

AUGUST 1, 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 Wiese. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Ryan Kelly met with the Commissioners regarding Summit Carbon Solutions controversy, as a disinterested party. Ryan stated that is very pro-landowner, even though he is not a landowner himself and won't be affected by the outcome. He considers himself a student of Local (County) & State history and his concern is that even if the landowners prevail with this fight that we may have a repeat of this controversy with a new industry and the Federal Government puts the money in front of the Legislators. Mr. Kelly believes that the County is limited in what it can & should do – referencing the moratorium(s) which he feels is a temporary fix. He believes the heart of the issue goes back to Rural Electrification, due to the number of companies to fighting to provide utilities and there was not a lot of controversy for things such as Eminent Domain or giving State approved monopolies to private companies, such as now and they are headquartered out of state. Its more about the Private Gain vs Public Good, as opposed to the letter of the law as it was written back when PUC was established. Stated that with problem going back that far and Legislative in its Roots, the solutions should come from State Legislators, not sure what form that would take, but he would like to see a Special Session, and this addressed in permanent form in how Eminent Domain should exist to not to suffer from another controversy that requires easements and use of private property.

Representative Brandei Schaeffbauer (as an Elected Representative of District 3 and a concerned citizen of Brown County) requested the Commission to ask Summit Carbon Solutions for their plume study risk assessment for the proposed CO2 Pipeline, she believes it is owed to the surrounding residents that are located near the proposed hookup to the Ethanol Plant west of Aberdeen of any possible harm that is associated with the CO2 Pipeline. She stated that from the PUC hearings regarding the plume study most are confidential and not released to the public, for an individual to see the plume study they need to sign a non-disclosure. The PUC Commissioners and Representative Schaeffbauer believe that the citizens of District 3, Brown County and the State of South Dakota are so valuable that they deserve to know of any harm that may be associated with the Pipeline.

2021 CLOSING AUDIT CONFERENCE:

Christopher Theroux, Department of Legislative Audits met with the Commission for closing conference for audit of fiscal year 2021. He shared the Communication Letter and the Management Letter, there were no items significant enough to be on this letter, but he did state that the Pooled Cash Report was missing some significant items but didn't misrepresent the cash, which was properly reconciled. Auditor Heupel was able to provide the proper documentation to complete the 2021 Audit, but significant findings or deficiencies were found. Chairman Sutton stated that when you go through the process of changing Auditors, you question that everyone is doing things properly and up to standards, so was good to hear for the most part everything was good. Chris stated that will mostly be impacting the 2022 Audit, because 2021 was mostly complete by the time Lynn Heupel took over. Mr. Theroux presented the letter of representation and asked for a signature stating that the County agrees they filled their responsibilities for the 2021 Audit. Commissioner Wiese moved to accept the findings of the 2021 Audit Report and authorize the Chairman sign the Letter of Representation, seconded by Dennert. All members present voting aye. Motion carried.

ADDRESS CHANGE:

Clarence & Lori Habeck met with Commission to discuss the addressing of their new shop. When applied for a Building Permit to build the Steel Building, address was 2330 but the driveway that leads to the House is 2270. The address was corrected to 2270 by Planning & Zoning because there is no approach at 2330 for 911 Services. Habeck's asked if they could put in approach at 2330 because didn't want to go through the hassle of changing all their paperwork again to the 2270 address or put up a sign – but a permit is required to put up a sign. Chairman Sutton asked if they would be willing to vacate the approach at 2270 in order to put in the approach at 2330, but Habeck's stated No because of possible future development plans. After further discussion, Commissioner Wiese motioned to allow the Habeck's to use 2330 address with the stipulation that if or when the property changes hands that the address is corrected and replotted to 2270, seconded by Dennert. All members present voting aye. Motion carried. Kent Jones, Communications Director stated he would check with GIS to see if it would be possible to adjust the pin to the approach at 2270.

ORDINANCE #247 - SECOND READING/ADOPTION:

Moved by Commissioner Gage seconded by Fjeldheim to adopt Ordinance #247. Applicant Toby Doeden 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 North 333' of Outlot 3, "Levey's Outlots" and the East ½ of the South ½ of Outlot 2, "Levey's Outlots" in the SE ¼ of Section 24 -T123N-R65W of the 5th P.M., Brown County, South Dakota (13371 382nd Avenue, Mercier Twp.). All members present voting aye. Motion carried.

ORDINANCE #248 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim seconded by Gage to adopt Ordinance #248. Applicant Joel & Kimberly 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: Lot 2, Block 2, "Moulton's First Subdivision" in the SE ¼ of Section 2-T122N-R64W of the 5th P.M., Brown County, South Dakota (13671 387th Avenue, Warner Twp.). All members present voting aye. Motion carried.

ORDINANCE #249 - SECOND READING/ADOPTION:

Moved by Commissioner Gage seconded by Fjeldheim to adopt Ordinance #249. Applicant Erik Nolte 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: Lot 1, "North Ten" in the SW1/4 of Section 13 & the SE1/4 of Section 14-T124N-R64W of the 5th P.M., Brown County, South Dakota (12676 387th Avenue, Lincoln Twp.). All members present voting aye. Motion carried.

ORDINANCE #250 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert seconded by Gage to adopt Ordinance #250. Applicant Barry Winkler 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: Outlot C, "Engel Subdivision" in the NE1/4 of Section 18 -T124N-R63W, except Sulzle Outlots A & B, of the 5th P.M., Brown County, South Dakota (12643 389th Avenue, Ordway Twp.). All members present voting aye. Motion carried.

APPLICATION FOR OCCUPANCY – WEB WATER:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve application, submitted by Web Water for occupancy of Brown County Hwy #14 in Sec 3-T123-R63W of the 5th P.M, Brown County, SD to provide potable water line services. All members present voting aye. Motion carried.

BRIDGE IMPROVEMENT GRANT/LOCAL FEDERAL BRIDGE PROGRAMS:

Dirk Rogers, Highway Superintendent discussed the Federal Local Bridge Grants, stating he has 3 Bridges that will qualify for this program: Bridge 6, 350 and 81 and ask the Commission to approve and pass a Resolution for each to authorize applying for the Grant. Hall Crossing will be filed with FEMA.

Commissioner Wiese brought the following Resolution:

RESOLUTION #34-23

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-000-431 – 11.0 miles west and 1.0 mile south of Warner, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1st day of August 2023.

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

Commissioner Wiese brought the following Resolution:

RESOLUTION #35-23

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-010-176 – 3.6 miles south and 10.0 miles west of Barnard, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1st day of August 2023.

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

Commissioner Fjeldheim brought the following Resolution:

RESOLUTION #36-23

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS

WHEREAS, Brown County wishes to submit an application(s) for consideration of award for the Bridge Improvement Grant and/or Local Federal Bridge Programs:

STRUCTURE NUMBER(S) AND LOCATION(S):

07-256-430 – 1.0 mile south and 4.4 miles west of Ferney, SD

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan*.

and WHEREAS, Brown County agrees to pay N/A% match on the Bridge Improvement Grant Funds and /or 0.0% match on the Local Federal Bridge Funds;

and WHEREAS, Brown County hereby authorizes the Bridge Improvement Grant and Local Federal Bridge application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED: that the South Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant and/or Local Federal Bridge application(s).

Dated this 1st day of August 2023.

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

SPEED ZONE AMENDMENT:

This item was postponed for a week.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave a department update. Starting August 14th will be hauling gravel to Elm Lake; doing some maintenance patching south of Houghton; will get back to Co. Hwy. 16 to finish the 6 miles to the north; on Rd. 5 have some soft spots to dig out; mowing; helping Fair get ready for Rodeo and things. Dirk shared that BR 211 came out nice and that is a big part of the Bridge Program. Chairman Sutton asked about wanting to hire a mechanic – Dirk stated that he has some close to retirement so would like to get 1 or 2 more hired and looking into the Tech School program, also. Commissioner Dennert stated that on Co. 14 east of Frederick there is some road breakup due to the water, so asked Dirk to check on that.

2024 PROVISIONAL BUDGET HEARING:

Moved by Commissioner Wiese to approve and authorize publication of the 2024 Provisional Budget Hearing to be held on Tuesday, September 5, 2023, in the Commission Chambers, Courthouse Annex at 8:45 A.M.

Seconded by Gage. Roll call vote: Commissioner's Dennert-aye; Fjeldheim-aye; Wiese-aye; Gage-aye; Sutton-aye. Motion carried.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of July 25, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Dennert, seconded by Gage to approve the following claims and payroll: Claims: Insurance: SD Public Assurance Alliance \$135.73. Professional Fees: US Bank Visa \$69.00; Avera McKennan \$131.91; Avera St. Lukes \$251.26; CGI, LLC \$3,344.38; Christy Griffin-Serr Law Office \$40,280.00; Houston Engineering Inc. \$775.50; Lumen \$192.17; Medical Waste Transport Inc \$235.50; Pauer Sound \$12,500.00. Publishing: Gatehouse Media \$373.72; Groton Daily Independent \$239.03; Midstates Group \$52.50. Rentals: Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: US Bank Visa \$2,170.06; All Over Roofing \$255.00; Anderson Electric \$1.73; B&B Contracting \$561.12; Crawford Truck & Equipment \$501.93; Dakota Doors Inc \$451.48; Diesel Machinery Inc. \$1,608.64; Double A Plumbing LLC \$1,982.52; Graham Tire Inc. \$163.75; Jason's Electric Inc. \$86.73; K&S Plumbing Inc. \$2,988.52; Keith Lunders \$8,995.54; LyCox Enterprises Inc. \$1,150.00; Mac's \$12.63; Nelson Sales & Service \$70.53; Pierson Ford Lincoln \$295.95; Pomp's Tire Service \$761.00; TrueNorth Steel \$10,710.90; Webster Scale \$1,065.00. Supplies: US Bank Visa \$12,844.08; Amazon Capital Services \$759.85; American Solutions for Business \$243.41; Anderson Electric \$85.00; Artz Equipment \$1,044.91; Century Business Products \$718.81; Cole Papers \$386.70; Crawford Truck & Equipment \$985.76; Dakota Fluid Power \$4.69; Dakota Mailing & Shipping Equipment \$290.26; Dakota Oil \$191.50; Farm Power Mfg. \$1,028.16; Intab LLC \$104.95; Jensen Rock & Sand Inc. \$233,848.64; John Florey \$33.99; Karen Swank \$30.00; Lien Transportation Company \$94,285.02; Marco Technologies \$47.48; Menards \$1,328.40; Pantorium Cleaners \$28.00; Pierson Ford Lincoln \$403.43; Pomp's Tire Service \$1,318.06; Pro Ag Supply Inc \$594.36; Quality Welding Inc. \$48.00; Runnings \$104.40; WEB Water Bottling Company \$27.75. Travel & Conference: US Bank Visa \$525.41; Monica Hein \$97.92. Utilities: US Bank Visa \$1,653.77; Centurylink \$0.36; Midcontinent Communications \$138.23; Montana Dakota Utilities \$25.24; Northwestern Energy \$7,372.91; State 4H Office \$70.00; Verizon Wireless \$83.62. Machinery & Equipment: LyCox Enterprises Inc. \$23,765.00; SD Federal Property Agency \$2,500.00.

Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,363.82; SA \$33,603.49; Maintenance \$8,562.52; DOE \$16,817.46; ROD \$9,932.81; VSO \$4,254.09; GIS \$2,643.52; IT \$5,892.04; HR \$4,698.75; Sheriff \$45,460.64; Jail \$57,019.41; Coroner \$613.60; Court Security \$6,873.03; JDC/HD \$27,656.09; Welfare \$2,336.49; DPM \$12,367.08; Parks/Fairgrounds \$7,064.23; Fair \$5,370.84; 4-H \$1,637.52; W&P \$5,361.78; P&Z \$7,297.11; Hwy. \$50,539.73; Dispatch \$39,776.22; EM \$4,933.61; 24/7 \$2,701.25; Landfill \$15,218.22; Mileage Benefits \$554.13. Matching Benefits-County Portion: FICA \$24,373.29; Medicare \$5,700.23; Discovery_HSA \$1,535.10; Health Insurance_Wellmark BCBS \$123,348.80; Dental Insurance_Delta \$8,245.44; Life Insurance_Dearborn \$1,027.14; Retirement_SDRS \$54,173.89. All members present voting aye. Motion carried.

HR REPORT:

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

- Transfer of:
 - Kymberly Gasser from Brown County Jail Detention Officer to JDC Detention Officer; effective August 7, 2023. Request to fill.
 - Kandi Shantz from PT to FT Brown County Jail Detention Officer, effective August 6, 2023.
- Hiring of the following:
 - Jason Erickson as Brown County Landfill Heavy Equipment Operator, FT; starting wage \$22.82/hour; effective August 1, 2023.
 - Zachary Wicaryus as Brown County Jail Detention Officer, FT; starting wage \$20.67/hour; effective August 1, 2023.
- Approve Request to fill Brown County Highway Equipment Mechanic.

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.

TRAVEL REQUESTS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Travel Requests: Gavin Wright, Sheriff's Office to attend DRE Inservice Training in Sioux Falls, SD from Sept. 6-7, 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 SD State Chili Committee for a lottery to be held August 19, 2023, at Brown County Fair. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Wiese to go into Executive Session for Legal 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 Fjeldheim, seconded by Wiese to adjourn the Brown County Commission meeting at 10:59 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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