

SEPTEMBER 29, 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 and Sutton. Commissioner Wiese was absent. Commissioner Dennert led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

PUBLIC COMMENT: None

DATA CENTER ORDINANCE DISCUSSION:

Clark Thares met with the Commission stating he had spoke with the City of Aberdeen and feels there is a lack of transparency and secrecy happening because on August 31st Tim Hanigan with Aberdeen Development Corporation (ADC) stated there was no pending projects but prior to this ADC purchased 106 acres north of 3M and sold it the very next day to Green Volt Power for \$3 Million and Green Volt has also purchased 35 acres by the Beef Plant for \$515 thousand. Green Volt is owned by KKR, which is the number two ranked investor in data center expansion. Clark is concerned about the size, scale, noise, etc. from these data centers. He feels the County Ordinance needs some work. Clark also mentioned about water being trucked to Ellendale, so he reached out to the city and was told it was only a few times but came to find out it was 200 times and 1 million gallons – again where is the transparency? Clark feels the County Ordinance needs to state ‘No Grid Access’ to prioritize the right to citizens over data centers. He asked to create a task force between the City of Aberdeen and the County and hoped this opportunity would mend the relationship between the two entities and Clark offered to be a liaison in this effort. He asked why the city gave up the 3-mile jurisdiction. Chairman Sutton shared he can’t state exactly why the City asked to dissolve the joint jurisdiction but prior to that the City and the County were on different sides on a couple of issues than it was shortly after that the city asked to dissolve the joint jurisdiction. Clark stated the city is wanting to take back at least 1-mile of joint jurisdiction and wanted to know the Commissions thoughts. Chairman Sutton replied that they have not requested that from the County, but his time on the Commission that the County has had fewer complaints and things are progressing at a much smoother level than they did before, because the people that were in that 3-mile joint jurisdiction had to go before both boards and those people that did are very appreciative that it was dissolved because they find the County rules and ordinances much easier to work with and deal with, we have heard nothing but good comments from the people we serve outside the city limits as to dissolving it. He also stated that again we haven’t been approached but would need to hear their reasoning and then think long and hard on bringing the joint jurisdiction back. Clark stated he is not against data centers, just want it done responsibly. Clark then asked if they are willing to relook at the Data Center Ordinance to protect the rights of the citizens and work with the city to create a unified ordinance. Chairman Sutton stated he visited with Planning & Zoning Director, Scott Bader and Commissioner Gage, liaison to the Planning & Zoning Board about the concerns you voiced previously, those concerns can be stipulated during the process if and when they come in for Conditional Use Permit or whatever other permits are necessary from the County level. Chairman Sutton shared that he received a call from the State Level last week, they had nothing but praise for our Ordinance and they are sharing our ordinance with other counties. Clark shared that Northwestern Energy and Black Hills Energy are merging and they are both 98% owned by Institutional Investors, Black Hills Energy has asked for a \$51 Million increase or 25% of their total revenue, which is before the PUC at this time but that is only made up of 3 people. His concerns are they need to consider what this will do to the citizens. Commissioner Dennert commented that he refers to the Ordinance that was passed by the County as an 80/20 – meaning that probably 80% of the people would agree with the Ordinance as it is written, willing to look into it more but would like to start with the 80/20 issues, with broad buy-in from the people having more exposure is a good thing. Chairman Sutton shared that if or when the time comes for the County to consider a data center it will be in an open public meeting along with the details. Commissioner Dinger

stated that nothing has been behind doors regarding a Data Center. Clark stated he didn't know why the parcels that were purchased weren't asked to be annexed into the city but doesn't know how that whole process works. Why not do a press release of these large purchases – where is the transparency in this process.

ABERDEEN HOMELESS:

Melanie Bobby informed the Commission that she started helping the Non-Profit - Aberdeen New Start Program a year ago, with the City of Aberdeen condemning properties and Landlord's no longer taking Section 8 Housing vouchers there is an increase in the number of homeless people in Aberdeen. Currently, there are 26 people living in tents. Salvation Army and other coalitions are providing meals to them a couple nights a week. Melanie asked the Commissioners about having a place to use as an Emergency Shelter. Chairman Sutton stated that since is the first request for this he would visit with the Buildings & Grounds department and get back to her if they come up with something.

RICHMOND DAM UPDATE:

Chairman Sutton shared that he hadn't received any updates. Mike Russell, Richmond Lake Association shared that he thinks the cutoff wall should be done so they can start filling the lake back-up.

QUOTES FOR ZERO-TURN MOWER FOR FAIRGROUNDS:

Rachel Kippely, Fair/Fairgrounds/Parks Manager presented the following quotes to the Commission to purchase a Zero-Turn Mower:

Company	Location	Mower	Retail	Price w/ Trade
Gary's Engine & Repair	Aberdeen	72" Z Master	\$16,169.97	\$15,699.00
Dakota Sales	Corsica	Bad Boy BRG7235KA	\$15,505.00	\$12,250.00
Nelson's Sales & Service	Aberdeen	Gravely 72"	\$20,382.00	\$15,897.96
Doug's Custom Paint	Mitchell	Hustler Super Z 72"	\$21,917.00	\$16,363.00
RDO Equipment	Aberdeen	Z97OR Ztrak	\$21,280.00	\$17,511.34
Eastside Equipment	Watertown	Kubota ZD1200	\$23,949.00	\$19,342.72
Bobcat/JGE	Aberdeen	ZT7000 Zero Turn Riding	\$18,599.00	\$14,513.26

Rachel recommended accepting the bid from Bobcat/JGE. Moved by Commissioner Dinger, seconded by Gage to accept the quote from Bobcat/JGE for Zero-Turn Mower for the final cost of \$14,513.26. All members present voting aye. Motion carried.

QUOTES FOR KUBOTA SIDE-BY-SIDE FOR FAIRGROUNDS:

Rachel Kippely, Fair/Fairgrounds/Parks Manager presented the following quotes to the Commission to purchase a Kubota Side-by Side:

Company	Location	Kubota	Retail	Price w/ Trade
RDO Equipment	Aberdeen	2027 Gator XUV825 M	\$25,664.55	\$22,071.51
Floyd's Kubota	Ft. Pierre	Kubota D1105	\$24,649.00	\$17,845.96
Eastside	Watertown	Kubota D1105	\$23,699.00	\$18,068.91
Bobcat/JGE	Aberdeen	UV34XL Diesel UTV	\$25,416.50	\$17,908.20

Rachel recommended going with Floyd's Kubota from Ft. Pierre and said they will deliver it as well. Moved by Commissioner Dennert, seconded by Gage to accept the quote from Floyd's Kubota for Kubota D1105 for the final cost of \$17,845.96. All members present voting aye. Motion carried.

QUOTES FOR WEED & PEST SHOP OVERHEAD DOOR OPENERS:

Randy Zens, Building Superintendent, presented the following quotes to the Commission for openers for Overhead Doors at the Weed & Pest Shop: Overhead Door at the cost of \$3,977.96 and House of Glass at the cost of \$5,354.75. Randy suggested accepting the quote from Overhead Door. Moved by Commissioner Dinger, seconded by Dennert to accept the quote from the Overhead Door company at the cost of \$3,977.96 for overhead door openers. All members present voting aye. Motion carried.

DISCUSS DISCRETIONARY FORMULA:

Gene Loeschke, Director of Equalization, shared that the Department of Revenue had reached out to him regarding our Discretionary Formula for the Downtown area. To clarify things he asked to dissolve Resolution #18-24 because those properties in the downtown historical are included in Resolution #2025-58. Moved by Commissioner Dennert, seconded by Gage to dissolve Resolution #18-24. All members present voting aye. Motion carried.

BID CONTRACT WITH BASIN CONSTRUCTION FOR ERICKSON APPROACH:

Moved by Commissioner Dinger, seconded by Gage to approve and authorize Chairman Sutton to sign the Bid Contract with Basin Construction for the Erickson Approach. All members present voting aye. Motion carried.

ADOPT 2027 FISCAL YEAR BUDGET:

Commissioner Gage offered the following Resolution:

ANNUAL BUDGET FOR BROWN COUNTY, SD
For the Year January 1, 2027 to December 31, 2027

RESOLUTION #2026-40

ADOPTION OF ANNUAL BUDGET FOR BROWN COUNTY, SOUTH DAKOTA

WHEREAS, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

WHEREAS, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

WHEREAS, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget, and all changes, eliminations and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, that such Provisional Budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth. SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET ON THE APPROPRIATION AND EXPENDITURES FOR BROWN COUNTY, SOUTH DAKOTA and all its institutions and agencies for calendar year beginning January 1, 2027 and ending December 31, 2027 and the same is hereby approved and adopted by the Board of County Commissioners of Brown County, South Dakota this 29th day of September. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the County Auditor, Brown County, South Dakota. The accompanying taxes are levied by Brown County for the year January 1, 2027 through December 31, 2027.

COUNTY TAX LEVIES WITHIN LIMITED LEVY	Dollars	\$'S/1,000
General County Purposes (10-12-9)	\$19,509,951.00	3.348
County Road & Bridge (10-12-13)*	\$ 2,247,823.00	0.386
TOTAL TAXES LEVIED BY COUNTY	\$21,757,774.00	3.734

*These amounts include the 25% to be distributed to cities.

Seconded by Commissioner Dennert.

Commissioner Dennert shared that the 2026 Budget was \$56,706,544.69 thousand and 2027 Budget was \$52,974,775.38. It is actually going down, two reasons: Sand Lake Bridge and Landfill Cell not happening in 2027.

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

QUOTES FOR COPIER/SCANNER:

Auditor Heupel presented the following quotes for a new Copier/Scanner to be used in the Auditor's Office for Elections, Auditor's Office and Welfare Office:

Company	Cost for Copier	Make/Model	Monthly Fee	Cost per B/W Copy	Cost per Color Copy
Century Business Products	\$10,572.06	Kyocera Taskalfa MZ 3501ci	\$0.00	\$0.0099	Tier 1: \$0.040 Tier 2: \$0.060 Tier 3: \$0.080
Loffler	\$9,025.73	Xerox Altalink Multifunction C8245	\$256.00 that includes 8000 b/w copies and 4000 color copies	B/W Overages \$.0075	Color Overages \$0.049
Loffler	\$10,205.41	Xerox Altalink Multifunction C8255	\$256.00 that includes 8000 b/w copies and 4000 color copies	B/W Overages \$.0075	Color Overages \$0.049
Marco	\$0.00	Konica Minolta C451i	\$865.40/mo. for 60 months that includes 12000 b/w copies and 10,000 color copies	B/W Overages \$0.0078	Color Overages \$0.05025

Lynn shared that she asked Pat, IT Director, to look over the quotes as well and his recommendation was to go with Century Business Products because they don't have a monthly fee and you only pay for the copies you actually make. Moved by Commissioner Dennert, seconded by Gage to accept the quote from Century Business Products for \$10,572.06 to purchase a Kyocera Taskalfa MZ3501ci Copier and then be charged at rates listed per copy. All members present voting aye. Motion carried.

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG):

Moved by Commissioner Dinger, seconded by Gage to approve and authorize Chairman Sutton to sign the 4th quarter LEMPG Grant Report. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Gage, seconded by Dennert to approve the General Meeting Minutes of September 22, 2026. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Dennert, seconded by Dinger to approve the following Claims: Professional Fees: Bill Schaefer \$32.00; Brick's TV and Appliance \$930.00; CenturyLink-Lumen \$225.96; Dohrer Law Office, PC \$1,793.40; Domestic Violence Consulting Services Inc \$12,030.00; Fox Law Firm, PLLC \$360.00; Kelli Lardy \$25.50; Kuck Law Office \$5,827.60; Lenling Law Office, Prof. LLC \$5,662.00; Lucy Lewno \$192.00; Mark Katterhagen \$20.00; Sanford Health \$594.00; SD Dept of Public Safety \$5,400.00; Sewer Duck \$200.00; Tammy Stolle Court Reporting \$24.25; Valerie Larson \$52.00; Grand Jury – Not Seated \$71.00; Grand Jury R \$16,249.80; US Bank \$2,950.53. Publishing: Groton Daily Independent \$161.96; McQuillen Creative Group, Inc \$164.21; US Bank \$327.82. Repairs & Maintenance: Dakota Doors Inc \$297.96; Dependable Sanitation \$387.00; DG Investment Intermediate Holdings 2, Inc \$1,168.01; House of Glass \$1,105.43; Mid Dakota Equipment & Service \$415.00; Nelson Sales & Service, LLC \$54.50; Schwan Welding \$1,792.00; Sewer Duck, Inc \$425.00; Team Lab \$16,276.00; Vosika Fencing \$1,081.00; US Bank \$291.57. Supplies & Materials: Amazon Capital Services, Inc \$707.29; Avera LTC Pharmacy Aberdeen \$1,991.26; Big State Industrial Supply Inc \$139.98; Century Business Products \$428.42; Charm-Tex, Inc \$140.50; Cole Paper Inc \$682.23; Dakota Oil \$123.15; Dakota Supply Group \$1,719.00; Farm Power Mfg \$1,939.60; Fox Law Firm, PLLC \$7.22; Jebro Inc \$141,268.21; Kuck Law Office \$235.21; L.G. Everist, Inc \$13,767.36; Lucy Lewno \$6.78; Menards \$423.90; Nelson Sales & Service, LLC \$16.49; Nutrien Ag Solutions, Inc \$4,350.00; Performance Oil \$42.65; Safe Life Defense \$654.10; Schwan Welding \$27.80; Van Diest Supply Company \$12,523.20; BCF Livestock Premiums \$18,705.18; US Bank \$11,874.70. Travel & Conference: Aaron Walberg \$531.80; Best Western Plus Ramkota Hotel – Sioux Falls \$1,430.00; Drew

Dennert \$304.50; Jesse Milbrandt \$503.80; Joe Kraft \$526.55; Ken's SuperFair Foods \$35.76; Lenling Law Office, Prof. LLC \$400.00; Michael Gage \$328.15; Neil Bittner \$19.00; Scott Kolb \$19.00; Stephanie Morgan \$526.55; US Bank \$3,543.70. Utilities: Dependable Sanitation \$322.00; Montana-Dakota Utilities Co \$39.17; Northwestern Energy \$1,332.12; T-Mobile USA Inc \$3,969.95; US Bank \$4,769.36. Machinery & Equipment: Bobcat of Aberdeen \$14,513.26; Floyd's Truck Center, Inc \$17,845.96. All members present voting aye. Motion carried.

HR REPORT:

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

- Employment ending for Mackenzie Berninghaus, Brown County Deputy Treasurer, FT; effective October 2, 2026. Request to fill.
- Hiring of Abigail Dorn as Brown County Museum Intern, PT; starting wage \$15.00/hr. – effective September 28, 2026.
- Adding Museum Volunteer, Vernon Flint, to the approved list for Work Comp purposes.

All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS FOR AUGUST 2026:

Moved by Commissioner Gage, seconded by Dennert to approve the Auditor's Report of Accounts for August 2026: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances: \$15,951,561.70; Total Savings Account Balances: \$1,375,447.42; Total Certificates of Deposit: \$13,412,557.63; Grand Total Cash and Balances: \$30,747,266.75. General Fund \$18,527,471.24; Road & Bridge Fund \$1,225,987.24; 911 Service \$588,084.73; Emergency & Disaster \$127,695.14; Domestic Abuse \$1,084.03; SA Grants \$182,753.80; 24/7 Sobriety \$55,032.84; ROD M&P \$78,185.02; Opioid Settlement Fund \$69,484.11; Rural Access Infrastructure \$473,290.90; TIF Debt Service \$78,175.39; Landfill + cash change \$7,386,519.62; Landfill - restricted \$1,894,495.06; Trust and Agency Funds \$1,953,502.69; GRAND TOTAL GENERAL FUND CASH AND INVESTMENTS \$30,747,266.75. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Dinger, seconded by Gage to approve the following Travel Requests: Derek Hoefert, Wes Graff and Josh Lee with the Sheriff's Department to attend Taser Instructor Recertification Training; Russell Metz to attend SDAAO Executive Board & Education Meeting. All members present voting aye. Motion carried.

OTHER BUSINESS:

Chairman Sutton shared that during the State Fair, Auditor Lynn Heupel was awarded the 2026 4-H Volunteer of the Year Award.

EXECUTIVE SESSION:

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

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

ADJOURNMENT:

Moved by Commissioner Dinger, seconded by Dennert to adjourn the Brown County Commission at 10:48 A.M. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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