

JULY 26, 2022 – GENERAL MEETING

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

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT:

Trevor Jones with Carbon Summit Solutions introduced himself as a contact for questions.

ORDINANCES 219- REZONE- SECOND READING AND ADOPTION:

Moved by Fjeldheim, seconded by Gage to approve second reading and adoption of Proposed Ordinance 219, Applicants Clarence and Lori Habeck requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.14 Highway Commercial (H-C) : Proposed Lot 1, “Bim and Lori’s Venture Addition” in the NW ¼ of Section 9-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

ORDINANCE 220 – REZONE – SECOND READING AND ADOPTION:

Moved by Feickert, seconded by Fjeldheim to approve second reading and adoption of Proposed Ordinance 220, applicants Don and Christine Bruner requesting to go from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): “Bruner’s Outlot 1” in the SE1/4 of Section 28-T122N-R62W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All members present voting aye. Motion Carried.

ORDINANCE 221 – REZONE – SECOND READING AND ADOPTION:

Moved by Gage, seconded by Feickert to approve second reading and adoption of Proposed ordinance 221, applicants Jeremy and Lindsey Lesnar requesting to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini Ag District (M-AG): Lot 2, “Hagemann First Subdivision” in the SE1/4 of Section 26-T124N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All members present voting aye. Motion carried.

RECONVEYANCE OF REAL PROPERTY:

Commissioner Feickert Offered the following Resolution:

RESOLUTION #34-22

A RESOLUTION AUTHORIZING RECONVEYANCE OF REAL PROPERTY TO THE OWNER OF RECORD

WHEREAS, On June 27, 2022 Brown County accepted a Tax Deed for real property located at:

Lot 6 and the North 25 Feet of Lot 7, Block 18, Simmon’s First Addition to Aberdeen, According to the Plat Thereof Record, Brown County, South Dakota; and

WHEREAS, Joy M. Ino, record owner, wishes to enter into an agreement for reconveyance of said property from Brown County; and

WHEREAS, South Dakota Codified Law 10-25-41 to 44 permits county commissioners to authorize a reconveyance by quitclaim deed to the record owner on payment in cash of the price fixed by

the resolution of the county commissioners, which amount shall not be less than the total principal, interest, and costs of all taxed represented in the tax deed and any other taxes and interest which are unpaid on the real property; and

WHEREAS, the total amount due and owing Brown County calculated through August 2022 is \$15,531.83.

NOW, THEREFORE, BE IT RESOLVED, in consideration for the amount due and owing of \$15,531.83 the Board of Brown County Commissioners does hereby authorize the reconveyance by quitclaim deed to Joy M. Ino:

Lot 6 and the North 25 Feet of Lot 7, Block 18, Simmon's First Addition to Aberdeen, According to the Plat Thereof Record, Brown County, South Dakota

Dated at Aberdeen, South Dakota, this 26<sup>th</sup> day of July, 2022.

Seconded by Commissioner Gage. Roll Call Vote: Commissioners Fjeldheim-aye; Gage-aye; Sutton-aye; Wiese absent. Resolution adopted.

**RISK POOL REIMBURSEMENT & SHERIFF VEHICLE SURPLUS:**

Dave Lunzman, Chief Deputy Sheriff, met to discuss Risk Pool Reimbursement for claim on vehicle damage. Add to August 2, 2022 agenda to Rescind July 5, 2022 surplus of 2014 police interceptor police package vehicle, VINXXX85526, as trade in and approve surplus of vehicle to the Brown County Assessor's Office.

**MINUTES:**

Moved by Fjeldheim, seconded by Gage to approve the general meeting minutes of July 19, 2022. All members present voting aye. Motion carried.

**CLAIMS:**

Professional Fees: ACE REFRIGERATION LLC \$418.20; CERTIFIED LANGUAGES INTERNATIONAL LLC \$744.15; Child's Voice Route #6361 \$435.48; CHRISTY GRIFFIN-SERR LAW OFFICE \$8,541.67; CITY OF ABERDEEN \$500.00; COGLEY LAW OFFICE, PROF LLC \$8,588.88; DEAN SCHAEFER COURT REPORTING \$354.00; DEPENDABLE SANITATION INC \$35,843.00; DOHRER LAW OFFICE \$8,541.67; FIRE SAFETY FIRST, LLC \$183.00; JERALD M. MCNEARY \$8,541.67; KRISTI BRANDT \$80.00; KUCK LAW OFFICE \$8,541.67; MICHELLE GAIKOWSKI \$121.80; NE MENTAL HEALTH CENTER \$2,262.00; PRCA \$5,000.00; Saber Shred Solutions, Inc. \$12,524.15; SANFORD HEALTH \$2,100.00; SANFORD HEALTH OCCUPATIONAL MEDICINE ABERDEEN \$378.00; SD DEPT OF HEALTH \$620.00; SD NETWORK AGAINST FAMILY VIOLENCE & SEXUAL ASSAULT \$200.00; SHI INTERNATIONAL CORP \$1,266.40; TALIAFERRO LAW FIRM \$8,541.67; TYLER TECHNOLOGIES INC \$390.00; WEST PUBLISHING CORP. \$1,417.08; YANKTON COUNTY SHERIFF OFFICE \$150.00

Publishing: GateHouse Media South Dakota Holdings, Inc. \$2,324.43; GROTON INDEPENDENT \$149.01; HUB CITY RADIO \$5,910.00; LEE ENTERPRISES \$19.42; MIDSTATES PRINTING \$120.00; NORTHWEST BLADE \$54.75

Repairs & Maintenance: Boyer Trucks \$11.37; CENTURY BUSINESS PRODUCTS \$16.01; DAY COUNTY TREASURER \$1,847.04; DOUBLE D BODY SHOP INC \$18,751.31; EILERS WATER CONDITIONING & LAWN IRRIGATION \$744.25; HF JACOBS & SON CONSTRUCTION INC \$1,849.28; HOUSE OF GLASS \$563.23; HUB CITY ROOFING \$735.00; IMEG Corp \$20,249.75; J

GROSS EQUIPMENT \$4,531.92; LIEN TRANSPORTATION COMPANY \$2,300.42; LOISEAU CONSTRUCTION, INC. \$138,512.80; Missouri Petroleum \$1,388,702.00; OTIS ELEVATOR \$71.80; POMPS TIRE SERVICE, INC \$1,148.00; SD DEPT OF PUBLIC SAFETY \$80.00; SEWER DUCK INC \$1,273.75; SHOWTIME INVESTMENTS, INC \$2,560.36; TITAN MACHINERY - ABERDEEN NH \$993.82; WOODMAN REFRIGERATION, INC \$502.04

Supplies: ADVANCE AUTO PARTS \$717.57; AGTEGRA COOPERATIVE \$11,052.87; APH STORES, INC \$31.91; ARTZ EQUIPMENT \$613.13; ASHLEY FARRAND DUNHAM \$40.00; Avera LTC Pharmacy Aberdeen \$21.80; Boyer Trucks \$83.70; BRANDON BLACK \$48.95; CENTURY BUSINESS PRODUCTS \$2,121.18; CHARM-TEX \$136.02; COLE PAPERS \$327.08; CREATIVE PRODUCT SOURCING, INC. \$1,094.88; Dykman Merchandise LLC \$175.00; EARTHGRAINS BAKING CO. INC. \$948.76; ELECTION SYSTEMS & SOFTWARE LLC \$127.00; Ellie Weinmeister \$42.17; FIRE SAFETY FIRST, LLC \$451.00; J GROSS EQUIPMENT \$6,858.24; JENSEN ROCK & SAND INC \$92,800.44; KAREN SWANK \$108.00; KESSLERS \$145.52; KIESLER'S POLICE SUPPLY, INC. \$690.00; LEIDHOLDT TOOL SALES, LLC \$195.61; LIEN TRANSPORTATION COMPANY \$143,846.89; Linde Gas & Equipment Inc. \$334.71; MAC'S INC \$509.82; MARCO INC \$27.28; MENARDS \$767.43; MEYERS TRACTOR SALVAGE \$750.00; MIDSTATES PRINTING \$91.45; MIDWEST ALARM \$279.26; MIDWEST PUMP & TANK \$83.00; NETWORK CENTER INC. \$4,101.67; NORTHERN VALLEY COMMUNICATION \$26.76; PHARMCHEM \$826.35; PIERSON-FORD-LINCOLN -MERCURY \$166.98; PLUMBING & HEATING WHOLESALE, INC. \$92.23; POMPS TIRE SERVICE, INC \$1,022.35; PRO AG SUPPLY, INC \$115.83; RIXSTINE TROPHY COMPANY \$1,956.60; RUNNINGS \$1,216.85; SCHWAN WELDING \$1,429.10; SHARE CORP \$303.00; STAN HOUSTON EQUIPMENT CO. \$222.95; TITAN MACHINERY - ABERDEEN NH \$79.46; TRI STATE WATER \$35.00; US POSTMASTER \$15.12; WEST PUBLISHING CORP. \$2,397.11

Travel & Conference: CITY OF GROTON \$50.22; PATTI WOODS \$103.40; REGENCY MIDWEST VENTURES LIMITED PARTNERSHIP \$390.64; SDSU EXTENSION \$64.68; UND \$125.00

Utilities: CITY OF ABERDEEN \$3,378.98; CITY OF HECLA \$122.61; DEPENDABLE SANITATION INC \$348.00; JAMES VALLEY TELECOMMUNICATIONS \$218.30; MIDCONTINENT COMMUNICATIONS \$127.52; MONTANA DAKOTA UTILITIES CO \$26.13; NORTHERN ELECTRIC COOP, INC \$495.73; NORTHERN VALLEY COMMUNICATION \$5,275.28; NORTHWESTERN ENERGY & COMMUNICATIONS \$1,140.30; QWEST CORPORATION \$1,207.86; STATE OF SOUTH DAKOTA \$140.61; VERIZON WIRELESS SERVICES LLC \$3,566.50; WEB WATER DEVELOPMENT ASSOC. INC. \$85.53

Rentals: Linde Gas & Equipment Inc. \$47.62; PANTORIUM CLEANERS INC. \$207.36

Others: SD ASSOC. OF COUNTY OFFICIALS \$1,052.00; SD DEPT OF AGRICULTURE & NATURAL RESOURCES \$4,887.59

All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Gage seconded by Fjeldheim to approve the following Human Resource Report:

- Approve hiring of Kari Harmon as Brown County Communications Dispatcher, Full Time; effective August 1, 2022, starting wage \$21.16/hr.

Plats:

**RESOLUTION #35-22 CREEKSIDE ADDITION**

Commissioner Fjeldheim brought the following resolution. "Be it resolved by the County Commission of Brown County South Dakota, that the plat showing "Moccasin Creek Substation Second Addition in the NE1/4 of Section 27, Township 124 North, Range 64 West of the 5<sup>th</sup> 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 Commissioner Feickert. Roll Call Vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

**RESOLUTION #36-22 CHRIS & WENDY MEHLHAFF FIRST SUBDIVISION**

Commissioner Fjeldheim brought the following resolution. "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing Chris & Wendy Mehlhaff First Subdivision in the SW1/4 of section 19-T125N-R63W of the 5<sup>th</sup> 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 Commissioner Feickert. Roll Call Vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

**RESOLUTION #37-22 WIEK-KEMPF ADDITION**

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: "Wiek-Kemp addition in the SE1/4 of section 8, Township 128 North, Range 65 West of the 5<sup>th</sup> 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 Commissioner Feickert. Roll Call Vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

**RESOLUTION #38-22 ALBERTS-ANDERSON ADDITION**

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: Alberts-Anderson Addition in the NW1/4 of Section 10, Township 124 North, Range 61 West of the 5<sup>th</sup> 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 Commissioner Feickert. Roll Call Vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

**RESOLUTION #39-22 BAUER'S FOURTH ADDITION**

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing: "Bauer's Fourth Addition in the S1/2 of Section 7, Township 123 North, Range 65 West of the 5<sup>th</sup> 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 Commissioner Gage. Roll Call Vote: Commissioners Feickert-abstain, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

**RESOLUTION #40-22 MOCCASIN CREEK SUBSTATION SECOND ADDITION**

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "Moccasin Creek Substation Second Addition in the NE1/4 of Section 27, Township 124 North, Range 64 West of the 5<sup>th</sup> 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 Commissioner Feickert. Roll Call Vote: Commissioners Feickert-aye, Fjeldheim-aye, Gage-aye, Wiese-absent, Sutton-aye. Resolution adopted.

LEASES:

Moved by Feickert, seconded by Gage to approve leases with Mike Traxinger & SDFU for area south of beef barn July 26<sup>th</sup>, 2022; NSU Focus Group for lease of Richmond Youth Camp August 18 – 19<sup>th</sup>, 2022. All members present voting aye. Motion Carried.

LEGAL ASSIGNMENT:

Moved by Fjeldheim, seconded by Feickert to approve, and authorize auditor to assign the claim against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

SHERIFF'S REPORT:

Moved by Gage, seconded by Sutton to approve the June 2022 Sheriff Reports: Incidents and offenses, Prisoner care, JDC, and Money deposited with the County Treasurer. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Fjeldheim discussed phone calls received about the road at Elm Lake Dam, Commissioner Gage advised of opportunities for volunteering at the Brown County Fair. No Action Taken.

EXECUTIVE SESSION:

Moved by Gage, seconded by Fjeldheim to go into executive session to discuss personnel and legal per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Feickert, seconded by Gage to adjourn the Brown County Commission at 9:45 a.m. All members present voting aye. Motion carried.

Brown County Auditor

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