

JUNE 13, 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 Wiese moved to approve the agenda, seconded by Dennert. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Jared Bossly urged the Commission to extend the moratorium through the permit process. Then he had a question for the State's Attorney office regarding Surveyors' affidavits, lying and charges for perjury.

BID – SURPLUS PROPERTY – 2914 INDUSTRIAL AVE:

Time and place, as advertised to open, read and consider sealed bids for Surplus Property - 2914 Industrial Ave. Bids were received from Tracy Feist @ 0.00 and Jay Harris @ \$3,600,000.00. Moved by Commissioner Wiese, seconded by Dennert to postpone the decision so Ross Aldentaler, State's Attorney could review the bids. All members present voting aye. Motion carried.

ORDINANCE #245 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Gage to approve the First Reading of Proposed Ordinance #245. Applicants Steven Rossow requesting to rezone 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.). All members present voting aye. Motion carried.

ORDINANCE #246 – FIRST READING:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the First Reading of Proposed Ordinance #246 – to amend portions of Title 4 Zoning, Chapters 4.06 Agriculture Preservation District (AG-P), Chapter 4.14 Highway Commercial District (HC), 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 & Zoning Office during regular business hours. All members present voting aye. Motion carried.

BROWN COUNTY AWARDS PROGRAM:

Scott Meints, Emergency Management Director met with the Commission to discuss the proposed Awards Program that have been talking about this for a year. Scott mentioned that he felt that there are a lot of good deeds done in our Community both with our County employees, First Responders, Public/Volunteers and Businesses and he thinks it time to honor these folks and/or businesses. Scott stated this was a proposal or if they wanted to proceed with the Awards Program, 6 possible awards at minimal costs to County. Commissioners agreed that this would be a good program and that Scott can proceed with the program.

Commissioner Fjeldheim informed Scott Meints that Westport has their July 4th celebration and they close Main Street off on June 24th from 10am to 6pm so asked him to notify the proper organizations such as Fire Department, Police Department and Sheriff Department and the alternate routes.

ABERDEEN AMATEUR HOCKEY ASSOCIATION LEASE AGREEMENT:

Moved by Commission Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Lease Agreement between Brown County and Aberdeen Amateur Hockey Association from retroactive August 20, 2022 to September 1, 2032. All members present voting aye. Motion carried.

EMINENT DOMAIN MOVEMENT:

Dennis Feickert and Freddie Robinson met with the Commission to ask for 2 Commissioners to join their Eminent Domain Movement. Dennis started out by Thanking the Commissioners along with District 3 Representatives, Carl Perry & Brandei Schaeffbauer for their vigilance on the Carbon Pipeline. The 18 counties that are affected by the Summit Carbon Pipeline have started an Eminent Domain movement and wanting 2 Commissioners from each County to work with Legislators to get rid of Eminent Domain for private gain. They shared a Resolution that McPherson County passed and letter from Ziebach County. Dennis stated that the SD Association of County

Commissioners needs to step-up and be a part of this, also. Hand County invited Dennis to come and visit with their Commissioners, also. Freddie commented that if you really pay attention to the words of the Pledge of Allegiance it sheds some light on the private property. He feels that if 2 individuals with Jared's ordeal were required to take a polygraph test and if they failed then those individuals should go to jail. We are talking about private property, apparently what's mine is not mine anymore. Mike Klipfel from McPherson County has 5 sections and 5 quarters of land being impacted by the Carbon Pipeline – he read a homestead document – states this tract of land is devoted to the Lessor to have and to hold from this day forward and all the prudence there of to send to his heirs or his designees forever – private property was very important back then and we have lost that but need to get this back. Representative Perry shared a quote from Thomas Jefferson “Agriculture is wisest pursuit because of it will in the end contribute most to real wealth, good morals and happiness” and stated that Agriculture is what we are all about in South Dakota, we need to protect our farmers. Perry stated “No Eminent Domain for Private Gain” is a really good theory, it's the thing we need to be doing. Feickert also shared that District 23 Legislators are working on this issue as well. Commissioner Wiese shared a comment that State Regulations that govern Trespass Ordinance in the State of South Dakota deserves a review as well. No action was taken at this time.

MINUTES:

Moved by Commissioner Wiese, seconded by Gage to approve the General Meeting minutes of June 6, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims:

Claims: Insurance: SD Assoc of County Commissioners \$2,971.00. Professional Fees: AgTerra Technologies, Inc \$466.02; Avera St. Luke's Hospital \$25.71; Carrels & Bain Family Dental Care, LLC \$921.02; Certified Languages International LLC \$287.10; Child's Voice Route #6361 \$500.00; Dacotah Bank \$40.00; Dakota Group LLC \$2,100.00; Helms & Associates \$1,927.80; Horizon Health Care, Inc \$570.57; Kristi Brandt \$63.70; Language Line Services, Inc \$261.19; LexiNexis Risk Data Mgt, LLC \$200.00; Northeastern Mental Health Center \$1,274.00; Sanford Aberdeen ED \$110.93; Sanford Health Occupational Medicine \$552.00; Sanford Health \$8.57; Satellite Tracking of People, LLC \$1,599.00; SD Dept of Revenue & Regulations \$4,403.26; Thomson Reuters-West Payment Center \$283.30; Tyler Technologies, Inc \$130.00; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$117.67; Hub City Radio \$15,000.00. Rentals: Dakota Electronics \$4,498.20; Pantorium Cleaners Inc \$155.52. Repairs & Maintenance: Anderson Electric \$1.76; Anthony Cooper \$7,000.00; B&B Contracting, Inc \$7,875.00; Century Business Products \$66.12; Dakota Electronics \$90.00; Diesel Machinery, Inc \$15,275.50; EcoLab Pest Elimination Division \$125.83; Fire Safety First LLC \$1,103.06; Graham Tire Inc \$1,168.00; Hanlon Brothers, LLC \$1,444.99; HF Jacobs & Son Const. Inc \$1,029.41; Hub City Roofing Inc \$320.00; Leidholt Electric, LLC \$613.00; Meister Mowing LLC \$930.00; Pantorium Cleaners Inc \$189.32; Pierson Ford Lincoln, Inc \$589.90; Precision Kiosk Technologies \$2,700.00; Sewer Duck, Inc \$85.00; Superior Jetting, Inc \$3,955.79; Team Lab \$49,568.75; Transource Truck & Equipment, Inc \$1,495.48; Vosika Fencing \$848.15. Supplies: A-1 Locksmithing \$737.00; Advance Auto Parts \$214.76; Agtegra Cooperative \$55,442.16; Anderson Electric \$86.25; Avera LTC Pharmacy Aberdeen \$5.21; Behnke Sand & Gravel \$33,890.76; Bimbo Foods USA, Inc \$782.60; Butler Machinery Company \$10,387.81; Cartney Bearing \$275.53; Century Business Products \$892.35; Cole Paper Inc \$1,202.81; Dakota Oil \$639.20; Diesel Machinery, Inc \$11,344.54; East Side Jersey Dairy Inc \$924.93; Farm Tire Service LLC \$2,120.00; FedEx \$66.08; Fire Safety First LLC \$65.80; GovConnection, Inc \$15.60; Ken's SuperFair Foods \$175.47; Kessler's \$121.42; Linde Gas & Equipment Inc \$385.39; Mac's Inc-Capital One Trade Credit \$180.70; Menards \$1,136.09; Pierson Ford Lincoln, Inc \$724.00; Pomp's Tire Service, Inc \$363.02; Quality Welding, Inc \$25.00; Runnings \$3,449.19; SHI International Corp \$160.00; Transource Truck & Equipment, Inc \$3,664.27; US Foods \$9,698.36; Van Diest Supply Company \$2,947.40; WEB Water Bottling Company \$37.50. Utilities: City of Aberdeen \$1,780.16; Midcontinent Communications \$85.39; Northwestern Energy \$1,515.61; State of South Dakota PMB 0112 \$120.87; Town of Frederick \$76.00; WEB Water Development Association, Inc \$172.00. Machinery & Equipment: Dakota Electronics \$5,655.00; Diesel Machinery, Inc \$48,950.00. Others: Office of Weights & Measures-SD Dept of Public Safety \$103.00; SD Assoc of County Officials \$812.00; SD Dept of Agriculture & Natural Resources \$4,727.02; SD Dept of Revenue & Regulations \$1,048,619.82. 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 Assistant, Jessica Johnson:

- Acknowledge the transfer of Linn Kamin from Brown County Jail Administrator to Brown County Deputy Sheriff, FT; starting wage \$27.80/hour; effective June 11, 2023. Request to fill.
- Acknowledge employment ending for Hosea Kleinsasser, Brown County Landfill, FT; effective June 5, 2023. Request to fill.
- Acknowledge employment ending for Sydney Kamin, Brown County IT Intern; effective June 9, 2023. Request to fill a full-time position.
- Approve hiring of Rhaecine Sam as Brown County JDC Detention Officer, FT; starting wage \$20.67/hour; effective June 16, 2023.
- Approve hiring Paige Hull as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective June 12, 2023.

All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreements: Melissa Barnett for lease of Club House for Wedding Reception on June 10, 2023; 4-H Horse Club for lease of Akkerman Arena on June 21, 2023; Brown County 4-H for lease of The Expo Addition for Hub City Dairy Goat Show on June 5-12, 2023; Brown County 4-H for lease of Akkerman Open Horse Arena for Hub City 4-H Rodeo on July 1-2, 2023; Brown County 4-H for lease of Home Arts Building for Science Week on June 13-15, 2023; Rob VanMeter for lease of Richmond Lake Youth Camp Lodge for Family Reunion on July 3-5, 2023. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Gage, seconded by Fjeldheim 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.

ABATEMENT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following abatement for tax year 2023: Ashley Culbertson, Parcel #31523 \$114.41. All members present voting aye. Motion carried.

LOTTERY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign application, submitted by Aberdeen Hockey Association for a lottery to be held at the Odde Ice Center when all the tickets have been sold. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNTS FOR APRIL 2023:

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts of April 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$37,752,857.78; Total Savings Account Balances \$1,725,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$44,965,555.92. General Fund Cash and Investment Balances by Funds: General Fund \$19,138,087.52; Road & Bridge Fund \$2,219,749.14; Road & Bridge Fund – restricted \$423,243.27; 911 Service \$690,625.06; Emergency & Disaster \$174,756.60; Domestic Abuse \$936.76; Teen Court \$250.28; Grant \$32.11; JDAI \$33,188.93; Richmond Youth Camp \$0.00; 24/7 Sobriety \$19,880.17; ROD M & P \$92,199.17; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$295,534.81; TIF Debt Service \$478,611.42; Landfill + cash change \$4,096,004.86; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$15,901,976.38; Grand Total General Fund Cash & Investments \$44,965,555.92. All members present voting aye. Motion carried.

FIREWORKS DISPLAY PERMIT:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Big Shots, Inc. for June 30, 2023, to be held at Brown County Speedway. All members present voting aye. Motion carried.

OTHER BUSINESS:

Chairman Sutton shared that due to the 4th of July Holiday being on a Tuesday, the Commission will be meeting on Thursday, July 6, 2023, that week.

EXECUTIVE SESSION: None

ADJOURNMENT:

Moved by Commissioner Dennert, seconded by Wiese to adjourn the Brown County Commission meeting at 9:08 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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