

OCTOBER 27, 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, Feickert, Wiese and Sutton. Commissioner Sutton led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Moved by Sutton, seconded by Wiese to approve the agenda. All member present voting aye. Motion carried.

MINUTES:

Moved by Sutton, seconded by Wiese to approve the general meeting minutes of October 20th, 2020. All members present voting aye. Motion carried.

CLAMS/PAYROLL:

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

Payroll: Commission \$4,285.10; Elections \$3,086.25; Auditor \$7,456.13; Treasurer \$13,495.37; SA \$23,039.62; SVAWA \$1,730.76; Maintenance \$7,620.09; Assessor \$14,402.13; Register of Deeds \$8,983.39; VSO \$4,445.64; GIS \$2,387.50; IT \$7,247.06; HR \$2,173.85; Sheriff \$43,378.00; Jail \$56,017.35; Court Security \$5,813.83; JDC \$24,841.75; Welfare \$2,077.70; Museum \$7,832.34; Parks/Fairgrounds \$4,604.28; Fair Board \$4,064.92; 4-H \$642.78; Weed \$3,953.82; Planning & Zoning \$4,605.69; Highway \$39,345.79; Dispatch \$31,241.92; Emergency \$4,119.59; Teen Court \$1,217.47; JDAI \$1,769.23; 24/7 Sobriety \$793.68; Landfill \$13,723.94; Matching Benefits: FICA \$41,595.94, MEDICARE, \$9,727.98, Discovery_HSA \$28,661.89; Wellmark BCBS \$120,636.71; Delta Dental, \$6,460.65; Dearborn Life \$1,071.34; SDRS Retirement \$42,337.64.

CLAIMS: Insurance: SD Unemployment Insurance \$1,310.16. Professional Fees: Cogley Law Office \$6,250.00; Dean Schaefer Court Reporting \$153.00; Ryan Dell \$6,250.00; Dohrer Law Office \$6,250.00; GBR Interpreting \$120.00; Gellhaus & Gellhaus \$80.00; Haar Law Firm \$6272.60; Kuck Law Office \$6,484.40; Lincoln Co. Treasurer \$243.75; Jerald McNeary \$6,250.00; NEMHC \$910.00; Christy Griffin-Serr Law Office \$6,250.00; SD Secretary of State \$30.00; Taliaferro Law Firm \$6,387.60; Yankton Co. Treasurer \$112.80. Jurors: Kari Brenner \$14.20; Mark Halher \$11.68; Michael Leach \$18.40; Donna Schott \$10.84. Publishing: Aberdeen American News \$151.40; Groton Independent \$372.63. Repairs & Maintenance: Eiler's Water Conditioning \$125.00; Midwest Pump & Tank \$86.52; Newman Signs \$31.92; Pressure Washer Central \$112.50; Schwan Welding \$9,816.80; Vetch Auto \$742.00. Supplies: 446-Praxair \$176.98; Advance Auto \$877.48; Aramark \$271.36; DT Pharmacy \$2,390.93; Geffdog \$103.99; Interstate Battery \$128.95; Menards \$1,222.83; Midstates Printing \$65.00; Midwest Pump & Tank \$89.25; Newman Signs \$593.20; PharmChem \$407.15; Pressure Washer Central \$134.51; Vetch Auto \$1,234.71. Travel & Conference: Aaron Walberg \$348.38. Utilities: Dependable Sanitation \$165.00; Montana-Dakota Utilities \$24.80; NWPS \$1,477.44; NVC \$179.49. Machinery & Equip.: Pierson-Ford \$34,497.00. All members present voting aye. Motion carried.

HR REPORT:

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

- Approve transfer of Meagan Hale, Brown County Jail Correctional Officer to JDC Correctional Officer part-time; effective November 1, 2020

All members present voting aye. Motion carried.

LIBRARY AGREEMENT- CITY OF ABERDEEN:

Moved by Sutton, seconded by Wiese to authorize chair sign agreement with the City of Aberdeen for Library Services between the City of Aberdeen and the County of Brown from January 1 to December 31, 2021 for the amount of \$12,000. All members present voting aye. Motion carried

LEMPG – QUARTERLY REPORT:

Moved by Sutton, seconded by Wiese to authorize chair sign quarter four report for State of South Dakota Department of Public Safety – Office of Emergency Management Local Emergency Management Performance Grant. All member present voting aye. Motion carried.

AUDITOR’S REPORT OF ACCOUNTS – SEPTEMBER:

Moved by Feickert, seconded by Wiese to approve the following Auditor’s report of accounts for September: Total Cash and Checks on Hand 7700 Total Checking Account Balances: 7997848.7 Total Savings Account Balances: 2075447.42 Total Certificates of Deposit: 4923127.01 Grand Total Cash and Balances: 15004123.13 General Fund Cash and Investment Balances by Funds: General Fund 4896135.78 Road & Bridge Fund 1661178.36 Road & Bridge Fund - restricted 423243.27 911 Service 544083.18 Emergency & Disaster 145443.45 Domestic Abuse 2377.24 Teen Court 27527.26 Grant 189.61 JDAI -12003.25 Richmond Youth 21916.96 24/7 Sobriety 27034.04 ROD M&P 100963.71 Tif Debt Service 10457.28 Landfill + cash change 3453382.24 Landfill - restricted 1400479.44 Trust and Agency Funds 2301714.56 GRAND TOTAL GENERAL FUND CASH AND INVESTMENTS 15004123.13. All members present voting aye. Motion carried.

PLATS:

Commissioner Sutton offered the following resolution:

RESOLUTION R60-20: ELM LAKE SUBSTATION ADDITION

“BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING “LOT 1 OF ELM LAKE SUBSTATION ADDITION IN THE SW1/4 OF SECTION 19, TOWNSHIP 127 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” with the stipulation that access points are included on the plat. Seconded by Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R61-20: RIVER HORSE FIFTH SUBDIVISION

“BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING RIVER HORSE FIFTH SUBDIVISION, IN THE NE1/4 OF SECTION 4-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 Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R62-20: ABERLE SUBDIVISION

“BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING ABERLE SUBDIVISION IN THE SW1/4 OF SECTION 27-T123N- 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 Fjeldheim: roll call vote:

Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R63-20: T. ELLWEIN ADDITION

“BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING “T. ELLWEIN ADDITION IN THE NW1/4 OF SECTION 6, TOWNSHIP 126 NORTH, RANGE 63 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 Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R64-20: JARK BLOCK 12 SUBDIVISION

“BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JARK BLOCK 12 SUBDIVISION OF STRATFORD IN THE SW1/4 OF SECTION 4-T121N-R62W 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 Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R65-20: T.K. & A HUFFMAN ADDITION

“BE IT RESOLVED BY THE COUNTY COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING “T.K. & A HUFFMAN ADDITION IN THE NW1/4 OF SECTION 15, 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 Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R66-20: TAYLOR HONEY FIRST ADDITION

“BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING TAYLOR HONEY FIRST ADDITION IN THE SE1/4 OF SECTION 5-T121N-R62W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF”. Seconded by Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R67-20: GILCHRIST – LEGGE FIRST ADDITION

“BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING GILCHRIST-LEGGE FIRST ADDITION TO PRAIRIEWOOD VILLAGE IN THE SE1/4 OF SECTION 33-T124N-R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF”. Seconded by Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

Commissioner Sutton offered the following resolution:

RESOLUTION R68-20: GEHRKE 1ST SUBDIVISION

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING GEHRKE 1ST SUBDIVISION IN THE SW1/4 OF SECTION 13, TOWNSHIP 124N, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL, CHAPTER 11-3, AND ANY AMENDMENTS THEREOF. Seconded by Fjeldheim: roll call vote: Commissioner Feickert – aye, Sutton-aye, Wiese –aye, Fjeldheim- aye, Kippley – aye. Resolution Adopted.

SET HEARING DATE – PROPOSED REZONE ORDINANCES 178-181:

Moved by Feickert, seconded by Wiese to set hearing date and approve advertising for the following rezone ordinance applications:

- Application has been made by Carol Aberle 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 November 17, 2020 at 8:46 A.M. for the purpose of rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) and Chapter 4.07 Mini-Ag District (M-AG) to Chapter 4.06 Agricultural Preservation District: “Aberle Subdivision” in the SW1/4 of Section 27-T123N-R64W of the 5th P.M., Brown County, South Dakota (2502 135th St SW) 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. 178
- Application has been made by Brandon Schaffer 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 November 17, 2020 at 8:46 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 1, “Van Den Eykel Second Addition” in the NE1/4 of Section 21-T124N-R65W of the 5th P.M., Brown County, South Dakota (12707 377th Ave). 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. 179
- Application has been made by Melissa Schultz 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 November 17, 2020 at 8:46 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 1, “D and L 1st Subdivision” in the NE1/4 of Section 27-T123N-R62W of the 5th P.M., Brown County, South Dakota (39759 134th St). 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. 180.
- Application has been made by Randy Scherbenske 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 November 17, 2020 at 8:46 A.M. for the purpose of rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.17 Heavy Industrial District (H-1): West 888’ of the South 988’ in the SW1/4 of Section 7-T123N-R64W except the highway of the 5th P.M., Brown County, South Dakota (13186 382nd

Ave). 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. 181.

All members present voting aye. Motion carried.

TEEN COURT DEPARTMENT UPDATE:

Diane Lehr, Teen Court Coordinator updated the County Commission on Teen Court numbers and the success of teen court. Teen Court numbers are down as juveniles are not being assigned to Teen Court. No action taken.

2020 GENERAL ELECTION UPDATE:

Cathy McNickle, Brown County Auditor, gave an update on absentee voting and COVID-19 precautions for in person voting. Absentee turnout is at an all-time high due to increased request for mail ballot due to COVID-19. Precaution for in person voting, include cleaning pens and voting booths between voters, social distancing and using plexi-glass dividers. No action taken.

APPLICATION FOR OCCUPANCY:

Moved by Feickert, seconded by Sutton to approve the following application for occupancy: St John's Luthern Cemetery for occupancy of Brown County Highway Number 9, in Section 6, Township 125, Range 62, Brown County, South Dakota. All member present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY:

Moved by Sutton, seconded by Feickert to approve the following application for occupancy: Northern Electric for occupancy of Brown County Highway Number 14, in section 16, Township 125N, Range 63W, Brown County, South Dakota. All member present voting aye. Motion carried.

DEPARTMENT UPDATE – HIGHWAY:

Highway Superintendent, Dirk Rogers, met to give an update on road projects and snow removal. No action taken.

COVID-19 UPDATE:

Scott Meints, Emergency Manager, gave an update on COVID-19 in Brown County. COVID-19 cases are increasing and there is concern for frontline health care workers and hospital capacity. Masks and social distancing are recommended. No action taken.

PUBLIC COMMENT:

Chris Reder with DTOM 22/0 Foundation presented an update on the Veteran's Ranch near Warner, SD. The ranch provides free equine therapy to veterans. Request was made to have a no engine break zone on Brown County 10 North of Warner as the engine braking is loud and is a concern for the safety of veteran's and horses. Request will be put on the agenda for a future meeting. No action taken.

EXECUTIVE SESSION:

Moved by Fjeldheim, seconded by Sutton to go into executive session to discuss personnel per SDCL 1-

25-2(1). All members present voting aye. Motion carried. The Chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Feickert, seconded by Sutton to adjourn the Brown County Commission at 10:20a.m. All members present voting aye. Motion carried.

Cathy McNickle, Brown County Auditor

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