

MAY 23, 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 Gage 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:

Mark Bossly informed the Commission that Summit Carbon Solutions are surveying too close to Freddie Robinson's house and wondering who is supposed to be enforcing the setbacks that were passed in the Ordinance. Mark asked about having a cease and assist put into place.

Freddie Robinson also asked who oversees enforcing the setbacks. He shared that they have armed security with them, and they can't even go on their own land. Wondering if we have an Ordinance regarding Private Security in Brown County.

Dennis Feickert thinks that the Brown County Commission needs to take a stand and stop Summit Carbon Solutions from continuing to survey within 1500 feet. He feels the Sheriff should be enforcing this. Dennis also stated that Summit Carbon Solutions are doing things without a permit from the PUC.

Commissioner Dennert shared that he received a phone call from a Brown County resident that was traveling a section line and came across them surveying and when she stopped and asked what they were doing, they said the Landowner was OK with it, but that wasn't the case.

When Dave Meyer, Summit Carbon Solutions was asked about this he shared that he was not privileged to this information.

Ross Aldentaler, State's Attorney Deputy shared that if anyone feels threatened, they should contact the Sheriff's Office.

ORDINANCE #244 - SECOND READING/ADOPTION:

Moved by Commissioner Gage seconded by Wiese to adopt Ordinance #244. Applicant Levi Jensen to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 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.

BID RECOMMENDATION FOR BIG SCREENS AT BCF:

Rachel Kippley, Fair Manager met with recommended to accept the Bid from Sideline Productions. Moved by Commissioner Wiese, seconded by Dennert to award the bid submitted by Sideline Productions in the amount of \$15,900/yr. for a total of \$63,600 for the 4-years for 2 screens to be used during the Dakota Stampede Rodeo and Concerts at the Brown County Fair. Rejecting the bids from TMS @ \$35,450/yr. and Fire Up Video @ \$28,999/yr. All members present voting aye. Motion carried.

BROWN COUNTY FAIR UPDATE:

Rachel Kippley, Fair Manager shared that Jimmy Johnson will not be performing at the Fair on Saturday night. Though the Board feels that Gary Vox, former member of Rascal Flatts could put on a good show, they are looking for a replacement for Jimmie Allen.

LOAD LIMITS:

Dirk Rogers, Highway Superintendent met with the Commissioners to discuss the load limits. His recommendation was to extend the Load Limit on County Rd. 5, from 281 to Co. Rd. 6 for 1 more week because of the road conditions. Load limits from Co. Rd. 6 west will be lifted this afternoon. Moved by Commissioner Dennert to extend load limits on County Rd. 5 from 281 to Co. Rd. 6 for 1 more week. Seconded by Wiese. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY - NVC:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application, submitted by Northern Valley Communications for occupancy of Brown County Hwy #14 in Sec 22-T123-R63 of the 5th P.M, Brown County, SD to provide telecommunication services. All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve application, submitted by Northern Electric for occupancy of Brown County Hwy #12N in Sec 6-T123N-R63W of the 5th P.M, Brown County, SD to provide primary electric services. All members present voting aye. Motion carried.

HIGHWAY UPDATE:

Dirk Rogers, Highway Superintendent shared that they are moving on the Sand Lake Bridge, culture survey is done so should start work this fall. Bridge NE of Frederick has been poured so it needs to be cured and should be opened within the next month. Bridge 206 is going through the second round which has its own standalone funding, county is responsible for 20%. The fencing and mowing is slow going due to the wet conditions. Dirk informed the Commission that on June 5th they will be paving Co. 16. There will be a 3-mile stretch (2 miles South and 1 mile North) of Sand Lake Bridge that will be milled gravel due to the limited funds and that is the worst part of that road. Freddie Robinson asked Dirk about Railroad Crossings, he shared that south of Warner on 27 is extremely rough. Dirk shared that is on the plan to be worked on this summer. Patching has been done expect in the SW part of County. They will be milling up 13 west of State Park again, relaying it and then reprime it. Scott Bader, Planning & Zoning Director asked Dirk if he was aware of a new bridge on Br. Co. 6 south of the spillway, Dirk said he was approached by someone else and checked with SD School & Public Lands and was told nothing was going on. Carl Perry informed Dirk and Commission that Brandei Schaeffbauer, Dist. 3 Representative is on the Transportation Committee so would be a good contact/resource for him. Dennis Feickert shared they are doing a Summer Study on Funding for Counties, also. Carl Perry stated that Senator Novstrup will be working on that Summer Study.

MULTIPLE INTERMENT REQUEST:

Schriv'er's Memorial submitted a multiple interment request to the Brown County Commission asking for permission for an additional interment into a county issued burial plot. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Interment Request. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of May 16, 2023. All members present voting aye. Motion carried.

CLAIMS:

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

Claims: Professional Fees: Adamsoft LLC \$1,625.00; Civil Solutions LLC \$472.00; Den Herder Law Firm \$121.20; Falco Enterprises, Inc \$1,250.00; IMEG Corp \$10,256.59; LexisNexis Risk Data Mgt, LLC \$200.00; Lumen \$258.54; Minnehaha County, SD \$30.41; Sara J. Zahn \$71.50; SD Dept of Health \$830.00; Siegel, Barnett & Schutz \$534.38; Yellow Robe Consulting \$9,000.00. Publishing: GateHouse Media South Dakota Holdings, Inc. \$868.77; Todd County Tribune/Mellette County News \$27.01. Repairs & Maintenance: Aberdeen Clean-All, LLC \$674.00; Ace Refrigeration, LLC \$671.16; Burdette Security & Technologies, LLC \$26.65; Century Business Products \$2.00; CommTech Inc \$5,880.00; Dakota Electronics \$683.10; Graham Tire Inc \$762.24; HF Jacobs & Son Const. Inc \$4,361.59; Hub City Roofing Inc \$430.00; Jensen Rock & Sand Inc \$39,197.50; Leidholt Electric, LLC \$251.34; Pierson Ford Lincoln, Inc \$1,924.75; SD Dept of Public Safety \$2,840.00; Stan Houston Equipment Company, Inc \$15.00; Steven Lust Automotive \$82.15. Supplies: Advance Auto Parts \$1,845.72; Avera LTC Pharmacy Aberdeen \$2,272.29; Burdette Security & Technologies, LLC \$1,305.63; Cartney Bearing \$63.20; Century Business Products \$223.22; Cole Paper Inc \$717.20; Creative Product Source, Inc \$2,986.83; Division of Motor Vehicles \$16.70; Farm Power Mfg. \$26.00; FedEx \$34.04; GovConnection, Inc \$247.52; Intellectual Technology, Inc \$132.51; Jensen Rock & Sand Inc \$47,802.00; LabSource, Inc \$254.88; Menards \$78.28; Midstates Group \$47.75; Performance Oil \$115.92; Pierson Ford Lincoln, Inc \$1,507.46; Pomp's Tire Service, Inc \$1,575.47; Regalia Manufacturing Co \$53.90; Runnings \$15.90; Safety Security Products, LLC \$418.16; Safety Service \$251.00; Stan Houston Equipment Company, Inc \$169.00; Thomson Reuters-West Payment Center \$1,894.62; Verizon Wireless \$1,299.99. Travel & Conference: Adelaide Mouna \$412.52; Janel Hettich \$52.00; Karla Nelson \$466.52; Kelsi Vinger \$53.24; Laurie Richardson \$94.00; Lynn Heupel \$220.50; Mariann Malsom \$203.20; Ross Aldentaler \$134.00. Utilities: City of Aberdeen \$307.42; Dependable Sanitation, Inc \$513.00; Northwestern Energy \$1,924.00; NVC \$3,615.62; Verizon Wireless \$4,257.42.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,603.64; SA \$32,312.25; Maintenance \$8,948.24; DOE \$16,796.84; ROD \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,998.30; HR \$5,001.68; Sheriff \$51,945.71; Jail \$58,159.64; Coroner \$613.59; Court Security \$6,729.21; JDC/HD \$29,922.45; Welfare \$2,336.49; DPM \$11,406.65; Parks/Fairgrounds \$5,871.73; Fair \$4,107.20; 4-H \$786.80; W & P \$4,801.58; P & Z \$7,232.60; Hwy.

\$46,053.28; Dispatch \$33,334.22; EM \$4,933.61; 24/7 Sobriety \$1,280.36; Landfill \$19,475.31; FICA \$24,186.31; Medicare \$5,570.19; Discovery_HSA \$5,656.47; Retirement_SDRS \$50,866.09. All members present voting aye. Motion carried.

HR REPORT:

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

- MaKayla Hauck as Brown County Museum Intern, FT; starting wage \$12.50/hour; effective May 18, 2023.
- Allison Tunheim as Brown County Human Resources Director, FT; wage \$2,917.95/pay period; effective June 12, 2023.
- Molly “Eden” McClellan as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective May 15, 2023.
- Erin Kumpf as Brown County Deputy Treasurer, FT; starting wage \$19.67/hour; effective May 30, 2023.

All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Joe Kraft, DOE to attend 2023 USPAP in Pierre, SD on July 12-13, 2023; Sherri Rawstern, DPM to attend the Civics & History Summit in Sioux Falls, SD on June 12-14, 2023. All members present voting aye. Motion carried.

LOTTERY PERMIT:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign application, submitted by Boys & Girls Club of Aberdeen Area for a lottery to be held at the Moccasin Creek Country Club on June 19, 2023. All members present voting aye. Motion carried.

PLAT FOR ABERDEEN ZONING BOARD:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Plat of Brown County Commissioner’s Fourth Subdivision brought from the Aberdeen City Zoning Board.

OWNER’S CERTIFICATE: BROWN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT IT IS THE OWNER OF THE WEST 71 FEET OF LOT 13 AND THE WEST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27 AND THE EAST 71 FEET OF LOT 13 AND THE EAST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27, BOTH IN HAGERTY & LLOYD’S ADDITION TO ABERDEEN, BROWN COUNTY, SOUTH DAKOTA AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOW AND DESCRIBED AS: BROWN COUNTY COMMISSIONER’S FOURTH SUBDIVISION TO THE CITY OF ABERDEEN, IN THE NE ¼ OF SECTION 13-T123N-R64W OF THE 5TH P.M.. BROWN COUNTY SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS. BY THIS PLAT, BROWN COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF SOUTH DAKOTA, DO HEREBY VACATE THE WEST 71 FEET OF LOT 13 AND THE WEST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27 AND THE EAST 71 FEET OF LOT 13 AND THE EAST 71 FEET OF THE SOUTH HALF OF LOT 14, BLOCK 27, BOTH IN HAGERTY & LLOYD’S ADDITION TO ABERDEEN, BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON JULY 31, 1888 AND DULY RECORDED AS PLAT NO. 8. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Fjeldheim, 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 Wiese, seconded by Dennert to approve and authorize the Chairman sign the following lease agreement: Aberdeen Area Horsemen’s Association for lease of Akkerman Open Horse Arena on June 4, June 25, July 16, and August 6, 2023. All members present voting aye. Motion carried.

ZONING ORDINANCES - SET HEARING DATE/AUTHORIZE ADVERTISING:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held June 13, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 245, applicants Steven Rossow requesting to move from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) for Lot 1 to bring this parcel into compliance for its future use: Proposed Lot 1, "Steven Rossow Subdivision" in the NW ¼ of Section 6-T121N-R61W of the 5th P.M., Brown County, South Dakota (40025 142nd St., Garden Prairie Twp.). Proposed Ordinance 246, amending portions of Title 4 Zoning, 4.06 Agriculture Preservation District (AG-P), Chapter 4.14 Highway Commercial District (HC), and Chapter 4.15 Light Industrial District (L-I). The proposed ordinance will be made available for public inspection at the Brown County Auditor's Office or Brown County Planning and Zoning Office during regular business hours. All members present voting aye. Motion carried.

OTHER BUSINESS:

Commissioner Sutton informed the rest of the Commission that he reached out to a Commissioner from Minnehaha County asking for a copy of their Pipeline Ordinance so will share that with Commission and Planning & Zoning once he receives a copy.

EXECUTIVE SESSION:

Moved by Commissioner Dennert, seconded by Wiese to go into executive session to discuss Legal and Contracts 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 Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 10:08 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

Published May 31, 2023, at the total approximate cost of \$_____ and may be viewed free of charge at www.sdpublicnotices.com.