

## SEPTEMBER 1, 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 Fjeldheim, Wiese and Sutton. Commissioner Feickert was absent. Commissioner Wiese led the Pledge of Allegiance.

### MINUTES:

Moved by Sutton, seconded by Wiese to approve the general meeting minutes of August 25th, 2020. All members present voting aye. Motion carried.

### CLAMS/PAYROLL:

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

Commission \$4,285.10; Auditor \$8,730.13; Treasurer \$13,495.36; SA \$21,898.15; SVAWA \$1,730.76; Maintenance \$7,750.50; Assessor \$13,961.81; Register of Deeds \$8,983.40; VSO \$4,687.50; GIS \$2,387.50; IT \$7,377.56; HR \$2,173.85; Sheriff \$41,235.79; Jail \$55,683.99; Court Security \$6,019.46; JDC \$23,941.20; Welfare \$2,077.70; Museum \$7,782.16; Parks/Fairgrounds \$6,251.18; Fair Board \$11,373.34; 4-H \$896.06; Weed \$4,366.66; Planning & Zoning \$4,529.08; Highway \$44,142.79; Dispatch \$27,134.62; Emergency \$4,119.58; Teen Court \$657.38; JDAI \$1,769.23; 24/7 Sobriety \$565.83; Landfill \$15,061.74; Professional Fees: Aberdeen Advanced Care Ambulance \$2,700.00; Avera St. Luke's \$311.42; Kristi Brandt \$36.75; Brick's TV & Appliance \$7,136.25; Carlsen Funeral Home \$157.50; Climate Control \$4,138.50; Dakota Counseling Group \$150.00; GBR Interpreting \$240.00; Haar Law Firm \$67.80; Mark Katterhagen \$15.00; Kuck Law Office \$31.00; Lucy Lewno \$160.00; Darcy Lockwood \$15.00; Sanford Health \$375.58; SD Dept. of Health \$2,870.00; SD Dept. of Public Safety \$5,400.00; Tammy Stolle Court Reporting \$159.20; West Payment Center \$169.95; Yankton Co. Sheriff Office \$50.00. Publishing: Aberdeen American News \$351.19; Aberdeen Magazine \$310.00; Times-Republican \$17.88. Repairs & Maintenance: Aberdeen Plumbing & Heating \$595.70; Bahr Spray Foam \$12,495.00; Dakota Doors \$125.50; Gardner Locksmith \$227.07; Gary's Auto Body \$109.50; Ken's Alignment \$543.00; Olson's Pest Control \$250.00; Pierson-Ford \$1,325.00; RDO Equip. \$4,015.22; TrueNorth Steel \$1,000.00. Supplies: Aberdeen Fire & Rescue \$228.00; AgTegra \$912.66; Carlsen Funeral Home \$375.00; Dakota Electronics \$55.00; DSG \$88.86; Domino's Pizza \$121.80; Heartland Paper \$5,988.56; Jensen Rock & Sand \$238.60; Lucy Lewno \$6.50; Mac's \$103.96; Marco \$32.12; Menards \$220.30; Midstates Printing \$633.90; Pierson-Ford \$443.66; Pro Ag Supply \$138.45; Running's \$48.96; Specialty Mfg. \$25.08; TrueNorth Steel \$663.40. Travel & Conf.: SD Counties \$1,295.00. Utilities: AT&T \$184.27; CenturyLink \$2,837.76; Midcontinent \$260.00; Montana Dakota Utilities \$25.58; NWPS \$8,723.06; NVC \$2,460.50. Other: Aberdeen Advanced Care Ambulance \$620.75; Aberdeen American News \$1,000.00; Lincoln Co. Treasurer \$164.00. All members present voting aye. Motion carried.

### HR REPORT:

Moved by Sutton, seconded by Wiese to approve the following HR Report:

- Acknowledge resignation of Pam McBride, Brown County States Attorney's Office Legal Secretary, full-time; effective September 11, 2020. Request to fill.
- Acknowledge resignation of Brandon Wiest, Brown County Jail Correctional Officer, full-time; effective August 18, 2020. Request to fill.
- Approve pay increase for Sheldon Noess, Brown County States Attorney's Office, Legal Secretary, full-time, pay increase \$17.10 effective September 20, 2020.
- Approve Hiring of Kyle Couchey, as Brown County Sheriff's Department Transport Driver, as needed; effective September 8, 2020.

All members present voting aye. Motion carried.

ORDINANCE 175 – SET HEARING DATE:

Moved by Fjeldheim, seconded by Wiese to authorize advertising and set hearing date for application made by Gene Loeschke to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner’s Chambers, Courthouse Annex, Brown County, South Dakota on September 22, 2020 at 8:45 A.M. for the purpose of rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lot 2, “Hanlon Subdivision” in the NE1/4 of Section 20-T123N-R62W of the 5th P.M., Brown County, South Dakota. (13330 Park Rd). The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At the conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 175. All members present voting aye. Motion carried.

ORDINANCE 176 – SET HEARING DATE:

Moved by Fjeldheim, seconded by Wiese to authorize advertising and set hearing date for application made by Sandra Kriesel to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner’s Chambers, Courthouse Annex, Brown County, South Dakota on September 22, 2020 at 8:45 A.M. for the purpose of rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.10 Lake Front Residential District (R-3): “Outlot 1”, “Replat of Miller’s Outlot F” in the SE1/4 of Section 24-T124-R65W of the 5th P.M., Brown County, South Dakota. (379540 N. Shore Drive). The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At the conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 176. All members present voting aye. Motion carried.

PLATS:

Commissioner Sutton brought the following resolution:

RESOLUTION R 47-20 ROGER AND DIANE JOHNSON SUBDIVISION

“Be it resolved by the board of County Commissioners of Brown County, South Dakota, that the plat showing Roger and Diane Johnson Subdivision in the SW1/4 of section 33-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: roll call vote: Commissioner Feickert – absent, Sutton –aye, Wiese –aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Commissioner Sutton brought the following resolution:

RESOLUTION R 48-20 MODELAIRE’S – YOUNG ADDITION

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “MODELAIRE’S – YOUNG ADDITION IN THE SE1/4 SE1/4 OF SECTION 36, TOWNSHIP 123 NORTH, RANGE 64 WEST 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 11-3, and any amendments thereof.” Seconded by Wiese: roll call vote: Commissioner Feickert – absent, Sutton –aye, Wiese –aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Commissioner Sutton brought the following resolution:

RESOLUTION R49-20 TACOMA PARK PLACE ADDITION

“Be it resolved by the board of County Commissioners of Brown County, South Dakota, that the plat showing Tacoma Park Place Addition in the NE1/4 NW1/4 of section 23-T124N-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: roll call vote: Commissioner Feickert – absent, Sutton –aye, Wiese –aye, Fjeldheim – aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton brought the following resolution:

#### RESOLUTION R 50-20 J. HEUPEL ADDITION

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “J. HEUPEL ADDITION IN THE NE1/4 OF SECTION 26, TOWNSHIP 123N, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provision of SDCL of 1967, Chapter 11-3, and any amendments thereof.” Seconded by Wiese: roll call vote: Commissioner Feickert – absent, Sutton –aye, Wiese –aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

#### ALCOHOL LICENSE TRANSFER

Moved by Wiese, seconded by Sutton to approve transfer of Retail (on-sale) Liquor License, Dennis Jones DBA: Dakota River Ranch/Tacoma Park Place LLC, 5 acres NW corner of NW1/4 of 23-124N-62W, Brown County, SD to transfer to Tyler Jones DBA Dakota River Ranch/Tacoma Park Place LLC, 5 acres NW corner of NW1/4 of 23-124N-62W, Brown County, SD. All members present voting aye. Motion carried.

#### PROVISIONAL BUDGET 2021 – PUBLIC HEARING:

Public hearing held as advertised for 2021 provisional budget. Opportunity for public comment was given. No action taken.

#### ORDINANCE 171 – FIRST READING:

Moved by Sutton, seconded by Fjeldheim to approve first reading of ordinance 171, an ordinance to amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): East 30 Rods of South 55 Rods in the SE1/4 of Section 25-T124N-R64W of the 5th P.M., Brown County, South Dakota. (12891 388th Ave). All members present voting aye. Motion carried.

#### ORDINANCE 172 – FIRST READING:

Moved by Wiese, seconded by Sutton to approve first reading of ordinance 172, an ordinance to amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG): Lot 2, “HAPI 2020-1 Subdivision” in the NE1/4 of the NW1/4 of Section 6-T123N-R63W of the 5th P.M., Brown County, South Dakota. (1522 130th St NE). All members present voting aye. Motion carried.

#### ORDINANCE 173 – FIRST READING:

Moved by Fjeldheim, seconded by Sutton to approve first reading of ordinance 173, an ordinance to amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag

District (M-AG): Lot 1 & 2, Gabler-Brakefield Addition in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota; Lot 1, "Johnson South Subdivision" and Lot 1, "Johnson South 2nd Subdivision" in the NE1/4 of section 22-T122N-R64W, Brown County, South Dakota. (38585 139th St and 38579 139th St). All members present voting aye. Motion carried.

**ORDINANCE 174 – FIRST READING - PUBLIC COMMENT:**

Steve Dick with Ag United of South Dakota discussed the animal units and classifications being restrictive for small operations. Steve recommended changes to reduce the need for small farms to require a conditional use permit. Concern was also given for Chapter 4.32 10F regarding following restrictions of a neighboring township in an adjacent county.

**ORDINANCE 174- FIRST READING - AMENDMENT:**

Moved by Sutton, seconded by Wiese to amend proposed ordinance change in Title 4 Zoning, Chapter 4.32 as follows: Remove section 10. F "A neighboring township that adjoins between two counties will follow the regulation of the county that is most restrictive." Current Section G will be re labeled as section F. All members present voting aye. Motion carried.

**ORDINANCE 174- FIRST READING**

Moved by Fjeldheim, seconded by Wiese to approve first reading of ordinance 174 as amended to consider an ordinance amending Second Revision Brown County Ordinances, Title 4 Zoning, Chapters 4.01 – 4.07 and 4.32; Title 5 Subdivision Regulations, Chapter 5.01. The proposed ordinance will be made available for public inspection at the Brown County Auditor's Office during regular business hours and is available on our website Brown.SD.US. All members present voting aye. Motion carried.

**POLICY MANUAL CHANGE – INTRODUCTORY PERIOD:**

Moved by Sutton, seconded by Wiese to adopt the following employee policy: Employees will have an introductory period. The introductory period lasts for six (6) months. The introductory period for Sheriff's Department employees: Deputy's, Correctional Officers and Dispatchers is one (1) year. During this time it is an opportunity for Brown County to evaluate the employee's performance. It also is an opportunity for employees to decide whether they are happy being employed by Brown County. Brown County may extend the introductory period if it desires. Completion of the introductory period does not alter the employee's at-will status. During the introductory period employees will accrue sick and vacation time; accrued sick leave may be used after three (3) months of employment; accrued vacation leave may be used after six (6) months of employment. If you are terminated/resign before completing the introductory period: three (3) months for sick leave, six (6) months for vacation leave, your accrued sick and/or vacation leave will not be paid out. All members present voting aye. Motion carried.

**POLICY MANUAL – CALL IN PAY:**

Discussion on call in pay for employees. Discussion on call in for public safety and 24/7 departments. No Action Taken.

**POLICY MANUAL – LEAVE SHARING POLICY:**

Discussion on transitioning from an emergency sick bank to leave sharing policy. Concern from employees was expressed over the removal of the emergency sick bank. Chair directed Human Resources to draft a policy switching from accrued vacation and sick time to paid time off (PTO) with option for sick bank. No action taken.

2020 GENERAL ELECTION POLLING LOCATIONS:

Commissioner Fjeldheim brought the following resolution:

RESOLUTION # 51-20

A Resolution Amending Vote Center Locations

WHEREAS, as per SDCL 12-14-17, the Brown County Board of County Commissioners authorized the use of vote centers in lieu of precinct polling places and designated polling locations for Brown County in Resolution 108-13, and

WHEREAS, resolution R26-20 changed vote center 1 location from AmericInn Event Center, to Aberdeen Mall,

WHEREAS, the AmericInn Event Center (Vote Center 1) will be available for use as a polling place on November 3<sup>rd</sup>, 2020 and

WHEREAS, AmericInn is known as a polling location by voters in Brown County

WHEREAS, AmericInn is adequate to accommodate a vote center for November 3<sup>rd</sup>, 2020 General Election, and

NOW, THEREFORE BE IT RESOLVED by the Brown County Commission to amend Resolution R26-20 by changing the polling place locations for Vote Center 1 in Brown County as follows:

Vote Center 1, AmericInn Event Center, 301 Centennial St. S. Aberdeen, SD 57401

Dated this 1<sup>st</sup> day of September, 2020

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

ABSENTEE VOTING – SATURDAY’S:

Moved by Sutton, seconded by Fjeldheim to approve courthouse to be open Saturday October 24th and 31th for absentee voting. Election service will be the only service offered. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Sutton, seconded by Wiese to go into executive session to discuss personnel and contracts per SDCL 1-25-2(1,4). All members present voting aye. Motion carried. The Chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Sutton, seconded by Wiese to adjourn the Brown County Commission at 10:46a.m. All members present voting aye. Motion carried.

Cathy McNickle, Brown County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.