

## AUGUST 29, 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, Sutton, and Wiese. Commissioner Gage was absent. The Pledge of Allegiance was led by Chairman Sutton.

### APPROVAL OF AGENDA:

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

### OPPORTUNITY FOR PUBLIC COMMENT: None

### ORDINANCE #255 – FIRST READING:

Moved by Commissioner Dennert, seconded by Wiese to approve the First Reading of Proposed Ordinance #255 to amend portions of Title 4 Zoning, Chapter 4.14, “Highway Commercial District (HC)” and Chapter 4.15, “Light Industrial District (LI)”. 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.

### ORDINANCE #251 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim seconded by Wiese to adopt Ordinance #251. Applicant John Sippel to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture 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 NE ¼ 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.). All members present voting aye. Motion carried.

### ORDINANCE #252 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert seconded by Wiese to adopt Ordinance #252. Applicant Jerry & Connie Drees to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.07 Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use: Lot 1 & Lot 2 “Odland’s First Addition” in the SE ¼ 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.). All members present voting aye. Motion carried.

### ORDINANCE #253 - SECOND READING/ADOPTION:

Moved by Commissioner Fjeldheim seconded by Dennert to adopt Ordinance #253. Applicant Carey & Sonya Nilsson to rezone from Chapter 4.06 Agriculture Preservation District (AG-P) to Chapter 4.10 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 NE ¼ of Section 25-T124N-R65W of the 5<sup>th</sup> P.M., Brown County, South Dakota (379660 Shore Drive South, Ravinia Twp.). All members present voting aye. Motion carried.

### ORDINANCE #254 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert seconded by Wiese to adopt Ordinance #254. Applicant William O. Edwards 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: Proposed Lot 1, “Sumption-Edwards Addition” in the N ½ 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.

### LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (LEMPG):

Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton to sign the 2024 LEMPG Agreement. All members present voting aye. Motion carried.

### APPLICATION FOR OCCUPANCY – WEB WATER:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve application, submitted by Web Water for occupancy of Brown County Hwy #16 in Section 19-T122-R62 of the 5<sup>th</sup> P.M., Brown County, SD to provide potable water line services. All members present voting aye. Motion carried.

### PURCHASE CULVERTS OFF BEADLE COUNTY BID:

Dirk Rogers, Highway Superintendent would like to recommend buying culverts off the Beadle County Bid, they hadn't purchased any for year because of pricing so they used other materials. For the Elm Lake project they purchased culverts but will be reimbursed by the State. Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Highway Department to purchase culverts from TrueNorth Steel off the Beadle County Bid (Bid in its entirety is on file in the Auditor's Office). All members present voting aye. Motion carried.

#### HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave a department update. He is moving along with FEMA and planning on site visits next Tuesday. County Rd. 16B is still under water, have 60 days for it to come out of water the James River did drop 8 inches this week; County Rd 25 is out of the water; they are looking at different mitigation programs for Hall Crossing that will be 75-100% paid for – Commissioner Fjeldheim asked if they have ever looked at expanding or widening the narrow channel, Dirk stated that is something they could explore; paving 2 miles on County Rd 18 south of Houghton then will chip seal; have more clean-up at Elm Lake but it got too wet; then go back to paving on Co. Rd. 16. Commissioner Fjeldheim asked how County Rd. 5 was looking, Dirk stated it was going okay, there was some concern about it being laid in one lift compared to two. Dirk says as long as they get their compaction, he is okay with one lift. Dirk commented it was tested, and it is meeting the requirements, but he feels it should be smoother. Dirk is planning on doing more micro-surfacing in the future but will be determined by the Economy. He prefers that whether it is the County or another contractor doing the work, it is the same ones that does the prep work and the paving. Commissioner Wiese shared that he has been questioned about 12W, so just wondering what the future plans are on 12W; Dirk stated it will be in the 5-year plan. Commissioner Dennert questioned if anything had been done on County Rd. 16 north of Bath, yet because he had received another message on it – Dirk said they looked at it but wasn't sure if anything had been done yet, he will follow-up on that. Commissioner Sutton shared that he had a request to lower the Speed Limit on the curve east of Wylie, Dirk said he looked at that but wasn't sure what this would accomplish but he will look at it again.

Dirk Rogers asked for an Executive Session for Personnel and Contracts. Moved by Commissioner Dennert, seconded by Wiese to go into Executive Session for Personnel and Contracts. All members present voting aye. Motion carried. The Chairman declared the executive session closed with no action taken.

#### FAIR CONTRACT:

Rachel Kippley, Fair Manager met with the Commission asking them to terminate the remainder of the contract with Winterset Concert Events, LLC per a recommendation from the Brown County Fair Board. Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to send a letter to Winterset Concert Events, LLC to terminate the remainder of the contract. All members present voting aye.

Rachel then asked for approval of new request for proposals and authorize advertising with September 19<sup>th</sup> as the day for opening them because a lot of artists are booking a year in advance. Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize advertising request for proposals for Entertainment Consultant for the Brown County Fair for years 2024, 2025 and 2026. All members present voting aye. Motion carried.

Rachel stated she will have a Fair report in the next couple of weeks. Chairman Sutton stated job well done again and to thank the Fair Board and all her staff for a job well done.

#### MINUTES:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the General Meeting minutes of August 22, 2023. All members present voting aye. Motion carried.

#### CLAIMS:

Moved by Commissioner Wiese, seconded by Dennert to approve the following Claims/Payroll:

Claims: Professional Fees: Avera St. Luke's Hospital \$135.09; Dakota Portable Toilets, Inc \$20,000.00; Lincoln County Treasurer \$828.37; Lucy Lewno \$170.00; Lumen \$227.80; Mark Katterhagen \$18.00; Professional Rodeo Cowboys Association \$1,200.00; TMS Production Integration \$7,799.09; Tyler Technologies, Inc \$49,733.00; Valerie J Larson \$18.00; Yankton County Sheriff's Office \$175.00. Publishing: Aberdeen Community Concert Association \$125.00; GateHouse Media South Dakota Holdings, Inc \$456.25; Geffdog Designs \$1,720.00; Groton Daily Independent \$148.27; Midstates Group \$3,412.00. Repairs & Maintenance: Hase Plumbing, Heating

& Air Conditioning, Inc \$9,759.00; Hub City Roofing Inc \$790.00; JGE, Inc \$2,081.20; Ken's Alignment \$123.64; Kirk's Auto Repair \$60.88; Lien Transportation Company \$814,707.48; NESD Specialized Washing, LLC \$280.00; Newman Signs, Inc \$13.66; Pomp's Tire Service, Inc \$42.40; Sewer Duck, Inc \$295.00; Wooden Mallet Custom LLC \$545.00; Woodman Refrigeration, Inc \$1,447.86. Supplies: A-1 Locksmithing \$38.00; Aberdeen Swim Club \$200.00; Century Business Products \$625.61; Chris Anderson \$7.35; Dacotah Prairie Museum \$18.24; Dakota Fluid Power, Inc. \$94.28; Farm Power Mfg. \$36.65; Interior Design Concepts \$42.14; JGE, Inc \$220.84; Ken's SuperFair Foods \$512.60; Lucy Lewno \$6.60; Mac's Inc-Capital One Trade Credit \$44.97; Menards \$699.14; Newman Signs, Inc \$205.04; PharmChem, Inc \$663.35; Plumbing & Heating Wholesale, Inc \$905.13; Runnings \$3.87; Shagan Pit \$480.00; Steven Lust Automotive \$36.32; Veterans Information Service \$65.00. Utilities: Montana-Dakota Utilities Co \$28.91; Northwestern Energy \$6,132.38; Verizon Wireless \$125.43. Others: SD Dept of Public Safety \$6,667.15. Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,402.03; SA \$35,418.70; Maintenance \$9,011.25; DOE \$14,879.22; ROD \$9,932.80; VSO \$4,254.10; GIS \$2,643.52; IT \$8,974.46; HR \$4,698.75; Sheriff \$46,861.06; Jail \$59,168.10; Coroner \$613.60; Ct. Security \$6,880.03; JDC/HD \$25,958.58; Welfare \$2,336.49; DPM \$11,658.37; Parks/FG \$10,482.64; Fair \$41,332.53; 4-H \$3,809.83; Weed \$5,665.65; P&Z \$7,287.88; Hwy. \$53,088.97; Dispatch \$37,374.94; EM \$4,933.61; 24/7 Sobriety \$2,704.92; Landfill \$16,636.58; SDRS Pay-out \$4,049.50. Matching Benefits: FICA \$27,331.58; Medicare \$6,392.03; Discovery\_HSA \$1,483.93; Health Insurance\_Wellmark BCBS \$124,666.22; Dental Insurance\_Delta \$8,490.84; Life Insurance\_Dearborn \$1,023.74; Retirement\_SDRS \$54,190.01. 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:

##### Acknowledge:

- Transfer of Denica Walker from Brown County Jail Detention Officer to Brown County JDC Detention Officer, FT; effective August 20, 2023.
- Employment ending for Mikayla Hauck, Brown County Museum Intern; effective August 18, 2023; Anna Johnson Brown County 4-H Intern, effective August 20, 2023.

##### Approve:

- Hiring of Megan Bierman as Brown County 911 Communications Officer, FT; starting wage \$21.72/hour - effective August 28, 2023; Randy Zens as Brown County Assistant Building Maintenance Superintendent, FT; starting wage \$28.49/hour - effective August 29, 2023.
- Reclassification of Weed & Pest Technician from Grade 14 to Grade 15.

All members present voting aye. Motion carried.

#### ABATEMENTS/REFUNDS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following abatements for Tax Year 2023: Zane Fees, Parcel #6150 \$61.81; Lisa Howard-Dennert, Parcel #1215 \$15.63 and Parcel # 1211 \$13.24. For Tax Year 2022: Zane Fees, Parcel #6150 refund for \$114.77; Lisa Howard-Dennert, Parcel #1215 refund for \$15.57 and Parcel #1211 refund for \$13.18. For Tax Year 2021: Zane Fees, Parcel # 6150 refund for \$74.22; Lisa Howard-Dennert, Parcel #1215 refund for \$16.21 and Parcel #1211 refund for \$13.73. For Tax Year 2020: Zane Fees, Parcel #6150 refund for \$53.61; Lisa Howard-Dennert, Parcel #1215 refund for \$16.41 and Parcel #1211 refund for \$13.89. All members present voting aye. Motion carried.

#### AMENDED AUDITORS REPORT OF ACCOUNTS FOR JUNE 2023:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the amended Auditor's Report of Accounts of June 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$23,950,606.14; Total Savings Account Balances \$2,825,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$32,263,304.28. General Fund Cash and Investment Balances by Funds: General Fund \$19,730,033.07; Road & Bridge Fund \$2,067,690.66; Road & Bridge Fund-restricted \$423,243.27; 911 Service \$954,414.81; Emergency & Disaster \$128,938.86; Domestic Abuse \$1,258.50; Teen Court \$0.00; Grant \$32.11; SA Grants \$49,201.10; Truancy Court 212.59; Richmond Youth Camp \$0.00; 24/7 Sobriety \$18,591.59; ROD M&P \$94,253.16; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$295,534.81; TIF Debt Service \$25,962.07; Landfill + cash change \$4,286,296.58; Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$2,787,158.66; Grand Total General Fund Cash & Investments \$32,263,304.28. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Personnel. Legal 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 Fjeldheim, seconded by Dennert to adjourn the Brown County Commission meeting at 10:02 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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