OCTOBER 27, 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: None

REQUEST TO AMEND TITLE 8 – ANIMAL CONTROL IN BROWN COUNTY
Tom Leonhardt met with the Commission and submitted written documentation asking the Commission to amend Title 8 – Animal Control in Brown County and to insert the words Excluding Livestock because the definition of Livestock is 'Any Agricultural or Commercial owned, bred or raised for profit, but not including dogs, cats, rabbits or other household pets', he would like this included in Chapter 8.02 Definitions as well. Brown County Title 8 mentions Livestock twice but gives no definition. Chairman Sutton said that they would need to defer any action on this matter until they can visit with the State's Attorney then they would get in touch with Mr. Leonhardt.

BID OPENING – SANITATION CREW FOR BROWN COUNTY FAIR (2027-2029):
Time and place, as advertised to open, read and consider the bids for Sanitation Crew for the 2027, 2028 and 2029 Brown County Fairs. Only one bid was received from Home Clean Home by Maria at the cost of $23,000.00 for 2027; $23,000.00 for 2028 and $23,000.00 for 2029; three year total comes to $69,000.00. Rachel Kippley, Fair/Fairgrounds/Park Manager, recommended accepting the bid, this is who the current contract is with, and this is a moderate increase. Commissioner Dennert agreed that this was a moderate increase and moved to accept the bid from Home Clean Home by Maria at $23,000.00 per year for the next three years (2027-2029) for a grand total of $69,000.00. Seconded by Wiese. All members present voting aye. Motion carried.

BID OPENING – ELECTRICAL SERVICES FOR BROWN COUNTY FAIR (2027-2029):
Time and place, as advertised to open, read and consider the bids for Electrical Services for the 2027, 2028 and 2029 Brown County Fairs. Only one bid was received from Kramp Enterprise & Investment (KEI) at the cost of $80.00/hr. for Journeyman and $75.00/hr. for Non-Journeyman for 2027, 2028 and 2029. Rachel Kippley, Fair/Fairgrounds/Park Manager, recommended accepting the bid, KEI is who the current contract is with, and they have a great working relationship. Moved by Commissioner Wiese, seconded by Dinger to accept the bid from KEI at the cost of $80.00/hr. for Journeyman and $75.00/hr. for Non-Journeyman for the next three years (2027-2029). All members present voting aye. Motion carried.

BID OPENING – SOUND, LIGHTING & STAGE EQUIPMENT FOR GRANDSTAND ENTERTAINMENT AT BROWN COUNTY FAIR (2027-2031):
Time and place, as advertised to open, read and consider the bids to provide Sound, Lights and Stage Equipment for the 2027, 2028, 2029, 2030 and 2031 Brown County Fairs with a 2-day, 4-days or 6-days options. Bids received were as follows: Pauer Sound for the 2-day only: $7,500.00 for 2027; $7,500.00 for 2028; $8,000.00 for 2029; $8,200.00 for 2030 and $8,300.00 for 2031. Theatrical Media Services (TMS) for 6-days only: $59,465.00 for 2027; $60,865.00 for 2028; $62,265.00 for 2029; $63,665.00 for 2030 and $65,065.00 for 2031. Live Wire for 6-days only: $75,462.00 for 2027; $77,388.00 for 2028; $79,313.50 for 2029; $81,239.00 for 2030 and $83,164.50 for 2031. Live Production, LLC for 2027 - $40,000.00 for 2-days; $72,000.00 for 4-days or $90,000.00 for 6-days; for 2028 - $41,400.00 for 2-days; $74,520.00 for 4-days or $93,150.00 for 6-days; for 2029 - $42,849.00 for 2-days; $77,128.00 for

4-days or $96,410.00 for 6-days; for 2030 - $44,349.00 for 2-days; $79,828.00 for 4-days or $99,785.00 for 6-days; and for 2031 - $45,901.00 for 2-days; $82,622.00 for 4-days or $103,277.00 for 6-days. Rachel Kippley, Fair/Fairgrounds/Parks Manager asked to defer the decision for a week so she could review the bids and see what all is included. Moved by Commissioner Wiese, seconded by Dennert to defer awarding the bid for Sound, Lights and Stage Equipment for the 2027, 2028, 2029, 2030 and 2031 Brown County Fairs for a week to review the bids. All members present voting aye. Motion carried.

BID OPENING – SCREENS, CAMERAS, VIDEO-PACKAGING, TECHNICIANS FOR GRANDSTAND ENTERTAINMENT WITH OPTIONAL ADD-ON FOR TWO-DAY RODEO TIMING SERVICES AT BROWN COUNTY FAIR (2027-2031):
Time and place, as advertised to open, read and consider the bids to provide Screens, Cameras, Video Packaging and Technicians with Optional Add-On for Two-Day Rodeo Timing Services for the 2027, 2028, 2029, 2030 and 2031 Brown County Fairs. Bids received were as follows: Sideline Productions $17,500.00 for Big Screens Only and Big Screens with Timing $20,500.00 for 2027, 2028, 2029, 2030 and 2031 with a total of $87,500.00 for Big Screens only and a total of $102,500 for Big Screens & Timing. Life Production, LLC for 2027 - $34,000.00 for Big Screens Only and $40,000.00 for Big Screens & Timing; for 2028 - $35,190.00 for Big Screens Only and $41, 400.00 for Big Screens & Timing; for 2029 - $36,422.00 for Big Screens Only and $42,849.00 for Big Screens & Timing; for 2030 - $37,696 for Big Screens Only and $44,349.00 for Big Screens & Timing and for 2031 - $39,016 for Big Screens Only and $45,901 for Big Screens and Timing – Total for 5-years being $182,324 for Big Screens Only and $214,499 for Big Screens and Timing. MobilePro for Big Screens only is $61,361.15 for 2027; $65,963.24 for 2028; $70,910.48 for 2029; $76,228.76 for 2030 and $81,945.92 for 2031 with a total of $356,409.55 for all 5-years. Rachel Kippley, Fair/Fairgrounds/Parks Manager asked to defer the decision for a week so she could review the bids and see what all is included. Moved by Commissioner Wiese, seconded by Dinger to defer awarding the bid for Screens, Cameras, Video Packaging and Technicians with Optional Add-On for Two-Day Rodeo Timing Services for the 2027, 2028, 2029, 2030 and 2031 Brown County Fairs for a week to review the bids. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:
Moved by Commissioner Dinger, seconded by Wiese to approve the following application submitted by Northern Electric for occupancy of Brown County Highway 6D in Section 25, Township 124N, Range 65W, Brown County, South Dakota to install primary electrical. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:
Moved by Commissioner Dennert, seconded by Wiese to approve the following application submitted by Web Water for occupancy of North Shore Drive, in Section 24, Township 124, Range 65, Brown County, South Dakota to install potable waterline service for Mark Bain. All members present voting aye. Motion carried.

YOU SHOW US CONTEST:
Dirk Rogers shared with the Commission that Josh Matthews, Operations Supervisor at the Highway Department repurposed a piece of equipment and developed a shouldering machine that now is a hybrid and runs off the blade hydraulics. Dirk entered him into the You Show Us Contest at the State Level, he won the State Competition and went on to the Regional Competition and won at the level as well.

HIGHWAY DEPARTMENT UPDATE:
Dirk Rogers, Highway Superintendent, informed the Commission that they are still graveling & mowing. Deck was poured at the Sand Lake Bridge, and they are doing back-fill. Paving today on 27 then up to 14. Nothing new on Elm Lake Bridge. Culvert outside the Racetrack failed and is 125’ that drains the infield, so will be working on fixing that.

RICHMOND DAM UPDATE:
Chairman Sutton shared that SFC has completed driving sheet piling on the upstream cofferdam. SFC will be driving a secondary row of sheet piling to assist in the construction of the North Approach Wall. This work has begun. SFC will construct the test step chute pour. This is done to ensure the actual construction of the spillway goes smoothly, and everyone involved knows what is expected of them. SFC is maintaining lake elevation of 1349'. Foothills Contracting built a downstream coffer dam and has started de-watering the stilling basin area. Foothills Contracting continues excavation of the spillway. Once that has been completed, they will remove the rest of the concrete from the old spillway. Bauer Foundation has completed the Seepage Cutoff Wall.

ORDINANCE #337 – SECOND READING/POSSIBLE ADOPTION:
Moved by Commissioner Dinger, seconded by Gage to adopt Ordinance #337. Applicant JN Development, LLC 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, "JN Development First Addition" in the SW1/4 of Section 35-T125N-R64W of the 5th P.M. Brown County, South Dakota (approx. 38614 124th Street; Lincoln Twp.). All members present voting aye. Motion carried.

FREEDOM OF INFORMATION REQUEST (FOIA) POLICY:
Commissioner Wiese brought the following Resolution:

RESOLUTION #2026-42

A RESOLUTION ESTABLISHING FREEDOM OF INFORMATION REQUEST POLICY

WHEREAS, South Dakota Codified Law permits the open inspection and copying of certain public records by all citizens of this state, and all other persons interested in the examination of the public records; and.
WHEREAS, the prevalence of nefarious actors looking to prey upon local governments and the information such entities hold for the benefit of its citizens in the course of the administration of government combined with the exponential growth of artificial intelligence tools that can be manipulated to achieve such evil purposes necessitate a cautious approach in disseminating otherwise transparent records of government to persons who wish to inspect or copy them; and
WHEREAS, a policy facilitating and tracking legitimate public records requests is for the protection of Brown County and its citizens and not intended to restrict or discourage access to records that are otherwise subjection to inspection or copying; and
WHEREAS, SDCL 1-27-1.2 and 1-27-35 allows counties to charge reasonable fees for services rendered in retrieving, reproducing, and transmitting records requested; and
NOW, THEREFORE, BE IT RESOLVED, that Brown County adopts a Freedom of Information Request Policy dated October 27, 2026.
Dated at Aberdeen, South Dakota, this 27th day of October, 2026
Seconded by Commissioner Gage.
Roll call vote: Dennert-aye; Dinger-aye; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted.

PUBLIC RECORDS REQUEST POLICY:
Moved by Commissioner Wiese, seconded by Dennert to adopt the Public Records Request Policy effective October 27, 2026. Purpose of the policy of Brown County is to provide access to people requesting them in accordance with SDCL Chapter 1-27 and other statues while maintaining an accurate, consistent and verifiable record of public record requests received by the entity. This policy establishes procedures for submitting, receiving, documenting, clarifying and responding to formal written requests for public records. Requestors may deliver in person a written and signed request to the

office during normal business hours or may submit the written and signed request by USPS via certified mail, return receipt requested. The written requests need to include the following: Requestor's full legal name; Mailing address; Telephone number; E-mail address, if available; Date of the request; A specific description of the records requested; The relevant date range, if applicable; The department, office, program, person, transaction, or subject matter believed to be associated with the records, if known; The preferred method of receiving responsive records, subject to applicable law and the entity's available capabilities; and the requestor's signature. Each formal request shall contain the following requestor certification: I certify that I am the person identified in this request and that the information provided in this request is true and correct to the best of my knowledge. I understand that this request is being submitted pursuant to SDCL Chapter 1-27 and that the government entity will process the request in accordance with applicable law. I understand that the entity my contact me if clarification of the records request is necessary. Signature, print name and date. There will be a fee for these services: $1.00/page in Black & White; $2.00/page in Color; $5.00 for a Flash Drive plus cost per page fee; if over an hour than $25.00/hr. plus the cost per page fee; and if must mail then cost of postage plus the cost per page fee and flash drive fee, if applicable. All members present voting aye. Motion carried.

MINUTES:
Moved by Commissioner Dinger, seconded by Gage to approve the General Meeting Minutes of October 20, 2026. All members present voting aye. Motion carried.

CLAIMS:
Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Professional Fees: Certified Languages International LLC $1,291.65; Christy Griffin-Serr Law Office $9,241.00; Dakota Wood-Grinding Inc $62,937.50; Dohrer Law Office, PC $317.20; IMEG Corp. $31,395.45; Kelli Lardy $39.20; Lenling Law Office, Prof. LLC $884.50; Modern Day Health Care Prof LLC $4,725.00; Northeastern Mental Health Center $300.00; SDHSC $600.00; Tammy Stolle Court Reporting $58.20; Yankton County Sheriff's Office $50.00; US Bank $2,968.02. Publishing: Aanenson Media, LLC $9,260.00; Groton Daily Independent $342.90; McQuillen Creative Group, Inc $329.74; RFD Newspapers, Inc $13.44; US Bank $1,622.62. Rentals: Advantage Self Storage $276.00. Repairs & Maintenance: Basin Construction and Drain Tile, LLC $149,608.89; Dakota Doors Inc $459.18; Dakota Pump LLC $2,181.13; House of Glass $1,677.09; Loiseau Construction, Inc $109,340.64; US Bank $897.53. Supplies & Materials: Amazon Capital Services, Inc $974.83; Avera LTC Pharmacy Aberdeen $2,849.64; Blakyn Berger $250.00; Bob Barker Company Inc $509.99; Carter Zoellner $14.71; Century Business Products $12,287.45; Cole Paper $99.80; Cort Paulson $286.76; Crescent Electric Supply Co $595.47; Hanlon Brothers, LLC $8,711.02; Henry Paulson $486.76; Joseph Keough $276.11; K&A Manufacturing Inc $363.00; Nicole Volk $73.66; Parker Zoellner $18.38; Performance Oil $666.00; Pomp's Tire Service, Inc $803.96; Trav's Outfitter Inc $909.95; Walker Zoellner $243.38; US Bank $11,858.05. Travel & Conference: Carrie Weisenberger $53.07; David North $162.69; Dennis Feickert $9.43; James Meyers $32.64; Jerry Lehrkamp $341.05; Joel Wiedebush $47.85; Landon Ellingson $25.38; Lenling Law Office, Prof. LLC $120.00; Mike Rohrbach $19.00; National Rifle Association $745.00; Nick Cochran $19.00; Paul Johnson $143.10; SD Assoc of County Commissioners $250.00; Stan Beckler $28.26; US Bank $3,943.30. Utilities: Dependable Sanitation, Inc $202.00; Montana-Dakota Utilities Co $37.33; Northwestern Energy $4,304.88; T-Mobile USA Inc $1,302.94; US Bank $4,321.13. Machinery & Equipment: Dakota Electronics $55.75; Farm Power Mfg. $44.10; Pro Ag Supply, Inc $95.02. 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:

- Employment ending for Robert Bernhardt & Spencer Hundstadt, Brown County Fairgrounds Workers, seasonal, effective October 16, 2026.

- Employment ending for Dorene Borchard, Brown County Revenue Specialist, FT; effective December 18, 2026. Request to fill.
- Hiring of Alec Richards as Brown County Museum Curator of Education, FT; starting wage $23.73/hr. – effective November 9, 2026.
- Hiring of Randi Gruenstein as Brown County Deputy Treasurer, FT; starting wage $21.50/hr. – effective October 26, 2026.
- Hiring of James Beilke as Brown County Deputy Treasurer, FT; starting wage $21.50/hr. – effective November 2, 2026.
- Promotion of Tracy Engquist from Brown County Deputy Treasurer to Brown County Revenue Specialist; starting wage $32.87/hr. – effective December 20, 2026.
- Mileage Reports:
    - Approve personal miles for July 2026 as follows at $0.725/mile: Joshua Matthews 264 miles at $191.40; Matt Heupel 95 miles at $66.50; John Florey 114 miles at $79.80; Mike Scott at 100 miles at $70.00.
    - Approve personal miles for August 2026 as follows at $0.725/mile: Joshua Matthews 252 miles at $182.70; Matt Heupel 60 miles at $42.00; John Florey 126 miles at $88.20; Mike Scott at 180 miles at $126.00.
    - Approve personal miles for September 2026 as follows at $0.725/mile: Joshua Matthews 252 miles at $182.70; Matt Heupel 110 miles at $77.00; John Florey 114 miles at $79.80; Mike Scott at 190 miles at $133.00.

All members present voting aye. Motion carried.

AUDITOR'S REPORT OF ACCOUNTS FOR SEPTEMBER 2026:
Moved by Commissioner Gage, seconded by Wiese to approve the Auditor's Report of Accounts for September 2026: Total Cash and Checks on Hand $7,700.00; Total Checking Account Balances: $12,328,746.40; Total Savings Account Balances: $1,500,447.42; Total Certificates of Deposit: $13,415,703.50; Grand Total Cash and Balances: $27,252,597.32. General Fund $15,965,888.53; Road & Bridge Fund ($248,728.87); 911 Service $532,891.55; Emergency & Disaster $105,498.14; Domestic Abuse $1,051.42; SA Grants $182,753.80; 24/7 Sobriety $46,857.61; ROD M&P $79,129.02; Opioid Settlement Fund $69,484.11; Rural Access Infrastructure $473,290.90; TIF Debt Service $78,175.39; Landfill + cash change $7,183,025.12; Landfill - restricted $1,894,495.06; Trust and Agency Funds $2,783,280.60; GRAND TOTAL GENERAL FUND CASH AND INVESTMENTS $27,252,597.32. All members present voting aye. Motion carried.

APPROVAL OF CLOSING AUDIT DOCUMENTS:
Moved by Commissioner Wiese, seconded by Dennert to approve the closing audit documents presented from the Department of Legislative Audits. All members present voting aye. Motion carried.

ZONING ORDINANCES-SET HEARING DATE/AUTHORIZE ADVERTISING:
Moved by Commissioner Dinger, seconded by Wiese to set hearing date and authorize publication for the first reading of the following zoning ordinances to be held on Tuesday, November 17, 2026 in the Commission Chambers, Courthouse Annex, Brown County, South Dakota. Proposed Ordinance #338, applicants Michael & Mary Ann Pence/Lance & Kristen Burns for the purpose of rezoning 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 Lots 1 & 2, "Pence Second Subdivision" in the S1/2 of the S1/2 of Section 9-T125N-R64W and Lot 1, "Pence First Subdivision" in the SE1/4 of Section 9-T125N-R64W of the 5th P.M. Brown County, South Dakota (38444 & 38474 120th Street; Westport Twp.). Proposed Ordinance #339, applicant Curtis Reuer 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: The 330' next South of the North 755' of the West 1320' & the S1/2 Vacated Derian Drive of the NW1/4 of Section 27-T123N-R64W of

the 5th P.M., Brown County, South Dakota (1913 385th Avenue S; Aberdeen Twp.). Proposed Ordinance #340, applicant Darrel Napton for the purpose of rezoning 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 1-7, "Replat of Borden's Subdivision" in the S1/2 of the SE1/4 of the SE1/4 of Section 3-T127N-R64W of the 5th P.M., Brown County, South Dakota (10695 386th Avenue; Frederick Twp.). All members present voting aye. Motion carried.

PENCE SECOND SUBDIVISION PLAT:

RESOLUTION #2026-43

Commissioner Gage brought the following Resolution " Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "PENCE SECOND SUBDIVISION" in the S ½ S ½ of Section 9-T125N-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. All members present voting aye. Resolution adopted.

WAAGE FIRST ADDITION PLAT:

RESOLUTION #2026-44

Commissioner Gage brought the following Resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "WAAGE FIRST ADDITION" in the NW ¼ SW ¼ of Section 23-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. All members present voting aye. Resolution adopted.

POND VIEW FIRST ADDITION PLAT:

RESOLUTION #2026-45

Commissioner Dennert brought the following Resolution "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing "PON VIEW FIRST ADDITION" in the NW ¼ of Section 9-T123N-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 Wiese. All members present voting aye. Resolution adopted.

A PLAT OF A REPLAT OF OUTLOT A PLAT:

RESOLUTION #2026-46

Commissioner Wiese brought the following Resolution "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "PLAT OF A REPLAT OF OUTLOT A" in the SW ¼ of Section 15-T123N-R63W 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 11-6, and any amendments thereof." Seconded by Dinger. All members present voting aye. Resolution adopted.

OTHER BUSINESS:

Ed Fischbach informed the Commissioners that there is a bill before the U.S. Senate – Bill #5653 that aims to streamline federal permitting for energy and infrastructure projects this would preempt the County Ordinances and take away local control from both the County and State. This includes the Eminent Domain, Data Center Ordinance and Pipeline Ordinance to name a few. This could remove the PUC. Chris Nelson says 'NO' to this bill. Ed asked the Commission to reach out to U.S. Senators Thune and Rounds and urge them to vote against this bill. The vote is to be held on November 9th.

Tom Leonhardt asked if the PowerPoint of Josh Matthews invention could be put on the website for everyone to see.

EXECUTIVE SESSION:
Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session per SDCL 1-25-2 for Contracts, Legal and Personnel. All member present voting aye. Motion carried.
Chairman Sutton declared the Executive Session closed with No Action taken.

ADJOURNMENT:
Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission at 10:50 A.M. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor
Published November 4-5, 2026 at the total approximate cost of $_____and may be viewed free of charge at www.sdpublicnotices.com.