

## JULY 25, 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 Wiese led the Pledge of Allegiance.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT:

Chad Ellsworth from Rapid City wanted to comment on Resolution #33-22/Moratorium, he wanted to say Congratulations & Thanks to Commissioner Dennert for standing tall with the Judicial adventure that was discussed last week. Mr. Ellsworth stated that there are lot of people depending on Mr. Dennert's contribution to this Commission. Mr. Ellsworth then discussed Resolution #33-22 – clearly stating that the County does impose a temporary moratorium on issuance of any and all permits, licenses, and approvals for the construction of pipelines traversing these lands. Any judicial order or PUC preemption notwithstanding the County clearly has a beneficial interest in the violation of its own moratorium, it's seeking tyranny. When County Commission uses the moratorium to shift its burden over to its constituents it's heading that same direction. When Commission makes a sweetheart deal with its opponent (Summit) at the expense of its constituents, its heading that direction. When Commission secrets its meetings and conversations – using the minutes not being disclosed [Note: The minutes need to be approved by the Commission before being published online or in the newspaper] and fails to disclose public documents in malicious censorship it has obtained tyranny and declared comitatus. Accordingly, Mr. Ellsworth stated he finds the Chairman of this Commission in contempt of the county constituents and the public at large as well as the Oath to be impartial.

### GOSSMAN UPDATE:

Stacy Gossman came in this morning to give the Commissioner's an update on his business plans. He did ask if there is a limit on Beer and Wine Licenses in the County – Auditor Heupel stated that there is no limit on Malt Beverage licenses in the County. Stacy stated property couldn't be build on along Roosevelt because it was in the flood way but has been brought out of the flood way now. Stacy just wanted to voice his opinion and let the Commission know that he plans to do stuff with the County.

### SD DEPT. OF HEALTH UPDATE:

Robin Warrington informed the Commissioners that Kari Stickelmyer has resigned and moved out of State. Robin gave the Commission a Biannual Update for the Brown County Community Health. They have 1 other Full-time nurse besides Robin, and they are determining how to fill Kari's position – Nurse, LPN, or Dietician. Robin shared they are continuing with all the programs: Immunizations for Kids; WIC Program which spent \$218,092.32 in Food Packages from January – June; Pregnancy programs including offering cribs for safe sleep; Fluoride treatments and Developmental Screenings for kids. Community involvement includes attending monthly CASSP meetings and Salvation Army Agency Fair.

### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of July 18, 2023. All members present voting aye. Motion carried.

### CLAIMS:

Moved by Commissioner Wiese, seconded by Gage to approve the following Claims: Professional Fees: Avera Medical Group Radiology \$294.50; Avera St. Luke's Hospital \$8.57; Birmingham & Cwach Law Offices, PLLC \$327.65; Blackburn & Stevens, Prof. LLC \$128.40; CGI, LLC \$1,961.88; Cogley Law Office, Prof LLC \$40.00; Dakota Group LLC \$2,100.00; Horizon Health Care, Inc \$902.50; Kristi Brandt \$1,032.25; Northeastern Mental Health Center \$1,586.00; Park Dietz & Associates, Inc 10,209.38; Sanford Aberdeen ED \$350.19; Sanford Clinic Aberdeen \$62.22; Sanford Clinic Radiology-North Center \$81.01; SD Dept of Health \$1,040.00; SD Dept of Revenue & Regulations \$2,622.18; Thomson Reuters-West Payment Center \$1,536.90; Yankton County Treasurer \$270.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$39.96; Groton Daily Independent \$280.91; The Argus Leader \$21.93. Rentals: Aramark \$524.46. Repairs & Maintenance: HF Jacobs & Son Const. Inc \$3,277.67; Hub City Roofing Inc \$80.00; Olson's Pest Technicians \$190.00; Otis Elevator Company \$59.60; Pheasantland Industries, Garment Division \$17.93; Pomp's Tire Service, Inc \$190.00; Schroeder Construction Inc \$104,232.25; Schwan Welding \$164.00; Spellman Painters \$2,091.05; Steven Lust Automotive \$72.15; Webster Scale \$192,505.50. Supplies: Century Business Products \$376.34; Cole Paper Inc \$694.68; Geffdog Designs \$381.72; Hall Sand & Gravel, Inc \$96,133.98; Kessler's \$206.62; Leidholdt Tool Sales, LLC \$94.16; Lien Transportation Company

\$100,123.62; Midwest Pump & Tank \$317.54; Nicole Volk \$13.17; Pheasantland Industries, Garment Division \$538.50; Plumbing & Heating Wholesale, Inc \$154.07; Pomp's Tire Service, Inc \$71.52; Runnings \$84.97. Travel & Conference: Clubhouse Hotel & Suites Pierre \$431.36; Ramkota Hotel & Conference Center \$210.00; SD Assoc of County Commissioners \$1,600.00. Utilities: CenturyLink \$1,144.05; Dependable Sanitation, Inc \$165.00; Northwestern Energy \$1,021.82; Verizon Wireless \$41.81; WEB Water Development Association, Inc \$130.04. Machinery & Equipment: Titan Machinery \$159,900.00. Others: Michael Elsen \$900.00; Safe Harbor \$1,258.50; SD Assoc of County Officials \$1,024.00; SD Dept of Revenue & Regulations \$1,012,491.05. All members present voting aye. Motion carried.

#### HR REPORT:

Moved by Commissioner Dennert, seconded by Wiese to acknowledge & approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- Transfer of Sam Mouna from Brown County Home Detention Sergeant to Jail Administrator, wage \$2,709.61/pay period; effective August 7, 2023. Request to fill.
- Employment ending for:
  - Tony Garcia, Brown County Deputy Sheriff, PT; effective July 16, 2023.
  - Morgan Bingham, Brown County 911 Communications Officer, FT; effective July 21, 2023. Request to fill.
- Resignation of Polly Rush, Brown County Equalization Administrative Assistant, FT; effective August 4, 2023. Request to fill.
- Hiring of the following:
  - Hunter Miller, Brown County Landfill Grounds Worker, PT; starting wage \$18.55/hour; effective July 24, 2023.
  - Joshua Lee, Brown County Sheriff, PT; starting wage \$25.18/hour; effective July 24, 2023.
  - Sally Swanson, Brown County Building Service Worker, PT; starting wage \$14.08/hour; effective August 7, 2023.
  - Joseph Adams, Brown County IT Specialist, wage \$2,709.61/pay period; effective July 31, 2023.
- Classification change for Cory Lane, Senior IT Specialist from hourly to salary, effective July 31, 2023.
- Wage increase for Cory Lane, Senior IT Specialist from \$29.21/hour to \$2,709.61/pay period; effective July 31, 2023.
- Approve personal miles driven for May 2023 at .655 per mile as follows: Kendell Titze 90 miles at \$58.95; John Florey 120 miles at \$78.60; Mike Scott 220 miles at \$144.10.
- Approve personal miles driven for June 2023 at .655 per mile as follows: Kendell Titze 108 miles at \$70.74; John Florey 108 miles at \$70.74; Mike Scott 200 miles at \$131.00.

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.

#### ZONING ORDINANCES:

Moved by Commissioner Wiese, seconded by Dennert to set hearing date and authorize advertising for first reading of the following zoning ordinances to be held on August 15, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance 251, applicant John Sippel requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, "First Subdivision of Sippel's Outlot 1" in the NE1/4 of Section 34-T124N-R61W of the 5<sup>th</sup> P.M., Brown County, South Dakota (12905 & 12909 404<sup>th</sup> Avenue, Putney Twp.); Proposed Ordinance 252, applicant Jerry & Connie Drees requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2, "Odland's First Addition" in the SE1/4 of Section 12-T123N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (37970 & 37982 132<sup>nd</sup> Street, Mercier Twp.); Proposed Ordinance 253, applicant Carey & Sonya Nilsson requesting to move from Agriculture Preservation District (AG-P) to Lake Front Residential (R-3) to bring this parcel into compliance for its current use: Lot 1, "Subdivision of Lutgen's Outlot 1" in the NE1/4 of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (379660 Shore Drive South, Ravinia Twp.); Proposed Ordinance 254, applicant William O. Edwards requesting to move from Agriculture Preservation District (AG-P) to Mini-Ag District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, "Sumption-Edwards Addition" in the N1/2 of Section 29-T127N-R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (38355 110<sup>th</sup> Street, Frederick Twp.). All members present voting aye. Motion carried.

#### PLATS:

##### Resolution #28-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Bath Quick Stop First Addition in the E ½ SE ¼ of Section 18-T123N-R62W of the 5TH 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #29-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Sumption-Edwards Addition in the N ½ of Section 29-T127N-R64W of the 5TH P.M., Brown County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL 11-2-2, and any amendments thereof". Seconded by Commissioner Wiese. All members present voting aye. Resolution adopted.

##### Resolution #30-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by County Commission of Brown County, South Dakota, that the Plat showing "Hoffman Fischer Estates Addition in the SW ¼ of Section 26, Township 124 North, Range 64 West of the 5TH 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #31-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Scarborough First Addition in the NW ¼ of Section 22-T121N-R65W of the 5TH 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #32-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Didreckson First Subdivision in the NW ¼ of Section 26-T123N-R65W of the 5TH 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 Wiese. All members present voting aye. Resolution adopted.

##### Resolution #33-23

Commissioner Fjeldheim brought the following resolution: "Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the Plat showing Mary Cutler's Second Subdivision in the SW ¼ of Section 10-T123N-R63W of the 5TH 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 Wiese with the stipulation that the approaches be added to the plat. All members present voting aye. Resolution adopted.

#### AGREEMENT TO SATISFY CREDITOR CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Auditor Heupel to sign the Agreement to Satisfy Creditor Claims. All members present voting aye. Motion carried.

#### NSU GYPSY DAY PARADE REQUEST:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the NSU Gypsy Day Parade committee to set up 2 port-a-potties in the County Lot behind the Dacotah Prairie Museum on Friday, October 6, 2023, with pick-up on Monday, October 9, 2023. All members present voting aye. Motion carried.

#### ATTORNEY FEE AGREEMENT FOR QUIET TITLE ACTION:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the Attorney Fee Agreement for Quiet Title Action. All members present voting aye. Motion carried.

#### ABERDEEN CITY ZONING APPLICATION:

Moved by Commissioner Dennert, seconded by Wiese to approve and authorize Chairman Sutton to sign the Aberdeen City Zoning Application for 605 N. Arch St., Aberdeen, SD. All members present voting aye. Motion carried.

OTHER BUSINESS:

Chairman Sutton shared that Former Commissioner Dennis Feickert called him this morning asking for 2 Commissioners to join the Landowner's Coalition that is being formed. Ziebach and Hand County each have 2 Commissioners committed at this time. Commissioner Gage and Dennert volunteered to represent Brown County.

EXECUTIVE SESSION:

Moved by Commissioner Gage, seconded by Wiese to go into Executive Session for Legal, Contracts and Personnel 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 Gage, seconded by Wiese to adjourn the Brown County Commission meeting at 10:57 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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