved in accordance with the provision of SDCL 11-3, and any amendments thereof. Seconded by Wiese. All members present voting aye. Resolution adopted.

RATH SECOND ADDITION PLAT:

RESOLUTION #2026-31

Commissioner Dinger brought the following Resolution that the plat as shown hereon and as described on the accompanying plat of “RATH 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 and the County Auditor is hereby instructed to endorse on such plat a copy of this resolution and to certify the same. Seconded by Wiese. The motion passed with 4 votes; Commissioner Dennert abstained. Resolution adopted.

MCNEIL-RANDALL FIRST ADDITION TO ELM LAKE PLAT:

RESOLUTION #2026-32

Commissioner Dennert brought the following Resolution “Be is resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “MCNEIL-RANDALL FIRST ADDITION TO ELM LAKE” in the SE ¼ of Section 20-T128N-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:

Chairman Sutton reminded everyone that today was the Governor Runoff Election and encouraged people to get out and vote.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session per SDCL 1-25-2 for Personnel, Contracts and Legal. All member present voting aye. Motion carried.

Chairman Sutton declared the Executive Session closed with No Action taken.

Chairman Sutton informed Auditor Heupel that they decided after visiting with HR Director, Allison Tunheim, to figure a Part-time position for the Auditor's Office and a Seasonal Part-time for the Treasurer's Office for 2027 Budget.

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission at 11:45 A.M. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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