

AUGUST 15, 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, Gage, Sutton and Wiese. Commissioner Fjeldheim led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT:

Sheriff, Dave Lunzman met with the Commission to let them know that the jail is at full capacity. Also, the State Women's Prison is full and rejecting our prisoners. Sheriff Lunzman is going to bill them for the keeping these prisoners but not sure if we will be reimbursed or not. Due to the increase in female prisoners, they are having to transport male prisoners to other locations such as Faulkton.

ORDINANCE #251 – FIRST READING:

Moved by Commissioner Dennert, seconded by Wiese to approve the First Reading of Proposed Ordinance #251. Applicant John Sippel requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for their current use: Lot 1 & Lot 2, "First Subdivision of Sippel's Outlot 1" in the NE 1/4 of Section 34-T124N-R61W of the 5th P.M., Brown County, South Dakota (12905 & 12909 404th Avenue, Putney Twp.). All members present voting aye. Motion carried.

ORDINANCE #252 – FIRST READING:

Moved by Commissioner Gage, seconded by Wiese to approve the First Reading of Proposed Ordinance #252. Applicant Jerry & Connie Drees requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for their current use: Lot 1 & Lot 2, "Odland's First Addition" in the SE 1/4 of Section 12-T123N-R65W of the 5th P.M., Brown County, South Dakota (37970 & 37982 132nd Street, Mercier Twp.). All members present voting aye. Motion carried.

ORDINANCE #253 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #253. Applicant Carey & Sonya Nilsson requesting to rezone from Agriculture Preservation District (AG-P) to Lake Front Residential District (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 5th P.M., Brown County, South Dakota (379660 Shore Drive South, Ravinia Twp.). All members present voting aye. Motion carried.

ORDINANCE #254 – FIRST READING:

Moved by Commissioner Gage, seconded by Dennert to approve the First Reading of Proposed Ordinance #254. Applicant William O. Edwards requesting to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture 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 5th P.M., Brown County, South Dakota (38355 110th Street, Frederick Twp.). All members present voting aye. Motion carried.

2023 BYRNE JUSTICE ASSISTANCE GRANT MOU BETWEEN ABERDEEN CITY & BROWN COUNTY:

Moved by Commission Dennert, seconded by Wiese to authorize and approve Chairman Sutton to sign the Memorandum of Understanding (MOU) for the 2023 Byrne Justice Assistance Grant (JAG) between City of Aberdeen and Brown County. All members present voting aye. Motion carried.

DIVE TEAM:

Sheriff, Dave Lunzman requested to approve adding Brenden Miller to the volunteer Dive Team. Moved by Commissioner Wiese, seconded by Fjeldheim to approve adding Brenden Miller to the Dive Team. All members present voting aye. Motion carried.

FAIR CONTRACTS:

Moved by Commissioner Fjeldheim, seconded by Dennert to approve and authorize Chairman Sutton to sign the amended contracts for Collin Raye Entertainment, LLC for a total of \$23,500.00 and Tip Top Entertainment for a total of \$21,500.00; contract for White Line Fever, LLC (DBA: Thompson Square) for \$15,000.00. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the General Meeting minutes of August 8, 2023. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Wiese, seconded by Dennert to approve the following Claims: Professional Fees: Alesha Stadel \$50.00; Avera McKennan \$131.91; Avera St. Luke's Hospital \$263.82; Ben Markegard \$150.00; Brown County Treasurer \$60.00; Certified Languages International LLC \$792.00; Christy Griffin-Serr Law Office \$7,211.64; Cogley Law Office, Prof LLC \$7,211.64; Collin Raye Entertainment LLC \$7,000.00; Day County \$595.00; Dependable Sanitation, Inc \$39,264.40; Dohrer Law Office, PC \$14,423.28; Fox Law Firm, PLLC \$140.00; Hannah Sumption \$50.00; Helms & Associates \$4,369.62; IMEG Corp \$4,165.20; Jason Podoll \$50.00; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.97; Kristi Brandt \$34.00; Kuck Law Office \$7,211.64; Language Line Services, Inc \$466.79; Lewis & Clark BHS \$426.00; LexisNexis Risk Data Mgt, LLC \$200.00; Mark Katterhagen \$9.00; Natrona County Sheriff's Office \$55.00; Pauer Sound \$400.00; Priority Dispatch Corp \$11,420.00; Regina Holcomb \$50.00; Sanford Health Occupational Medicine \$94.00; Satellite Tracking of People, LLC \$1,833.00; SD Dept of Revenue & Regulations \$2,554.89; Shirelle Stadel \$50.00; Taliaferro Law Firm, PC \$7,211.64; Tip Top Entertainment \$5,000.00; Valerie J. Larson \$9.00; Weston Geppert \$100.00; White Line Fever LLC \$15,000.00; Yankton County Treasurer \$259.30. Publishing: Groton Daily Independent \$187.21; Lee Agri-Media \$954.00; Midstates Group \$7,895.00. Rentals: Aramark \$250.13; Linde Gas & Equipment Inc \$49.16. Repairs & Maintenance: Ace Refrigeration, LLC \$468.18; Century Business Products \$104.47; Dakota Pump & Control \$668.37; Dakota Supply Group \$484.27; Diamond Mowers LLC \$19.78; Hoven Auto Repair, Inc \$755.29; IMEG Corp \$14,189.33; Jason's Electric Inc \$2,642.26; Lien Transportation Company \$590,231.47; LV Construction \$2,346.94; Meister Mowing LLC \$465.00; Olympic Sales, Inc \$1,960.55; Pierson Ford Lincoln, Inc \$173.20; Sewer Duck, Inc \$85.00; Sherwin Williams \$1,202.93; Steven Lust Automotive \$295.26; Titan Machinery \$2,658.34; Town & Country Building Supply \$3,819.21; Transource Truck & Equipment, Inc \$839.83; Western States Fire Protection Co \$207.09. Supplies: Advance Auto Parts \$667.45; Advanced Surgical Arts Center \$200.00; Agtegra Cooperative \$158.98; Amazon Capital Services, Inc \$292.29; Bimbo Foods USA, Inc \$1,030.44; BK Custom T's & More LLC \$550.00; Cartney Bearing \$292.42; Century Business Products \$10,086.05; Cole Paper Inc \$1,482.62; Diamond Mowers LLC \$680.93; East Side Jersey Dairy Inc \$936.51; Farm Power Mfg. \$139.38; Farm Tire Service, LLC \$175.00; Fox Law Firm, PLLC \$2.88; Geffdog Designs \$146.70; GovConnection, Inc \$1,100.08; Hillyard Sioux Falls \$735.20; HOH Water Technology Inc \$1,405.99; Jensen Rock & Sand Inc \$2,224.86; Linde Gas & Equipment Inc \$729.18; Mac's Inc-Capital One Trade Credit \$80.97; Menards \$1,442.26; Midstates Group \$45.00; Mike Dinger \$2,771.79; NVC \$27.47; Performance Oil \$420.00; PharmChem, Inc \$1,176.34; Pierson Ford Lincoln, Inc \$69.48; RDO Equipment Co \$126.61; Runnings \$1,132.07; Share Corporation \$429.00; Thee Glass Doktor, LLC \$117.00; Titan Machinery \$4,931.20; Towing Plus \$425.00; TrueNorth Steel \$10,126.80; Tyler Technologies, Inc \$449.00. Travel & Conference: Ben Markegard \$420.24; Weston Geppert \$150.96. Utilities: AT&T Mobility \$43.23; CenturyLink \$1,558.34; City of Aberdeen Treasurer \$391.15; City of Hecla \$128.80; James Valley Telecommunications \$209.10; Northern Electric \$334.86; Northwestern Energy \$339.55; NVC \$495.30; Verizon Wireless \$1,287.11. Others: SD Dept of Revenue & Regulations \$884,931.21. Payroll: Commission \$4,615.41; Auditor \$11,144.01; Treasurer \$16,462.33; SA \$33,711.30; Maintenance \$8,478.77; DOE \$23,931.02; ROD \$9,932.80; VSO \$4,254.10; GIS \$2,643.52; IT \$7,583.26; HR \$4,698.76; Sheriff \$49,851.03; Jail \$59,897.53; Coroner \$613.60; Ct. Security \$7,681.83; JDC/HD \$26,448.95; Welfare \$2,336.49; DPM \$11,390.49; Parks/Fairgrounds \$7,588.30; Fair \$6,315.19; 4-H \$1,314.93; W&P \$5,294.20; P&Z \$7,232.60; Highway \$51,034.52; Dispatch \$36,086.73; EM \$4,933.61; 24/7 Sobriety \$2,818.55; Landfill \$15,966.39; Meal Benefits \$160.00; FICA \$25,196.14; Medicare \$5,892.63; Discovery_HSA \$1,483.93. All members present voting aye. Motion carried.

HR REPORT:

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

- Resignation of the following:
 - Amanda Gebro, Brown County Fair Intern, PT; effective August 3, 2023
 - Laurie Richardson, Brown County State's Attorney Deputy, FT; effective August 23, 2023. Request to fill.
- Transfer of Henry Fulda, Brown County Sobriety Coordinator, FT to Brown County Sobriety Technician, PT; effective August 6, 2023
- Transfer of Stephanie Morgan from Brown County Equalization Appraisal Technician to Brown County Equalization Administrative Assistant, FT, starting wage \$20.17/hr.; effective August 20, 2023.
- With Amendment to deny request to fill Brown County Equalization Administrative Assistant, FT.

- Temporary 2023 Brown County Fair Workers from August 14th – 20th:
 - Ticket Seller @ \$14.00/hr.: Kevin Heinrich
 - Gatekeepers @ \$12.00/hr.: Tyler Jones
 - Security Staff @ \$35.00/hr.: Bryton Black replacing Ryan Antaya
- With amendment not to approve request to fill Brown County Equalization Administrative Assistant.

All members present voting aye. Motion carried.

LEASE AGREEMENTS:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize the Chairman to sign the following lease agreement: Denise Dutenhoffer for lease of Akkerman Open Horse Arena on September 9-10, 2023, for 8th Annual Spotted Pride Appaloosa Horse Show and 2nd Annual Spotted Spectacle. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Dennert 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.

LOTTERY PERMIT:

Moved by Commissioner Gage, seconded by Wiese to approve and authorize Chairman Sutton to sign application, submitted by Aberdeen Area Veterans for a lottery to be held August 19, 2023, at Brown County Fair. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following Travel Request: Gavin Wright, Brown County Sheriff's Office to attend SFST Instructor School in Pierre, SD from November 13-17, 2023. All members present voting aye. Motion carried.

PLAT FOR ABERDEEN ZONING BOARD:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Plat of Brown County Commissioner's Fifth 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 Lots 928 and 929, Morning Heights Extended 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 Fifth Subdivision to the City of Aberdeen, in the NW ¼ of Section 19-T123N-R63W 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 Lots 928 and 929, Morning Heights Extended Addition to Aberdeen, Brown County, South Dakota as filed for record on September 29, 1930, and duly recorded as plat No. 350, in the Brown County Register of Deeds Office. All members present voting aye. Motion carried.

PLAT FOR ABERDEEN ZONING BOARD:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman Sutton to sign the Plat of Brown County Commissioner's Sixth 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 Lot 10 and the North 10 feet of Lot 11, Block 10 Hagerty and 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 Sixth 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 Lot 10 and the North 10 feet of Lot 11, Block 10 Hagerty and Lloyd's Addition to Aberdeen, Brown County, South Dakota as filed for record on July 31, 1888, and duly recorded as plat No. 8, in the Brown County Register of Deeds Office. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Fjeldheim to go into Executive Session for Personnel and Contracts 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 Wiese, seconded by Gage to adjourn the Brown County Commission meeting at 9:19 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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