

## JULY 14, 2020 – GENERAL MEETING

Meeting called to order by Commission Chair Kippley at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Wiese, Feickert, Sutton, and Fjeldheim. Commissioner Wiese led the Pledge of Allegiance. Moment of silence for Hughes County Chief Deputy Sheriff Lee Weber who passed away.

### MINUTES:

Moved by Feickert, seconded by Sutton to approve the general meeting minutes of July 7th, 2020. All members present voting aye. Motion carried.

### CLAMS:

Moved by Fjeldheim, seconded by Wiese to approve the following claims:

Professional Fees: Certified Languages \$1,156.65; Claims Assoc. \$3,000.00; Cogley Law Office \$8.40; Dean Schaefer Court Reporting \$216.00; GBR Interpreting \$660.00; Haar Law Office \$42.00; Helms & Assoc. \$2,003.85; Mark Katterhagen \$15.00; Kuck Law Office \$57.00; LaCrosse Co. Clerk of Courts \$8.75; Lucy Lewno \$160.00; Lincoln Co. Treasurer \$361.25; Darcy Lockwood \$15.00; Microfilm Imaging Systems \$1,207.00; Sanford Health Occupational Medicine \$412.00; SD Dept. of Revenue & Regulation \$855,670.78; SD Network Against Family Violence \$200.00; Tammy Stolle Court Reporting \$358.55; WSP \$21,749.39; Yankton Co. Sheriff \$50.00. Publishing: Aberdeen American News \$1,062.74; Aberdeen Magazine \$1,100.00; Hub City Radio \$300.00; NW Blade \$53.75. Rentals: Ameripride Services \$432.63; Brick's Roto-Rooter \$320.00. Repairs & Maintenance: Aberdeen Clean-All \$185.00; AgTegra \$250.00; Benco Products \$45.53; Clark Engineering \$2,952.80; Diamond Mowers \$38.01; DMI \$11,300.00; Exec. Mgmt. \$52.65; HF Jacobs & Son Construction \$892.02; Hoven Auto Repair \$425.52; Midwest Alarm \$238.20; Pierson-Ford \$498.41; Pomp's Tire Service \$1,509.80; PowerPlan \$15,000.00; Spellman Painting \$1,507.05; Steven Lust Automotive \$143.00; TranSource Truck & Equip. \$10,440.44; Woodman Refrigeration \$145.04. Supplies: AgTegra \$30,858.00; American Business Forms \$109.27; Angerhofer Concrete \$2,610.00; Artz Equipment \$817.52; Cartney Bearing \$599.75; Dakota Oil \$257.12; Detco \$3,891.27; Diamond Mowers \$617.50; DMI \$60.00; Earthgrains \$450.00; East Side Jersey Dairy \$514.00; ES&S \$2,323.01; Farnams Genuine Parts \$22.99; Full Circle Ag \$1,539.83; Gardner Locksmith \$54.00; Heartland Paper \$1,148.06; Hedahl's \$34.47; J Gross Equip. \$54.17; Ken's SuperFair Foods \$13.98; Kessler's \$12.58; L&O Acres Transport \$4,380.00; Leidholdt Tool Sales \$295.05; Lucy Lewno \$6.50; Menards \$187.80; Midstates Printing \$19.20; Performance Oil \$304.50; Pitney Bowes \$15,000.00; Satellite Tracking of People \$481.00; SD State 4-H Office \$318.00; Share Corp. \$280.00; Town & Country Building Supply \$978.00; TranSource Truck & Equip. \$4,400.02; Van Diest Supply Co. \$3,672.65; Web Water Bottling Co. \$13.00. Utilities: Aberdeen City Treasurer \$1,596.95; City of Hecla \$89.00; Economy Propane \$317.73; Northern Electric \$86.00; NWPS \$107.14; Town of Frederick \$61.00; Web Water Development \$80.05. Machinery & Equip.: DMI \$20,805.00. Other: Aberdeen Area Chamber of Commerce \$100.00; Safe Harbor \$1,096.50; SDACO \$1,834.00; SD Dept. of Health \$190.00; CDH Treasures \$480.00; Conklin Clinics \$500.00; Our Favorite Things \$695.00; Taulelle Concessions \$2,500.00; Cliff Bieber \$160.00; Connie Bohl \$100.00; Sandy Buechler \$200.00; Kristi Eberhart \$140.00; Curt & Jan Erickson \$160.00; Molly Genzler \$200.00; Cheryl & Bryce Hanson \$200.00; Mark & Ellen Harr \$200.00; Merle Hieb \$225.00; Rita Huber \$160.00; Joey Kaven \$200.00; Katrina Metz \$100.00; Shane Moser \$200.00; Donna Nash \$200.00; Brittney Phillips \$100.00; Bob Pray \$225.00; George Regan \$140.00; Harvey Rott \$160.00; Janet or Lawrence Schile \$225.00; Gail Thompson \$160.00. All members present voting aye. Motion carried.

### HR REPORT:

Moved by Sutton, seconded by Wiese to approve the following HR Office Report, which includes the following personnel changes:

- Acknowledge resignation of Ryan McClain, Brown County Jail Correctional Officer, full-time; effective July 14, 2020. Request to fill.
  - Approve hiring of Ryan McClain, as Brown County Building Maintenance, full-time; starting wage \$17.17/hour; effective when he returns from deployment.
  - Approve reclassification of Josh Ulmer, Brown County Highway, from Labor grade 3 to Labor grade 4; wage \$18.98/hour; effective July 13, 2020.
  - Approve hiring of Jean Moody, as Brown County Jail Correctional Officer, full-time; starting wage \$16.65/hour; effective July 13, 2020.
  - Approve to hire the following temporary positions for Brown County Summer Fest:Temp Office personnel for The Expo Building vendors, August 11-16, 2020, \$14.00/hour; Temp Camping personnel, August 6-16, 2020, \$12.00/hour; Temp Sanitation workers (with approval to hire some that are under 16), August 10-16, 2020, Supervisor: \$14.00/hour; Workers: \$12.00/hour;
- All members present voting aye. Motion carried.

LEASE:

Moved by Sutton, seconded by Wiese to approve the following lease: Lacey Anderson for lease of Richmond Lake Youth Camp Lodge September 12-13th, 2020; Aberdeen Boys and Girls Club for lease or parking lot east of Expo Building July 13,20,27, August 3,17,24,31, 2020; Shaina Speidel-Nehls for lease of Richmond Lake Youth Camp Lodge July 25-26, 2020. Aberdeen Downtown Association for lease of West half of parking lot north of museum and lease of 1 panel trailer, picnic tables and stage July 18, August 6,28-29, 2020; Aberdeen Downtown Association for lease of Clubhouse July 18 and August 6, 2020. All member present voting aye. Motion carried.

DISCRETIONARY FORMULA:

Commissioner Sutton offered the following Resolution:

RESOLUTION #R35-20

WHEREAS, the County of Brown, State of South Dakota has deemed it in the best interest of the County to adopt a Resolution implementing a Discretionary Formula for the reduced taxation of new structures and additions and partially constructed structures pursuant to SDCL 10-6-35.2.

NOW, THEREFORE, BE IT RESOLVED, that the following properties shall be, and hereby are, specifically classified for the purpose of taxation pursuant to SDCL § 10-6-35.2:

- Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated urban renewal area as defined in SDCL § 11-8-4, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(1));

- Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(2));
- Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more (SDCL § 10-6-35.2(3));
- Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in SDCL § 10-6-35.2(5), if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(4));
- Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(5));
- Any new affordable housing structure containing four or more units with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more (SDCL § 10-6-35.2(6));
- Any commercial, industrial, or nonresidential agricultural property which increases more than ten thousand dollars in full and true value as a result of reconstruction or renovation of the structure (SDCL § 10-6-35.2(8)); and be it

FURTHER RESOLVED, that any structure classified pursuant to this Resolution shall, following construction, initially be valued for taxation purposes in the usual manner, and that value shall be referred to in this Resolution as the "Pre-Adjustment Value"; and be it

FURTHER RESOLVED, that the assessed value to be used for tax purposes of any structure classified pursuant to this Resolution shall, following construction, be calculated as follows:

- a. For the first tax year following construction, 20% of the Pre-Adjustment Value;
- b. For the second tax year the following construction, 40% of the Pre-Adjustment Value;
- c. For the third tax year following construction, 60% of the Pre-Adjustment Value;
- d. For the fourth tax year following construction, 80% of the Pre-Adjustment Value;
- e. For the fifth tax year following construction, 100% of the Pre-Adjustment Value;

and be it

FURTHER RESOLVED, that the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner; and be it

FURTHER RESOLVED, that for purpose of this Resolution, the assessed valuation during any of the five years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction; and be it

FURTHER RESOLVED , that following the five-year period under this section, the property shall be assessed at the same percentage as is all other property for tax purposes.

Dated this 14 day of July, 2020.

Seconded by Commissioner Wiese Roll call vote: Commissioner Feickert –aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

DISCRETIONARY FORMULA INDUSTRIAL:

Commissioner Fjeldheim offered the following Resolution:

#### RESOLUTION #R36-20

WHEREAS, The Brown County Commission has currently adopted a "discretionary formula" for the assessment of certain structures in Brown County.

WHEREAS, SDCL 10-6-35.2 authorizes the Board of County Commissioners, at its discretion, to adopt any formula for assessment of specifically "Industrial" classified structures.

WHEREAS, SDCL 10-6-35.2 states the formula may include for any or all of the five tax years following construction all, any portion or none of the assessed valuation for tax purposes.

WHEREAS, the Board of County Commissioners may, if requested by the owner of any of the above described property, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner.

WHEREAS, the current discretionary formula allows the level of assessment for all qualifying structures to be 0% of assessed value for the 1st year, 0% for the 2nd , 0% for the 3rd , 0% for the 4th and 0% of assessed value for the 5th year.

WHEREAS, the assessed value during any of the five years may not be less than the assessed valuation of the property year preceding the first year of the tax years following construction.

WHEREAS, any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of construction.

WHEREAS, the county hopes all eligible projects will avail themselves of the formula and exercise their responsibility to apply.

THEREFORE BE IT RESOLVED, the Brown County Board of Commissioners hereby adopts a new discretionary formula as authorized by SDCL 10-6-35.2 for those structures specifically classified pursuant to SDCL 10-6-35.2 with an industrial zoning classification. The level of assessment for the above listed specifically classified structures shall be 0% of assessed value for the 1st year, 0% for the 2nd, 0% for the 3rd, 0% for the 4th, and 0% of assessed value for the 5th year. The resolution shall be applied beginning the 2021 assessment year.

Dated this 14 day of July, 2020.

Seconded by Commissioner Feickert, Roll call vote: Commissioner Feickert –aye, Sutton – aye, Wiese-aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

DISCRETIONARY FORMULA SPECIFIC HISTORICAL DISTRICT:

Commissioner Sutton offered the following Resolution:

RESOLUTION #R37-20

WHEREAS, the Aberdeen Commercial Historic District is the area in the City of Aberdeen within the border of 6<sup>th</sup> Avenue SE/SW on the south, Railroad Avenue SE/SW on the north, the public alley right-of-way between Main Street S. and 1<sup>st</sup> Street S. on the west, and the public alley right-of-way between Main Street S. and Lincoln Street S. on the east.

WHEREAS, the Aberdeen City Council, pursuant to SDCL 11-8-4, designated the Aberdeen Commercial Historic District an urban renewal area.

WHEREAS, the Brown County Board of Commissioners has currently adopted a “discretionary formula” for the assessment of certain structures in Brown County.

WHEREAS, SDCL 10-6-35.2 authorize the Brown County Board of Commissioners, at its discretion, to adopt any formula for assessment of new industrial or commercial structures, or any additions, renovation, or reconstruction to existing structure, which new structures or additions, renovation, or reconstruction have a full and true value of thirty thousand dollars (\$30,000) or more, located within a designated urban renewal area as defined in SDCL 11-8-4.

WHEREAS, SDCL 10-6-35.2 states the formula may include for any or all of the five tax years following construction all, any portion, or none of the assessed valuation for tax purposes.

WHEREAS, the current discretionary formula allows the level of assessment for all qualifying structures, per SDCL 10-6-35.2 to be 20% of assessed value for the 1<sup>st</sup> year, 40% for the 2<sup>nd</sup> year, 60% for the 3<sup>rd</sup> year, 80% for the 4<sup>th</sup> year, and 100% for the 5<sup>th</sup> year.

WHEREAS, the Board of County Commissioners may, if requested by the owner, not apply the above formula, in which case the full assessment shall be made without application of the formula. In waiving this formula for the structure of one owner, the Board of County Commissioners is not prohibited from applying the formula for subsequent new structures by that owner.

WHEREAS, the adoption of the discretionary formula authorized by SDCL 10-6-35.2 shall be concurrent with, and have no effect upon, existing municipal tax assessments for a business improvement district and a parking district that include the Aberdeen Commercial Historic District.

THEREFORE BE IT RESOLVED, the Brown County Board of Commissioners hereby adopts a new discretionary formula as authorized by SDCL 10-6-35.2 for those structures within the urban renewal area known as the Aberdeen Commercial Historic District, which new structures or additions, renovation, or reconstruction have a full and true value of thirty thousand dollars (\$30,000.00) or more. The level of assessment for qualifying structures shall be 0% of assessed value for the 1<sup>st</sup> year, 0% for the 2<sup>nd</sup> year, 0% for the 3<sup>rd</sup> year, 0% for the 4<sup>th</sup> year, and 0% for the 5<sup>th</sup> year. The resolution shall be applied beginning November 1, 2020 for the 2021 assessment year, which begins November 1, 2021 for completed projects.

FURTHER RESOLVED, that the purpose of this Resolution, the assessed valuation during any of the five years may not be less than the assessed valuation of the property in the year preceding the first year of the tax years following construction; and be it

FURTHER RESOLVED, that any structure that is partially constructed on the assessment date may be valued for tax purposes pursuant to this Resolution and the valuation may not be less than the assessed valuation of the property in the year preceding the beginning of the construction.

Dated this 14 day of July 2020. Seconded by Commissioner Wiese Roll call vote: Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

CARES ACT FUNDING:

Commissioner Wiese offered the following Resolution:

Brown County Resolution Number R38-20

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, Brown County acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, Brown County acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, Brown County seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, Brown County acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for Brown County most recently approved as of March 27, 2020; and

WHEREAS, Brown County acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the County Commission of Brown County that the Chair of the Brown County Commission may execute any and all documents as required by the State in order to receive CARES Act funds.

It is further RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the County budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

It is further RESOLVED that the County will not request reimbursement from the State under the CARES Act for costs for which the County previously received reimbursement, or for which the County has a reimbursement request pending before another source.

Dated this 14 day of July, 2020.

Seconded by Commissioner Fjeldheim, Roll call vote: Commissioner Feickert –aye, Sutton – aye, Wiese-aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

**SPECIAL EVENT CAMPING- DAILY RATES:**

Moved by Sutton, seconded by Feickert to approve daily rate for camping during special events. This is for non-reservation camping during special events. Full hook-up \$35, water and power only \$30 per day. All members present voting aye. Motion carries.

**SHERIFF REPORTS:**

Moved by Fjeldheim, seconded by Wiese to approve the following June 2020 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

**LANDFILL RESTRICTED FUNDS:**

Moved by Wiese, seconded by Sutton to adjust the restricted funds for the landfill closure/post closure requirement to \$1,400,479.44. All members present voting aye. Motion carried.

**QUARTERLY INTEREST:**

Moved by Fjeldheim, seconded by Feickert to accept filing of the Quarter 2 interest statement in the amount of \$13,390.95. All members present voting aye. Motion carried.

**RAFFLE PERMIT:**

Moved by Feickert, seconded by Wiese to approve the following raffle: Spurs Therapeutic Riding Center for Raffle to be held in December 2020. All members present voting aye. Motion carried.

#### TEMPORARY ALCOHOL LICENSE:

Moved by Sutton, seconded by Fjeldheim to approve the following liquor licenses: Fyling Pig Ent. transferred to the Brown County Fairgrounds Clubhouse SW1/4 of Sec 1-123-64 (see map) August 12-16, 2020; Highway 12 Liquors transferred to the Richmond Lake Youth Camp Lodge SW 24-124-65 September 12, 2020. Roll call vote: Commissioner Feickert –nay, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Motion carries.

#### SUMMER FEST LEASES – YOUTH LIVESTOCK SHOW:

Moved by Wiese, seconded by Feickert to approve rate of \$750 plus utilities for the youth livestock show during Summer Fest 2020. Roll call vote: Commissioner Feickert –aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – abstain. Motion carries.

#### FAIR CONTRACTS:

Moved by Sutton, seconded by Wiese to approve the following fair contracts: Sutton Rodeo (PRCA Rodeo) for August 16-17 2021 @ \$46,200 and August 15-16 2022 @ \$48,510; Ashley Dunham (4H Judge) @ \$40. All members present voting aye. Motion carried.

#### EMERGENCY MANAGEMENT 2nd QUARTER REPORT:

Moved by Fjeldheim, seconded by Wiese to approve the 3rd quarter report for Emergency Management and personnel action forms for salary adjustments. All members present voting aye. Motion carried.

#### ORDINANCE 168 – STRUCK REZONE:

Move by Sutton, seconded by Wiese to approve first reading of Ordinance 168, an ordinance to rezone the following described property filed by Gerald Struck, amending Title 4, Second Revision Brown County Ordinances on the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lot 1, “Gerald and Gail Struck Addition” in the NE1/4 of Section 9-T124N-R64W of the 5th P.M., Brown County, South Dakota. (12501 385th Ave). All members present voting aye. Motion carried.

#### ORDINANCE 169- PRAIRIE HILL FARMS:

Moved by Fjeldheim, seconded by Sutton to approve first reading of Ordinance 169, an ordinance to rezone the following described property filed by Prairie Hill Farms, amending Title 4, Second Revision Brown County Ordinances on the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lot 1, “Prairie Hill Farms First Subdivision” in the SE1/4 of Section 34-T124N-R64W of the 5th P.M., Brown County, South Dakota (2046 130th St NW). All members present voting aye. Motion carried.

#### AVERA ADDICTION CARE CENTER:

Jessie Paysen and Jamie Milbrandt with Avera Addiction Care Center met to give an update on services offered to the community and effect of Covid-19 on addiction in our community. No action taken.

#### SOUTH FIFTH STREET DUMPSTER SITE:

November 6, 2018 motion was passed to close the South Fifth Street Dumpster Site and consolidate the site with the Fairgrounds site. Moved by Feickert, seconded by Wiese to remove the dumpsters by August 1st. All members present voting aye. Motion carried.



**FAIR BOARD CAMPING:**

Moved by Sutton, seconded by Feickert to compensate board members after six months of service for their camping spot during the Brown County Fair. Board members who do not camp will be compensated at the average price of a camping spot. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Wiese, seconded by Fjeldheim to approve application submitted by Northern Electric for occupancy of Brown County Highway 16, in section SE1/4 8, Township 125N, Range 62W, Brown County, South Dakota for buried electric distribution cable. All members present voting aye. Motion carried.

**BRIDGE DEDICATION:**

Discussion on bridge dedication application. Recommendation to have outlined standards and criteria for qualifying for a bridge dedication. No action on application.

**ADJOURNMENT:**

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission at 10:26 a.m. All members present voting aye. Motion carried.

Cathy McNickle, Brown County Auditor

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