

JUNE 1, 2021 – GENERAL MEETING

Meeting called to order by Commission Chair Fjeldheim at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Sutton, Wiese and Kippley. Commissioner Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

PUBLIC HEARING\_PACKAGE OFF-SALE LIQUOR LICENSE:

Moved by Sutton, seconded by Kippley to approve the following Package Off-Sale Liquor License Applications: Elm Lake Resort LLC (Travis Swenson) 37594 102nd St Frederick, SD 57441 – Lot 1 Elm Lake Resort SE ¼ 8-128-65 That portion of the Road R10/W; Bath Quick Stop LLC (Dustin Guthmiller) 39494 133rd St Bath, SD 57427 – Lot B Weismantels 1st Subdivision of lot 1 ex N 12' Jenkins Subdivision E ½ of SE ¼ section 18-123-62; Jackie Chantal, LLC (Chantal Gortmaker) DBA Richmond Oasis 12845 382nd Ave Aberdeen, SD 57401 – Lot 4 Schaeffer Richmond Lake 2nd Add NW & NE 25-124-65 (5AC) ; P'ZA Inc (James Ronning) DBA Anchors Away Lodge & Resort 12800 S Short Dr. Aberdeen SD 57401 – Palmers Richmond Resort SD Lt 1 (SDOL 1 Richmond OL 1&2). Roll call vote: Commissioner Feickert – aye, Sutton- aye, Wiese- aye, Kippley – aye, Fjeldheim- aye. Motion carried.

BID OPENING\_124 BUILDING WINDOWS:

Place and time as advertised, to open read and consider bids for 124 Building Windows' Replacement. Moved by Wiese, seconded by Sutton to award bid to House of Glass, Inc. in the amount of \$81,975.00. They are the sole bidder. All members present voting aye. Motion carried.

NEW ANGUS BEEF PLANT RESOLUTION FOR SOLID WASTE PERMIT:

Commissioner Kippley offered the following Resolution:

RESOLUTION 32-21 RESOLUTION FOR SOLID WASTE PERMIT  
(NEW ANGUS LIMITED LIABILITY COMPANY)

WHEREAS, New Angus Limited Liability Company desires to establish an irrigation pivot for the purpose of solid waste management; and

WHEREAS, Brown County has approved the use of an irrigation pivot; and

WHEREAS, the use of the irrigation pivot is not in conflict with any established zoning laws or ordinances; and

WHEREAS, New Angus Limited Liability Company has (or will) file(d) a solid waste application with the South Dakota Department of Environment and Natural Resources (DENR); and

WHEREAS, DENR has (or will) review(ed) that application to determine that the irrigation pivot can be operated within the South Dakota laws and regulations; and

WHEREAS, DENR has (or will or may) recommended the approval of the permit with conditions adequate to safeguard the environment; and

WHEREAS, the Board of Minerals and Environment will review, modify, approve, or deny the permit if the tentative recommendations and/or conditions of the permit are contested by any interested party; and

WHEREAS, the County Commission of Brown County is required by South Dakota law SDCL 34A-6-103 to approve of a solid waste facility prior to the issuance of a solid waste permit;

IT IS THEREFORE RESOLVED that the County Commission of Brown County hereby approves use and operation of the irrigation pivot to be operated under the terms of a solid waste permit to be issued by the Board of Minerals and Environment.

Approved this 1st day of June, 2021 by the County Commission in regular session at Aberdeen, South Dakota.

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

**APPLICATION FOR OCCUPANCY:**

Moved by Sutton, seconded by Wiese to approve application submitted by Bill Edwards for occupancy of Brown County Highway Number 7, in Section 10, Township 126, Range 65, Brown County, South Dakota. All members present voting aye. Motion carried.

**APPLICATION FOR OCCUPANCY:**

Moved by Kippley, seconded by Sutton to approve the following application for occupancy submitted by Northern Valley Communications for telecommunication purposes: occupancy of Brown County Highway Number 10, 11, in Section 13, 23, 34, 26, 25, 35, 36, Township 125, Range 64, Brown County, South Dakota; occupancy of Brown County Highway Number 9, in Section 2, 1, 6, Township 125, Range 64, 63, Brown County, South Dakota; occupancy of Brown County Highway Number 11, in Section 36, 25, 30, 29, 32, Township 125, Range 64, 63, Brown County, South Dakota; occupancy of Brown County Highway Number 9 in Section 10, 0, 8,7, 18, Township 125, Range 64, Brown County, South Dakota. All members present voting aye. Motion carried.

**DEPARTMENT UPDATES:**

Dirk Rogers, Highway Superintendent, discussed with the commission current road projects & updates from his department. No actions taken.

**SOUTH DUMPSITE LOCATION:**

Ross Aldentaler, Deputy-States Attorney, gave updates to the Commission on the contract agreement. No actions taken.

**MINUTES:**

Moved by Feickert, seconded by Wiese to approve the general meeting minutes of May 25, 2021. All members present voting aye. Motion carried.

**CLAIMS:**

Moved by Sutton, seconded by Kippley to approve the following claims:

Professional Fees: CGI \$568.96; CommTech Inc \$2,855.50; Houston Engineering Inc \$11,734.07; Jodi Sudweeks \$ 14.00; Kristi Spitzer \$200.00; Kuck Law Office \$26.20; Larry Dixon \$375.00; Lumen \$266.06; Michelle Gaikowski \$13.60; National Sheriff Association \$135.00; NE Mental Health Center \$962.00; Thurman Law Office \$207.90. Repairs & Maintenance: Aberdeen Auto Center \$533.00; B&B Contracting Inc \$2,283.17; Double A Plumbing LLC \$305.51; Douglas Grote \$1,075.00; Eilers Water Conditioning & Lawn Irrigation \$93.00; Fordham Signs & Design \$1,235.00; Gordon Schmidt Construction Inc \$1,326.52; Greg's Repair \$20.00; HF Jacobs & Son Construction Inc \$20,244.72; Jensen Rock & Sand Inc \$63,817.50; Kurt Preszler \$8,688.79; Lawson Products Inc \$54.55; Leidholt Electric LLC \$1,882.00; Lien Transportation Company \$35,122.79; Midwest Pump & Tank \$127.77; Motorola Solutions Inc \$50,032.81; Pantorium Cleaners Inc \$378.64; Pro Windmill Inc \$250.00; Schwan Welding \$2,871.52; Steven Lust Automotive \$52.95; Vosika Fencing \$3,461.00; Webster Scale \$1,886.60; Woodman Refrigeration Inc \$113.27. Supplies: Aberdeen Auto Center \$413.33; Aberdeen Medical Center Pharmacy \$1,739.61; Cole Papers \$334.75; Dakota Supply Group \$89.12; Fastenal Co \$277.45; FedEx \$13.49; Idemia \$1,783.00; Jensen Rock & Sand Inc \$66,616.94; Karen Swank \$248.00; Lawson Products Inc \$742.11; Leidholt Tool Sales LLC \$120.36; Mac's Inc \$39.99; Marco Inc \$2,395.90; Mark Milbrandt \$40.00; Menards \$540.88; Midstates Printing \$267.00; Plumbing & Heating Wholesale Inc \$1,867.93; Pro Ag Supply Inc \$264.35; Roland Moerke \$40.00; Russell B. Lanscaping \$379.49; Sander's Sew-N-Vac Inc \$8.00; Share Corp \$261.00; Shi International Corp \$450.65; Thurman Law Office \$5.94; Timothy Gardner \$77.00. Travel & Conference: Aaron Walberg \$150.40; City of Groton \$89.64; Dave Lunzman \$175.78. Utilities: AT&T Mobility \$197.38; Montana Dakota Utilities Co \$38.15; Northwestern Energy & Communications \$2,958.69; Qwest Corporation \$2,241.97. Rentals: Roland Moerke \$177.90; Sewer Duck Inc \$175.00. Others: JC Land Company \$100.00. Bond Payments: Alan/Angela Bernard \$13,011.13; Darwin/Mary Bettmann \$1,951.62; David and Jill Lehmann Living Trust \$16,263.70; Donald/Maxine Fischer \$1,951.55; FDM Revocable Living Trust \$16,263.55; Great Plains Bank \$19,516.20; Herman Schumacher \$8,131.85; James Gressett \$16,263.55; John Kippley \$3,252.70; Joop Bollen \$16,263.55; Kendall/Linda Peterson \$6,505.07; Kendall Peterson Trustee \$39,032.40; Lynette Durham \$6,505.07; Mark & Mary Volk \$6,505.07; Marlin Nilsson \$13,011.13; Plains Commerce Bank – Aberdeen \$248,181.41; Pyush Ramanlal Patel \$16,263.55; Robert or Lora Larson \$3,252.40. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Kippley, seconded by Wiese to approve the HR Office Report, which includes the following:

- Acknowledge no show of Micala Bishop, Brown County Fair Intern. Request to fill.
- Acknowledge resignation of John Ness, Brown County Landfill Helper effective November 30, 2020.
- Approve hiring of Andrew Coughlin as Brown County Fair Intern effective May 26, 2021 @ \$12.48/hour.
- Approve bonus for Sonje Oban, Brown County Interim Fair Manager of \$1,500.00 on June 4, 2021 paycheck and pending \$1,500.00 on November 5, 2021 paycheck.
- Approve bonus for McKenzie Bierman, Brown County Fair Administrative Assistant of \$1,000.00 on June 4, 2021 paycheck and pending \$1,000.00 on November 5, 2021 paycheck.
- Approve hiring of Emily Meiers as Dacotah Prairie Museum intern effective June 7, 2021 @ \$12.00/hour.

All members present voting aye. Motion carried,

SET HEARING DATE \_MEDICAL CANNABIS ESTABLISHMENTS PERMITS/LICENSES (ORDINANCE 198):

Moved by Sutton, seconded by Wiese to set hearing date and authorize publishing a temporary ordinance regarding the issuance of local medical cannabis establishment permit and/or licenses. A joint public hearing between Brown County Planning Commission and Board of Brown County Commissioners will be held on June 15, 2021 at 7:00PM. All interested persons are encouraged to attend in person and comment on Ordinance 198. After the public hearing, the Planning Commission may pass a resolution recommending approval of Ordinance 198 with or without amendment to the Board of County Commissioners. The Board of County Commissioners may have first reading of Ordinance 198 by title and set a 2<sup>nd</sup> reading date. All members present voting aye. Motion carried.

**QUIT CLAIM DEEDS:**

Moved by Sutton, seconded by Wiese to approve and authorize the chair to sign Quit Claim Deed on the following property sold by tax deed on May 20, 2021: Lloyd Jark – Lot 10-11-12, Block 19 in town of Stratford, Brown County, South Dakota @ \$2,000.00; Dawn Kissner – Lot 2, Diver’s 2<sup>nd</sup> Rearrangement of Lots 11-12, Block 23, First Addition to the City of Aberdeen, according to the plat thereof of record, Brown County, South Dakota @\$3,500.00; Homes Are Possible, Inc – Lot 10, Block 51, Second Addition to Aberdeen , according to the plat thereof of record, Brown County, South Dakota @ \$5,000.00. All members present voting aye. Motion carried.

**PUBLIC COMMENT\_STOP SIGN NEAR THE LANDFILL:**

Mike Scott, Landfill Manager, aired out his concern about the stop sign by the intersection south of the Landfill where a number of near miss accidents transpired recently. County Commissioners advised to have Highway Department to look into this matter. No actions taken.

**EXECUTIVE SESSION:**

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

**ADJOURNMENT:**

Moved by Kippley, seconded by Sutton to adjourn the Brown County Commission at 10:35 a.m. All members present voting aye. Motion carried.

Jeannette McClain, Brown County Deputy Auditor  
Published once at the total approximate cost of \$\_\_\_\_\_.