

## JULY 11, 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 Dennert led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Mark Bossly wanted to share his concerns with the Commissioners that the pipeline is ignoring the Ordinance setbacks the County passed, so wanted to know whose responsibility it is to make them follow these. Also, mentioned that he feels the Companies should pay a bond to cover the expenses for repairing the roads for the damage they will be causing. Then Mark also stated he wanted to know where the State's Attorney is on the crimes being committed.

### ARMY RESERVE REUNION:

Freddie Robinson asked the Commission to waive the fee of the Clubhouse at the Fairgrounds for the Army Reserve Reunion like they have done in the past. Commissioner Sutton shared that after visiting with the Fair Manager, they did discuss charging a minimum fee to cover the expenses the County is still responsible for such as cleaning, utilities, etc. Suggested a discount of 50% for non-profits or another option is for the Group to volunteer at the week of the Fair to cover a Gate, which is Wednesday – Friday from 7am to midnight, then it would be considered an In-Kind donation then waive the fee. Commissioner Fjeldheim moved to waive the fee this time until a policy is put into place, seconded by Wiese. All members present voting aye. Motion carried.

### SPEED ZONE CHANGE:

Commissioner Wiese brought the following Resolution:

#### RESOLUTION #25-23

WHEREAS, Chapter 6.03 Speed Zones of the Second Revision of Brown County Ordinances authorizes the Brown County Commission to change the speed limit or the extent of any such limited speed zones, at any time they may deem necessary, and

WHEREAS, all Speed Zones throughout the County were established by Resolution #46-05, as amended by Resolution #66-06, Resolution #39-08, Resolution #72-08, Resolution #101-08, Resolution #94-13, Resolution #69-14, Resolution #15-16, Resolution #27-17 and

WHEREAS, the Brown County Commission has recommended amending the speed zone on County Road 4, County Road 15, and County Road 13;

NOW THEREFORE BE IT RESOLVED that Resolution #46-05, as amended by Resolution #66-06, #39-08, #72-08, #101-08, and #94-13, #69-14 and #15-16, and #26-17 be amended as follows:

### AMEND:

**County Road #4 (North Dakota Street)**, beginning at the intersection of County Road #13 and County Road # 4 (North Dakota Street) between the NE Corner of Section 1, Township 123N, Range 64W of the 5<sup>th</sup> PM and the NW corner of Section 6, Township 123N, Range 63W of the 5<sup>th</sup> PM, then south on County Road #4 (North Dakota Street) one-half mile, at 45 MPH.

**County Road #15**, beginning at Aberdeen City Limits at the south quarter corner of Section 3 Township 123N, Range 64W of the 5<sup>th</sup> PM then west on County Road #15 one-half mile, at 35 MPH.

**County Road #13**, beginning at the intersection of County Road #13 and 390<sup>th</sup> Ave located between the NE Corner of Section 5 and the NW corner of Section 4, Township 123N, Range 63 W of the 5<sup>th</sup> PM, then East one mile to the intersection of County Road #14, at 45 MPH.

Dated this 11<sup>th</sup> day of July 2023.

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

#### APPLICATION FOR OCCUPANCY – NORTHERN ELECTRIC:

Moved by Commissioner Wiese, seconded by Dennert to approve application, submitted by Northern Electric for occupancy of Brown County Hwy #14 in SW ¼ of Sec 34-T127N-R63W of the 5<sup>th</sup> P.M., Brown County, SD to provide primary electric services. All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commissioners an update on the Projects they are working on: Rd 5 west of Frederick starting with the second mile; Elm Lake Project good portion of east-west part done already – it's progressing; Bridge 211 NE of Frederick will be opening today; and chip sealing 2 miles in Columbia and 6 miles North of the Bridge by Sand Lake. Dirk also shared about the Bridge Funding Program and that he plans to apply for six Bridges that are off-route in the County and there is no match: BR#6, BR#143, BR#81, BR#350, BR#85 and BR#148. Dirk also shared he'd like to purchase a New Holland Tractor from Titan for \$159,000.00 to replace a tractor that was lost due to damages after being tipped over at a soft spot along the road. He plans to use the Insurance money and funds from property/equipment he plans to surplus.

#### PAYLOADER PURCHASE FOR LANDFILL:

Mike Scott, Landfill Manger presented the Commission with a Bid Tab for Payloader from the Sourcewell RFP #011723 Contract. There is a State Grant that will pay 20.1%. There were four bids: TranSource Volvo L120H for \$349,985.00; RDO John Deere 724P for \$348,491.41; Butler/Cat 962 for \$433,165.00 and DMI Komatsu WA380 for \$379,662.36. Mike recommended to accept the bid from RDO John Deere 724P for \$348,491.41, with \$70,046.77 from the State Grant. It is 6-8 months for availability. Moved by Commissioner Wiese, seconded by Dennert to accept the bid from RDO John Deere 724P for \$348,491.41. Rejecting the bids from TranSource Volvo L120H @ \$349,985.00; Butler/Cat 962 @ \$433,165.00 and DMI Komatsu WA380 @ \$379,662.36. All members present voting aye. Motion carried.

#### COURT RESOURCE HOME MEMORANDUM OF UNDERSTANDING (MOU):

Kelsi Vinger, Deputy State's Attorney met with the Commission to ask they approve and authorize the Chairman to sign the MOU between Lutheran Social Services (LSS) and counties that are receiving the Council for Juvenile Services to support Court Resource Homes clarifying that LSS is responsible for licensing of the homes and change in mileage rate. Moved by Commissioner Wiese, seconded by Gage to approve and authorize Chairman Sutton to sign the MOU between LSS and counties receiving the Court Resource Home Grant. All members present voting aye. Motion carried.

#### LEASE & SALE OF PROPERTY – 2914 Industrial Ave.

Moved by Commissioner Dennert, seconded by Wiese to go into Executive Session to discuss Contracts per SDCL 1-25-2. All members present voting aye. Motion carried.

Commissioner Fjeldheim brought the following Resolution:

#### RESOLUTION #26-23

#### **A RESOLUTION AUTHORIZING THE LEASE AND SALE OF REAL PROPERTY LOCATED AT 2914 INDUSTRIAL AVENUE, ABERDEEN, BROWN COUNTY, SD FOR THE PURPOSE OF INDUSTRIAL DEVELOPMENT.**

**WHEREAS**, Brown County owns real property described as:

Lot 2, ADC 2022-2 Addition to the City of Aberdeen, in the Northeast Quarter of Section 17, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, according to the recorded plat thereof.

Subject Property is situated at 2914 Industrial Avenue, Aberdeen, Brown County South Dakota.

**WHEREAS**, The Aberdeen Development Corporation ("ADC") is an enterprise incorporated under the laws of the State of South Dakota, formed for the purpose of furthering the economic development of a community and its

environs, and with authority to promote and assist in the growth and development of small business concerns in the areas covered by its operation.

**WHEREAS**, SDCL 7-29-23 permits Brown County to sell or lease real property to a nonprofit local industrial development corporation to be used by such grantee for industrial development.

**WHEREAS**, Brown County has previously offered the above-described property for lease and sale.

**WHEREAS**, Harris Machine Company, engaged in the business of contract manufacturing, placed the only bid on the above described property when offered for sale by Brown County.

**WHEREAS**, Brown County rejected the lone bid, wishing instead to proceed with the sale on a negotiated basis facilitated through ADC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners does hereby agree to offer the above-described property to ADC by warranty deed for the amount of \$4,000,000 excluding costs associated with said sale for the purpose of promoting industrial, commercial, and manufacturing development in Brown County.

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners does hereby agree to lease the above described property to ADC until October 31, 2023 or until closing, whichever comes first, for the sum of \$1 on the condition that responsibility for all utilities, insurance, and other expenses related to the property shall transfer to ADC at the time of lease.

Dated at Aberdeen, South Dakota, this 11<sup>th</sup> day of July 2023.

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

**MINUTES:**

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

**CLAIMS:**

Moved by Commissioner Dennert, seconded by Wiese to approve the following claims: Professional Fees: Avera St. Luke's Hospital \$376.89; Helms & Associates \$12,008.42; Houston Engineering, Inc \$17,354.52; Language Line Services, Inc \$167.71; Sanford Health Occupational Medicine \$162.00; Sara J. Zahn \$154.80; Satellite Tracking of People, LLC \$1,355.25; US Bank Visa \$589.99; Youngberg Law, Prof. LLC \$449.40. Publishing: Groton Daily Independent \$248.74; Hub City Radio \$300.00; Midstates Group \$3,101.50; South Dakota Magazine \$1,105.00. Rentals: Dakota Electronics \$185.00. Repairs & Maintenance: Aberdeen Clean-All, LLC \$85.00; Butler Machinery Company \$4,233.50; Dakota Fluid Power, Inc \$1,261.69; Dakota Pump LLC \$2,851.39; Hub City Roofing Inc \$145.00; J & K Painting \$538.62; JGE, Inc \$150.03; Pantorium Cleaners Inc \$222.90; RDO Equipment Co \$29,187.24; State of South Dakota PMB 0112 \$81.62; Transource Truck & Equipment, Inc \$2,666.68; US Bank Visa \$3,259.46. Supplies: Aberdeen Transmission Center \$556.00; Agtegra Cooperative \$36,812.41; Auto Value Aberdeen \$252.43; Bakken Building Maintenance \$500.00; Butler Machinery Company \$3,093.06; Cole Paper Inc \$638.88; Dakota Electronics \$1,422.00; Dakota Fluid Power, Inc \$1,630.20; Geffdog Designs \$751.22; Insurance Plus \$462.04; Interstate Battery System of South Dakota \$875.70; Jensen Rock & Sand Inc \$32,496.06; Koch's Repair Shop \$103.20; Mac's Inc-Capital One Trade Credit \$24.39; Marla Zastrow \$34.96; Menards \$450.08; Mid Dakota Equipment & Service \$81.32; Midstates Group \$1,595.00; Pantorium Cleaners Inc \$259.20; RDO Equipment Co \$22,193.79; Runnings \$66.48; Transource Truck & Equipment, Inc \$7,120.80; US Bank Visa \$18,840.17; US Foods \$11,078.89; Van Diest Supply Company \$6,025.40. Travel & Conference: Dave Lunzman \$222.00; US Bank Visa \$737.28. Utilities: Economy Propane, LLC \$722.26; Northwestern Energy \$12,257.53; Performance Oil \$95.79; State of South Dakota PMB 0112 \$120.30; Town of Frederick \$76.00; US Bank Visa \$3,970.48; Verizon Wireless \$201.84. Others: SD Dept of Agriculture & Natural Resources \$4,456.11. Jury: Jurors \$3,378.08. 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, Allison Tunheim:

- Approve the hiring of Brittany Watts as Brown County Jail Records Technician, FT; starting wage \$18.27/hour; effective July 24, 2023.

All members present voting aye. Motion carried.

#### TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Weise to approve the following Travel Requests: Gavin Wright, Sheriff Office, to attend Homicide Investigation & Crime Scene Management in Rapid City from Sept. 12-14, 2023; Aaron Walberg, VSO to attend SD Legislative Study Committee on County Funding & Services for VSOs in Pierre on July 11-12, 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 Brown County Fair Foundation for a lottery to be held during the Brown County Fair August 15-20, 2023. All members present voting aye. Motion carried.

#### SPECIAL EVENT LIQUOR LICENSE PERMIT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Alcoholic Beverage Temporary Permit for a Special Event to Aberdeen Amateur Hockey Association (RB-25542) at the Brown County Fairgrounds Clubhouse during Brown County Fair, August 14-20, 2023. All members present voting aye. Motion carried.

#### FIREWORKS PERMIT:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Fireworks Display Permit for Lew's Fireworks for August 19, 2023, to be held at Brown County Speedway @ Brown County Fairgrounds. All members present voting aye. Motion carried.

#### CLAIM ASSIGNMENT:

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 AGREEMENTS:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize the Chairman to sign the following lease agreements: Little Rock Holiness Church for lease of Richmond Lake Youth Camp on July 8-14, 2023; Titan Machinery for lease of Holum Expo Building on July 11-13, 2023 for Machinery Workshop. All members present voting aye. Motion carried.

#### LANDFILL TONNAGE REPORT:

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

#### OTHER BUSINESS:

Commissioner Sutton shared that at 1pm today is the dedication of the Playset @ Brown County Fairgrounds. Commissioner Wiese shared the DOT STIP Meeting is at 7pm tonight @ AmericInn.

#### EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into Executive Session for Legal per SDCL 1-25-2. All members present voting aye. Motion carried. The Chairman 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 10:14 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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