

NOVEMBER 24, 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 Wiese led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Moved by Wiese, seconded by Sutton 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 November 17, 2020. All members present voting aye. Motion carried.

CLAMS/PAYROLL:

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

Commission \$4,285.10; Elections (Voucher) \$17,962.50; Auditor \$10,233.67; Treasurer \$13,709.18; SA \$23,268.22; SVAWA \$1,730.76; Maintenance \$8,192.02; Assessor \$14,425.65; Register of Deeds \$9,253.41; VSO \$4,472.49; GIS \$2,387.50; IT \$7,536.30; HR \$2,173.85; Sheriff \$42,436.26; Jail \$54,887.93; Coroner \$3,900.00; Court Security \$5,914.55; JDC \$24,706.00; Welfare \$2,077.70; Museum \$8,549.15; Parks/Fairgrounds \$3,948.30; Fair Board \$4,060.30; 4-H \$651.42; Weed \$825.02; Planning & Zoning \$4,459.43; Highway \$38,852.91; Dispatch \$25,845.59; Emergency \$4,119.58; Teen Court \$769.79; JDAI \$1,769.23; 24/7 Sobriety \$967.76; Landfill \$16,065.37; Matching Benefits: FICA \$20,539.26, Medicare \$4,803.44, Discovery HSA \$300.00.

Claims: Professional Fees: BCT \$16.00; Drew Becker \$400.00; BPro \$9,600.00; Brick's TV & Appliances \$2,616.25; Cogley Law Office \$6,250.00; Dakota Wood Grinding \$38,984.50; Ryan Dell \$6,250.00; Dependable Sanitation \$34,258.00; Dohrer Law Office \$6,250.00; Michelle Gaikowski \$251.60; Geo-Comm \$10,313.90; Haar Law Office \$6,321.00; Kuck Law Office \$6,270.00; LTR \$13,782.03; Jerald McNeary \$6,250.00; NEMHC \$1,690.00; Christy Griffin-Serr Law Office \$6,250.00; SD Dept. of Revenue & Regulation \$10,484.66; Taliaferro Law Firm \$6,250.00; US Bank \$1,212.73; Mitch Vilhauer \$1,850.02; WSP USA \$2,376.75. Publishing: Aberdeen American News \$1,065.45. Rentals: 446-Praxair \$44.89. Repairs & Maintenance: B & B Contracting \$4,812.50; Dakota Doors \$134.69; Dakota Pump & Control \$450.00; Dakota Pump \$2,672.37; Digi Security Systems \$75.00; Ecolab Pest Elimination \$366.15; Gardner Locksmith \$75.00; Interstate PowerSystems \$1,642.00; Olson's Pest Technician's \$245.00; Pantorium Cleaners \$412.22; Pomp's Tire Service \$5,992.95; Thee Glass Doktor \$82.80; TranSource Truck & Equip. \$6,271.25; US Bank \$860.89. Supplies: Advance Auto \$1,055.36; AgTegra \$2,288.74; Allegiant Emergency Services \$1,600.00; Best Western Ramkota – Aberdeen \$295.00; Century Business Products \$944.93; Dakota Structured Cabling \$360.00; ES&S \$2,479.88; Gappa Electric \$190.96; Geffdog \$220.50; Marco \$720.12; Menards \$306.35; Midstates Printing \$852.00; Pantorium Cleaners \$56.00; PharmChem \$256.95; Plumbing & Heating Wholesale \$2,434.23; Thee Glass Doktor \$88.45; TranSource Truck & Equip. \$973.20; US Bank \$20,609.11. Travel & Conference: IAFE \$150.00; Dave Lunzman \$28.16; SDSU Extension \$249.39; US Bank \$103.53. Utilities: Aberdeen City Treasurer \$33.81; CenturyLink \$2,151.65; Dependable Sanitation \$513.00; Montana-Dakota Utilities \$33.98; Northern Electric \$2,225.33; NWPS \$397.57; NVC \$3,006.92; US Bank \$229.65; Web Water Development \$81.42. Other: JRWD \$79,950.85; Safe Harbor \$925.84. Machinery & Equip.: Pierson-Ford \$34,497.00.

All members present voting aye. Motion carried.

HR REPORT:

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

- Acknowledge resignation of Jeremy Batista, Brown County Jail Correctional Officer, full-time; effective November 1, 2020 and approve request to fill vacancy.
- Acknowledge resignation of Rachele Jung, Brown County Sheriff's Deputy, full-time; effective December 3, 2020 and approve request to fill vacancy.

All members present voting aye. Motion carried.

SET HEARING DATE – ORDINANCE 182:

Moved by Sutton, seconded by Wiese to set hearing date and authorize publishing the follow request to rezone property: Application has been made by Darnell Rainford and Bryan Crawford 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 December 15th, 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, "B Crawford Addition" in the SW1/4 of Section 2-T127N-R63W of the 5th P.M., Brown County, South Dakota (39206 107th 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. 182. All member present voting aye. Motion carried.

PLATS:

Resolution 69-20 John Koehler Subdivision:

Commissioner Feickert moved the following resolution: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JOHN KOEHLER SUBDIVISION IN THE SE ¼ OF SECTION 6-T123N-R63W 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 – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 70-20 Broman Subdivision:

Commissioner Feickert moved the following resolution: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BROMAN SUBDIVISION IN THE NW1/4 OF SECTION 21-T123N-R60W 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 – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 71-20 Dorsett-Hanigan Addition:

Commissioner Feickert moved the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "DORSETT-HANIGAN ADDITION IN THE NW1/4 OF SECTION 13, TOWNSHIP 124 NORTH, 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 of 1967, Chapter 11-3, and any amendments thereof." Seconded by Wiese: roll call vote: Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 72-20 Weigel and Locken Subdivision:

Commissioner Feickert moved the following resolution: "BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FO BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING, WEIGEL AND LOCKEN SUBDIVISION IN THE NE1/4 OF SECTION 7-T122N-R63W 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 – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 73-20 CWF Subdivision

Commissioner Feickert moved the following resolution: “BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING CWF SUBDIVISION IN THE SE1/4 SE1/4 OF SECTION 27-T123N-T63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED IS HERE BY APPROVED IN ACCORDANCE WITH THE PROVISION OF SDCL 11-3, AND ANY AMENDMENTS THEREOF.” Seconded by Wiese: roll call vote: Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 74-20 Dosch Subdivision

Commissioner Feickert moved the following resolution: “BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING DOSCH SUBDIVISION IN THE NW1/4 NW1/4 OF SECTION 8 T127N R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED IS HERE BY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF.” Seconded by Wiese: roll call vote: Commissioner Feickert – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

Resolution 75-20 B Crawford Addition

“Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “B CRAWFORD ADDITION IN THE SW1/4 OF SECTION 2, TOWNSHIP 127 NORTH, RANGE 63 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 – aye, Sutton – aye, Wiese- aye, Fjeldheim – aye, Kippley – aye. Resolution adopted.

ALCOHOLIC BEVERAGE LICENSE RENEWAL:

Moved by Sutton, seconded by Wiese to approve the following applications for renewal of Alcoholic Beverage Licenses to operate outside of the Municipality: PACKAGE (OFF-SALE) LIQUOR: Stacy Gossman DBA Mansfield Bar & Grill, (Lots 11-14, Block 4, Mansfield, 32-121-64). Marge Frohling DBA The Connection (Lots 13, 14, & 15, Block 2, Houghton, 31-127-61). Roderic L Hanson DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60). RETAIL (ON-SALE) AND SUNDAY LIQUOR: Stacy Gossman DBA Flying Pig, (Lot 2 Gossman Second Addition, SE ¼ of Sec 15-T123N-R65W). Roderic L Hanson DBA Ferney Farmers Bar (Lots 4 & 5, Block 5, Ferney, 31-122-60). Moccasin Creek Country Club Inc (Prairiewood Village OL 7, 33-124-63). Travis Swenson DBA Elm Lake Resort (Lot 1 Elm Lake Subdivision in the SE ¼ of 8-128-65). Stacy Gossman DBA Big Fella’s (Lot 1B Gossman 1st Addn S ½ of 15-123-63). Tyler Jones DBA Dakota River Ranch/Tacoma Park Place (5 acres in NE corner of NW ¼ of 23-124N-62W). P’ZA Inc DBA Anchors Away Lodge & Resort (Palmer’s Richmond Resort Subd Lt 1, Subd OL 1 Richmond OL 1 & 2). Ron Wagner DBA Highway 12 Liquors (Outlot A SE 15-123-63). RETAIL (ON-OFF-SALE) WINE: ARR LCC DBA Flatland Flyways Lodge (Russo’s OL 1 NW ¼ 1-127-62). Moccasin Creek Country Club Inc (Prairiewood Village OL 7, 33-124-63). All members present voting aye. Motion carried.

SECOND READING AND ADOPTION: ORDINANCE 178

Moved by Feickert, seconded by Wiese to adopt ordinance 178: an ordinance 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). All members present voting aye. Motion carried.

SECOND READING AND ADOPTION: ORDINANCE 179:

Moved by Sutton, seconded by Feickert to adopt ordinance 179: an ordinance 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). All members present voting aye. Motion carried.

SECOND READING AND ADOPTION: ORDINANCE 180:

Moved by Fjeldheim, seconded by Sutton to adopt ordinance 180: an ordinance 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). All members present voting aye. Motion carried.

SECOND READING AND ADOPTION: ORDINANCE 181:

Moved by Feickert, seconded by Fjeldheim to adopt ordinance 181: an ordinance 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). All members present voting aye. Motion carried.

PLANNING AND ZONING BOARD ALTERNATE MEMBER:

Moved by Sutton, seconded by Feickert to add an alternate member to the Planning and Zoning Board. James Meyers is appointed as alternate zoning board member. All members present voting aye. Motion carried.

RFP-INDIGENT DEFENSE SERVICES:

Moved by Sutton, seconded by Wiese to table the indigent defense contract award until contract is reviewed. All members present voting aye. Motion carried.

MAINTENANCE DEPARTMENT UPDATE:

Judy Dosch, building superintendent met to give an update on courthouse building projects.

ZONING OFFICE MOVE:

Moved by Sutton, seconded by Feickert to move the planning and zoning office to the old dispatch center in the Courthouse Annex Basement. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Wiese, seconded by Sutton to go into executive session to discuss contracts per SDCL 1-25-2(4). All members present voting aye. Motion carried. The Chair declared the executive session closed and the following action was taken: Moved by Sutton, seconded by Wiese to approve paying attorney fees as a result of executive session. All members present voting aye. Motion carried.

ADJOURNMENT:

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

Cathy McNickle, Brown County Auditor
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