

MAY 9, 2023 – GENERAL MEETING

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

APPROVAL OF AGENDA:

Commissioner Gage moved to approve the agenda, seconded by Dennert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly wanted to inform the Commission that Summit Carbon Solutions employees were trespassing on his property and began surveying without his permission. They are now serving condemnation papers on landowners. Mark Bossly Thanked the Commissioners for the Setback Ordinance that was passed and asked that they keep the Moratorium on and possibly extend it as well.

ORDINANCE #244 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #244. Applicants Levi Jensen requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: The West 520' of the North 1,965' of the SW ¼ of Section 9-T121N-R63W of the 5th P.M., Brown County, South Dakota (14380 390th Ave., West Rondell Twp.). All members present voting aye. Motion carried.

DISCUSS POSSIBLE ACTION ON RESOLUTION #33-22:

Resolution #33-22 was to establish the temporary moratorium on the Issuance of Conditional Use Permits and Building Permits on Hazardous Waste Pipelines in Brown County, SD. Chairman Sutton stated this was to give Brown County, Planning & Zoning along with Planning & Zoning Board time to review our current ordinances and be able to study, research and offer a decision on those findings for what's best for Brown County. We even held a public meeting prior to the final reading and discussed this at length. Ordinance #243 was passed on April 25, 2023, based on what was found to be best for Brown County. Ross Aldentaler, Deputy State's Attorney stated that Ernest Thompson, State's Attorney would recommend lifting the moratorium because we have done all the research we can, and we are compliant with Federal and State Regulations, but it is up to the Board. Jared Bossly, Dennis Feickert, Craig Schaanaman and Janet Hedges expressed some concerns and asked the Commissioners to not lift the moratorium and even look at extending it because want to look at the depth of cultivation and safety of the pipelines. Ross shared information that the Feds are regulating the depth of cultivation already and doesn't feel the County could do anymore. Commissioner Gage shared that we have also been using outside counsel along with the State's Attorney office. Commissioner Wiese stated that he would be comfortable with taking no action at this time due to the information and authority we have on the setbacks, moratorium by statute is a one-year with the potential to extend it but with no action would expire on July 19th, so could wait for 2 months. Mark Bossly and Dennis Feickert mentioned that the Feds are still having meetings on Carbon pipelines and FEMSA is holding a meeting May 31st & June 1st and will listen to public comment session in Des Moines, IA, so this is another reason to leave the moratorium on and let FEMSA review regulations. Chairman Sutton stated we could postpone until July 18th, the day before the moratorium expires. Craig Schaanaman asked about doing a separate ordinance on the depth of cultivation. Chairman Sutton, stated we are not going to take any action today, put on the agenda again on July 18th to discuss further at that time along with the new State's Attorney.

APPOINT STATE'S ATTORNEY INTERIM:

Chairman Sutton shared that Ernest Thompson had resigned as of May 12th and Karly Winters will be appointed the State's Attorney Interim but is unable to start until July 10th, so for the time between Ernest leaving and Karly starting Mark Anderson has agreed to be temporary interim State's Attorney. Moved by Commissioner Gage, seconded by Dennert to appoint Mark Anderson as temporary interim State's Attorney. All members present voting aye. Motion carried.

DISASTER DECLARATION:

Scott Meints, Emergency Management Director, met with the Commission to inform them that he is working with Townships and Municipalities due the flooding that we have been having. SE Brown County was hit the worst at this time. He asked the Commission to pass a Resolution for Declaration of Emergency Disaster.

Commissioner Wiese offered the following Resolution as of May 9, 2023:

RESOLUTION #18-23

RESOLUTION FOR DECLARATION OF EMERGENCY/DISASTER

WHEREAS, Brown County, South Dakota, has suffered severe damage, brought on by a severe winter event. On the date and around the dates of April 10, 2023 and ongoing.

WHEREAS, Brown County, Brown County Townships and other public entities have had flooding, causing damage to public infrastructure.

WHEREAS Brown County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Commission at a regular meeting held on May 9, 2023, it is hereby requested that the Governor declare an emergency/disaster to exist for the County of Brown.

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

FIREWORKS PERMIT:

Scott Meints, Emergency Management Director wanted to discuss the Fireworks Permits that the County issues as far as discharging the fireworks. Scott recommended that we add the addition of state law, SDCL 34-37-19 to the Permit Forms so if due to dry conditions a ban needs to be put in place, those with a permit are aware that it affects them as well. Moved by Commissioner Wiese, seconded by Gage to add the additional SDCL to the permit form.

EMERGENCY MANAGEMENT UPDATE:

Scott Meints, Emergency Management Director informed the Commission that Jamestown called to inform him that they are going to be doubling their output this week.

DISCUSS FUNDING PROPOSALS FOR RIVERBANK ON CO. ROADS 13 & 400:

Chad Pray met with Commission to see if the County would be willing to help with the costs of improving the riverbank along County Roads 13 & 400. Chad had 2 bids: Schmidt Construction for \$15,700.00 for pulling up the dirt off North side put on the bank and level it off and \$33,000.00 from Hanlon's for concrete, trucking and loading 100 loads for rip rap after the dirt dries out. Chad shared that he has submitted paperwork requesting assistance from James River Water Development and they meet on Thursday, May 11th. Moved by Commissioner Dennert, seconded by Wiese to do an In-Kind donation of concrete and loading of the concrete at this time. All members present voting aye. Motion carried.

LOAD LIMITS:

Dirk Rogers, Highway Superintendent met with the Commissioners to discuss the load limits. His recommendation was to lift the load limits on everything except for County Rd. 5, west of 281 for at least 2 weeks because of the road conditions. Moved by Commissioner Fjeldheim to lift the load limits as at Midnight on May 9, 2023, except for Co. Rd. 5 West of 281. Seconded by Gage. All members present voting aye. Motion carried.

HIGHWAY UPDATE:

As far as FEMA, we have 4 locations (State Line – Hall Crossing – 16B and Co. Rd. 25) that go under every year. 16B and 25 still have open cases from last time. County Projects that will begin are paving on 16 and Bridge NE of Frederick. Co. Road 5 and Elm Lake are on hold right now due to muddy conditions. Jensen's are out patching as of yesterday.

Chairman Sutton asked about staffing due to an individual resigning. Dirk stated they are still okay at this time with staffing. Dirk shared that he has gotten requests to see if Brown County would be interested in participating in the Dakota Build Scholarship program through Vo-Tech Schools. He asked for the Commissioners opinion in general on this program. Commissioner Wiese shared if you have the details & can reap the benefits, Commissioner Sutton would be a strong proponent. Two other counties have a full program where they train the individual(s) in-house employees only.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of May 2, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Wiese, seconded by Dennert to approve the Brown County Board of Equalization minutes of May 2, 2023. All members present voting aye. Motion carried.

Moved by Commissioner Gage, seconded by Dennert to approve the Consolidated Board of Equalization minutes of May 2, 2023. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following claims and payroll: Claims:

Insurance: SD Public Assurance Alliance \$245,891.92. Professional Fees: Brick's TV and Appliance \$1,676.25; City of Aberdeen Finance Office \$250.00; Faulkton Area Medical Center \$144.00; Fox Law Firm, PLLC \$150.00; Helms & Associates \$1,120.00; Language Line Services, Inc \$268.12; Lucy Lewno \$90.00; Mark Katterhagen \$12.00; Pantorium Cleaners Inc \$15.07; Sanford Health Occupational Medicine \$1,008.00; Satellite Tracking of People, LLC \$1,592.50; Thomson Reuters-West Payment Center \$283.30; Valerie J. Larson \$12.00; We Care Online \$1,070.00; Yankton County Sheriff's Office \$50.00; Yellowstone County Sheriff's Office \$75.00.

Publishing: Dakota Broadcasting, LLC \$1,960.00; Geffdog Designs \$2,503.26; Groton Daily Independent \$189.76;

Hub City Radio \$1,500.00; McQuillen Creative Group, Inc \$270.00; South Dakota Magazine \$841.50. Rentals:

Dakota Electronics \$3,000.00. Repairs & Maintenance: Big Scoop Snow Removal \$2,400.00; Custom Installation Solutions \$125.00; Dakota Doors Inc \$50.18; Dakota Fluid Power, Inc \$240.00; Diesel Machinery, Inc \$6,910.44;

EcoLab Pest Elimination Division \$157.46; Hanlon Brothers, LLC \$3,972.09; HF Jacobs & Son Const. Inc \$3,967.18;

K & S Plumbing, Inc \$1,061.41; Olson's Pest Technicians \$345.00; Pantorium Cleaners Inc \$281.20; Precision Kiosk

Technologies \$2,700.00; RDO Equipment Co \$6,328.79; Steven Lust Automotive \$1,970.64; Transource Truck &

Equipment, Inc \$1,190.82; Vosika Fencing \$2,313.00; Western States Fire Protection Co \$620.00. Supplies: Agtegra

Cooperative \$34,060.58; Anderson Acres Inc \$640.00; Auto Value Aberdeen \$226.65; Bakken Building Maintenance

\$500.00; Bimbo Foods USA, Inc \$852.25; Butler Machinery Company \$1,296.92; Century Business Products \$349.99;

Cole Paper Inc \$789.50; Crawford Trucks & Equipment \$360.78; Dakota Doors Inc \$2,459.63; Dakota Electronics

\$3,240.00; Dakota Fluid Power, Inc \$1,154.22; Dakota Oil \$30.80; Diesel Machinery, Inc \$220.18; East Side Jersey

Dairy Inc \$2,081.55; Fastenal Company \$598.56; Fox Law Firm, PLLC \$2.85; Geffdog Designs \$634.00; Interstate

Battery System of South Dakota \$67.50; Ken's SuperFair Foods \$63.17; Lang's Audio, TV & Appliance \$199.99;

Linde Gas & Equipment Inc \$964.10; Lucy Lewno \$1.50; Mac's Inc-Capital One Trade Credit \$585.93; Marco

Technologies, LLC \$2,647.15; Menards \$308.81; Midstates Group \$35.55; Newman Signs, Inc \$3,412.53; Pauer

Sound, LLC \$1,700.00; RDO Equipment Co \$10,700.43; Rinse & Go Car Wash \$10.00; Sander's Sew-N-Vac \$244.41;

SHI International Corp \$148.40; Transource Truck & Equipment, Inc \$991.54; WEB Water Bottling Company \$18.00.

Travel & Conference: Lexipol, LLC \$1,514.10; SD Assoc of County Officials \$600.00; SD Narcotics Officers

Association \$50.00. Utilities: City of Aberdeen \$39.94; Economy Propane, LLC \$2,386.07; Hase Plumbing, Heating

& Air Conditioning, Inc \$1,545.93; Midcontinent Communications \$249.19; Northern Electric \$1,053.46;

Northwestern Energy \$12,768.69; Town of Frederick \$76.00; Verizon Wireless \$41.80. Others: SD Dept of Agriculture

& Natural Resources \$3,837.83.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,742.67; SA \$30,188.52; Maintenance \$8,870.11;

DOE \$16,796.81; ROD \$9,932.80; VSO \$4,272.07; GIS \$2,643.52; IT \$6,063.92; HR \$5,001.68; Sheriff \$44,506.81;

Jail \$59,312.71; Coroner \$613.60; Court Security \$7,428.31; JDC/HD \$33,886.11; Welfare \$2,336.49; DPM

\$12,496.85; Parks/Fairgrounds \$6,132.42; Fair \$4,107.20; 4-H \$786.80; W & P \$2,153.73; P & Z \$7,389.25; Hwy.

\$46,836.25; Dispatch \$33,206.86; EM \$4,933.61; 24/7 Sobriety \$1,337.17; Landfill \$17,357.76; Meal Benefits

\$210.00; FICA \$23,817.58; Medicare \$5,570.19; Discovery_HSA \$1,482.96. All members present voting aye. Motion

carried.

HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Erica Coughlin to approve the following:

- Acknowledge the resignation of Tanner Podoll, Brown County JDC Sergeant, FT; effective April 28, 2023. Request to fill.
- Acknowledge the resignation of Michael Kenitzer, Brown County Highway, Truck Driver, FT: effective April 21, 2023. Request to fill.
- Acknowledge adjusted effective date: Transfer of Samuel Hoppock from Brown County Jail to Brown County Sheriff's Deputy, FT; starting wage \$25.18/hour effective April 30, 2023. Request to fill.
- Approve hiring Amanda Gebro as Brown County Fair & Parks Intern, FT; starting wage \$12.50/hour; effective May 8, 2023.

All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert, seconded by Wiese to authorize and approve the Auditor sign the Claim Assignments against individuals to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman sign the following lease agreement: Jeff Scheel for lease of Clubhouse for Graduation Reception on May 13, 2023. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNTS FOR MARCH 2023:

Moved by Commissioner Gage, seconded by Wiese to approve the Auditor's Report of Accounts of March 2023 as follows: Total Cash and Checks on Hand 7,700.00; Total Checking Account Balances 22,969,657.04; Total Savings Account Balances 1,250,447.42; Total Certificates of Deposit 5,479,550.72; Grand Total Cash & Balances 29,707,355.18. General Fund Cash and Investment Balances by Funds: General Fund 7,897,236.60; Road & Bridge Fund 2,727,976.12; Road & Bridge Fund – restricted 423,243.27; 911 Service 772,334.32; Emergency & Disaster 190,612.36; Domestic Abuse 418.26; Teen Court 250.28; Grant 32.11; JDAI 32,322.27; Richmond Youth Camp 0.00; 24/7 Sobriety 27,079.26; ROD M & P 92,003.92; American Rescue Plan Federal Grant 7,551,800.75; Rural Access Infrastructure 295,534.81; TIF Debt Service 50,713.05; Landfill + cash change 3,972,814.12; Landfill – restricted 1,400,479.44; Trust and Agency Funds 4,272,504.24; Grand Total General Fund Cash & Investments 29,707,355.18. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Dennert, seconded by Fjeldheim to approve the following Travel Requests: Mariann Malsom, Patty VanMeter, Lynn Heupel and Janel Hettich to attend SDACO 2023 Spring Workshop in Pierre, SD on May 17-18, 2023. All members present voting aye. Motion carried.

FAIR CONTRACTS:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Commission Agreement between Winterset Concerts, LLC and Day After Day Productions (DADP). All members present voting aye. Motion carried.

LANDFILL TONNAGE REPORT:

Moved by Commissioner Fjeldheim, seconded by Dennert to acknowledge the Landfill Tonnage Report for April 2023. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Gage 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.

OTHER BUSINESS:

Commissioner Sutton was asked by the Fair Manager, who is also coordinating through Fair Foundation, if they would have an issue with the Fair Foundation being considered for concessions on any new events that come up at the Fairgrounds. They don't want to take away from Boys & Girls Club or Hockey Association in the events they already do. The money raised is for much needed improvements at the Fairgrounds. No cost to the County. Commissioner Wiese stated as long as they have the volunteers to do it and will go towards improvements, then no objection.

ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to adjourn the Brown County Commission meeting at 11:13 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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