

October 3, 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 Fjeldheim, Gage, and Sutton. Commissioners Dennert and Wiese were absent. The Pledge of Allegiance was led by Commissioner Gage.

APPROVAL OF AGENDA:

Commissioner Fjeldheim moved to approve the agenda with HR Report being scratched due to no report this week, seconded by Gage. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

ORDINANCE #256 - SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the Second Reading and Adopt Ordinance #256 amending portions of Title 4 Zoning: Chapter 4.01 – Definitions; Chapter 4.06 – Agriculture Preservation (AG-P); Chapter 4.07 – Mini Agriculture Preservation (M-AG); Chapter 4.08 – Residential District (R-1); Chapter 4.09 – Mobile Home District (R-2); Chapter 4.10 – Lake Front District (R-3); Chapter 4.11 – Rural Urban District (RU); and Chapter 4.16 – Heavy Industrial (HI) and An Addition to Title 4 Zoning Ordinances of Brown County with: Chapter 4.37, “Solar Energy Systems” (SES) and “Private Solar Energy System” (PSES). Roll Call: Fjeldheim – aye; Gage – aye, Sutton – aye, Dennert – absent and Wiese - absent. Ordinance #256 Adopted. (Copies of the full Ordinance are available at the Brown County Auditor’s Office or Brown County Planning & Zoning Office during regular business hours).

QUOTES FOR HEAT/COOL SYSTEM FOR 24/7 BUILDING:

Judy Dosch, Building Superintendent supplied 2 quotes to the Commission to replace the Heat/Cool System for the 24/7 Building: Woodman Refrigeration in the amount of \$8,743.00 and Jakes Heating & Cooling in the amount of \$9,000.00 for a Payne Natural Gas Furnace, 80,000 BTU and BO 3 Ton 13 SEER A/C with 3 Ton Cased Evaporator Coil. Judy’s recommendation was to go with Woodman Refrigeration. Moved by Commissioner Fjeldheim, seconded by Gage to accept the Quote from Woodman Refrigeration in the amount of \$8,743.00 to replace the Heat/Cool System for the 24/7 Building. All members present voting aye. Motion carried.

PROJECT UPDATE/SUMMIT CARBON SOLUTIONS AND GEVO INC.:

Kylie Lange with Summit Carbon Solutions shared that they want to be more transparent and wanted to share the why’s of the project: she introduced Kent Hartwig, Director of State & Local Government Affairs with GEVO to explain what aviation fuel is and what it could mean to South Dakota (SD) and how it ties in with the Summit Carbon project. Kent shared they are building their first large scale aviation fuel facility in Lake Preston, SD, they will be fermenting corn into ethanol and then in a secondary process turn the ethanol into a hydrocarbon, which is a drop-in replacement for jet fuel. The plant is called Net-Zero1, they plan to produce 65 million gallons of renewable fuel and plan to employ around 90 full-time employees, and employee over 1500 Construction workers over the next 3 years – this plant is to be the largest investment SD has ever seen. Plan to process approximately 38 million bushels of corn annually, so will need to access from outside Kingbury county so the economic benefits will be seen throughout SD. Also, will produce 695 thousand metric-ton of distillers’ grain that will go to feed livestock in the surrounding area. They plan to capture as much carbon as possible through the entire SANF process, this begins working directly with farmers, plan to pay a premium for corn raised in a low-carbon way (examples given were reduce synthetic fertilizer usage, conservation tillage, using biodiesel in farm equipment). The Net-Zero1 plant will reduce fossil omission by creating a wind-turbine farm for renewable electricity that will be directly connected to the plant along with a Dairy Digestor that creates renewable natural gas which could be an input for their facility. GEVO is working with Summit Carbon Solutions to connect to their pipelines in SD. If Summit pipeline fails to be built in SD, then it puts the plant in Lake Preston at high risk of being relocated to another location that has these availabilities. GEVO supports the establishment of the pipeline to reduce the carbon emissions from ethanol plants across the state and will fit to sustain ethanol production innovation in the transportation sector. GEVO has a history of working with SD based companies, universities and corn growers to develop environmentally friendly products: looking to SD to expand their network and build multiple sites and SD is high on their list but they need to look at proximity of pipelines when selecting the sites for future Net-Zero 1 plants. Commissioner Gage asked where else would they have access for other plants if not in SD – Kent replied in North Dakota, Nebraska, Illinois and Louisiana. Jared Bossly wanted to clarify that they need the Summit Carbon pipeline to make all these products – Kent shared there are 2 plants: Ethanol and

Hydrocarbon their process doesn't require Carbon Dioxide, but they are capturing the carbon dioxide emissions at the ethanol plant putting it into the pipeline to permit carbon sequestration site which reduces the carbon intensity which is valuable in the marketplace. Jared feels that carbon dioxide is being stole from these plants and then asked why they can't set this up at all the plants instead of using a pipeline to produce the jet fuel or methanol (largest traded commodity in the world), so there are some opportunities for the farmer owned plants to something with these products. Kylie stated that Glacial Lakes is incredibly excited about the future of aviation fuel and what that market could mean, they are aware of GEVO and other companies and the opportunities. Kent shared there are about 110 billion gallons of jet fuel used globally on an annual basis, they can blend up to 50% with Jet A fuel, able to significantly penetrate the market; the airline customers want this product and actively working with GEVO, who is able to provide the lowest carbon solution and they are currently the only entity that can do it. Dennis Feickert questioned Kent to know why they are just showing up now instead of being ahead of the game and indirectly threatening to pull this from SD – Kent stated there is only one of him and he works in multiple states and that is on him but they haven't been shy about it, they've had conversations with State Legislators on getting the pipeline built so right now wanting to educate the people on their plans. Commissioner Gage then asked where they have plants now – Kent replied in NW Iowa; Luverne, MN that is shipped to Texas; in the process of building out the plant in Lake Preston which is located 1-mile outside of town. Commissioner Gage asked if they know what the setbacks were in Kingbury County and was informed they don't have a pipeline ordinance. Scott Bader, Planning & Zoning Director questioned if the pipeline would transport anything else besides the carbon to sequester it and Kylie stated no that is the only thing that will be going through the pipeline.

APPLICATION FOR OCCUPANCY – NORTHERN VALLEY COMMUNICATIONS (NVC):

Moved by Commissioner Gage, seconded by Fjeldheim to approve three applications submitted to provide telecommunications services by NVC for occupancy of Brown County Hwy #14 in Section 28& 33-T124-R63, Brown County, SD; Brown County #12, in Section 8, 5, 6-T123N-R63, Brown County, SD and Brown County Hwy #5, in Section 19 & 30-T128-R60, Brown County, SD. All members present voting aye. Motion carried.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave a brief department update on ongoing projects: Elm Lake project is still going, the seeding & erosion control is done and looking like they will need to do the fencing – not officially open but know it is getting used and no boat dock there now but looks nice; continuing to pave on Co. Rd. 16 from State Hwy. 10; Biegler Rd. down to the fishing dock – full mile overlay and continuing to mow.

FORKLIFT PURCHASE:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission regarding the need of a new forklift; they have 3 on the grounds but only 1 works. Rachel presented them quotes from 3 different locations:

MAKE	HOURS	PRICE	BUSINESS	TRADE	WARRANTY
1995 Kamatsu	279	\$10,000.00	F-M Forklift Sales & Service	\$0.00	None
1998 Green Clark	2150	\$13,500.00	F-M Forklift Sales & Service	\$0.00	None
2007 Toyota	9778	\$14,900.00	F-M Forklift Sales & Service	\$500.00	90 days
1989 Toyota	8175	\$16,000.00	F-M Forklift Sales & Service	\$0.00	None
2019 Unicarriers	700	\$20,480.00	Forklifts of MN	\$800.00	120 days
2019 Unicarriers	1760	\$24,680.00	Forklifts of MN	\$800.00	120 days
2006 Hyster	3268	\$25,000.00	Midwestern Equipment	\$700.00	None
2008 Yale	9549	\$26,750.00	Midwestern Equipment	\$0.00	None
2012 Toyota	15000	\$27,500.00	Midwestern Equipment	\$0.00	None
2018 Toyota	3300	\$28,900.00	F-M Forklift Sales & Services	\$500.00	90 days
2022 Kubota	42	\$34,500.00	Stan Houston	\$0.00	None

Rachel stated she knows budgets are going to be tight but will do her best to cover it, because it is something they need. Commissioner Fjeldheim asked if they could surplus the others, Rachel stated that is an option. If they can get the Forklift soon, they could test it with camper and boat storage. Commissioner Sutton stated that when looking at the three department budgets, you will probably need a supplement, but it is necessary equipment. Rachel stated they are going to hold off on ordering any parts until next Spring to save some money. Rachel recommends the 2019 Unicarrier with 700 hours from Forklifts on MN with \$800 trade in. Commissioner Fjeldheim moved to approve purchasing the 2019 Unicarriers with 700 hours from Forklifts of MN, seconded by Gage. All members present voting aye. Motion carried.

RENTAL HOUSE:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the rental house at the Richmond Lake Youth Camp. Rachel shared that she talked to Milbank Housing in regard to having it moved from County property; they think it would cost between \$18,000 to \$22,000.00 plus \$75.00/mile along with being responsible for any overhead utility charges along the route for raising wires, tree trimming if needed and cost of moving permit. County would be responsible for disconnecting all the utilities, plumbing, HVAC items and electrical in the basement along with cleaning out the basement only leaving bear posts or studs. Also, the chimney would need to either be removed or lowered to the peak of the roof. Rachel just wanted to let them know this is an option but doesn't have an official recommendation at this time but wanted to start the discussion. Other options Rachel listed are to demo it but its in pretty good shape or see if a County Employee would be interested in it. Commissioner Fjeldheim questioned putting it out there and see if we would get any bids on it. Commissioner Sutton stated that now we have some costs associated so he doesn't have any problems with doing that. Rachel questioned the language so the buyer would be responsible for those costs, and it was referred to Deputy State's Attorney, Ross Aldentaler. Commissioner Gage feels the only issue would be the trimming of the trees to get it out of the County property, he feels the County should have a say on that matter so to keep the property looking nice. Ross will put a bid spec together and have further discussion next week at the Commission meeting.

SOLID WASTE (SW) MANAGEMENT PROGRAM GRANT AGREEMENT:

Moved by Commissioner Gage, seconded by Fjeldheim to approve and authorize the Chairman to sign the SW Management Program Grant Agreement for the New Loader. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Fjeldheim, seconded by Sutton to approve the General Meeting minutes of September 26, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Gage, seconded by Fjeldheim to approve the following claims: Professional Fees: Black Hills Land & RV Rentals, LLC \$3,535.00; Brick's TV and Appliance \$3,675.00; Halley Becking \$250.00; Houston Engineering, Inc \$3,256.20; Kennedy Pier Knoff Loftus, LLP \$321.00; Kristi Brandt \$237.10; Lincoln County Treasurer \$203.30; Minnehaha County Auditor \$98.41; Northern Plains Psychological Associates, LLC \$225.00; SD Dept of Public Safety \$5,400.00; SD Dept of Transportation \$15,503.59; Yankton County Sheriff's Office \$50.00. Publishing: Midcontinent Communications \$10,140.00. Repairs & Maintenance: Ace Refrigeration, LLC \$1,200.54; Foerster Testing Limited \$1,771.00; HF Jacobs & Son Const. Inc \$1,417.08; House of Glass \$1,227.65; Louiseau Construction, Inc \$71,335.36; Menards \$229.93; Myers Tire-Salt Lake City #20 \$29.35; Olson's Pest Technicians \$250.00; Parkview Nursery \$252.97; Sewer Duck, Inc \$337.50. Supplies: Agtegra Cooperative \$4,429.47; Amazon Capital Services, Inc \$437.71; Aramark \$123.43; Artz Equipment, Inc \$550.44; Cartney Bearing \$17.00; Century Business Products \$351.66; Cole Paper Inc \$4,102.10; Dakota Supply Group \$33.92; Diesel Machinery, Inc \$378.36; Faulkton Drug \$69.20; Ken's SuperFair Foods \$4,942.84; Leidholdt Tool Sales, LLC \$363.20; MacQueen Emergency \$1,737.00; McDonald's \$400.60; Menard's \$459.87; Midstates Group \$541.80; Myers Tire-Salt Lake City #20 \$195.85; Pantorium Cleaners Inc \$32.00; Performance Oil \$408.60; Plumbing & Heating Wholesale, Inc \$1,062.84; Rachel Wilson \$39.36; RDO Equipment Co \$31.54; Sierra Kamin \$81.77; Tina Jacobs \$34.83; Tonya Walth \$31.85. Travel & Conference: Aberdeen Area Chamber of Commerce \$50.00; Best Western Ramkota Hotel-Rapid City \$1,210.00; Carrie Weisenberger \$37.32; City of Groton \$250.02; Dale Kurth \$122.10; David North \$76.32; Doug Fjeldheim \$221.96; Drew Dennert \$335.58; Duane Sutton \$311.10; Halley Becking \$98.64; James Meyers \$30.96; Patrick Keatts \$24.72; Paul Johnson \$62.44; Russell Metz \$498.64; Stan Beckler \$19.92. Utilities: AT&T Mobility \$183.84; CenturyLink \$281.84; Midcontinent Communications \$138.23; Montana-Dakota Utilities Co \$24.00; Northwestern Energy \$4,720.27; Verizon Wireless \$40.01. Others: SD Dept of Labor and Regulation \$1,501.81; WEX Health Inc \$3,000.00. All members present voting aye. Motion carried.

CLAIM ASSIGNMENTS:

Moved by Commissioner Fjeldheim, seconded by Gage 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 Gage, seconded by Fjeldheim to approve the following Travel Requests:

- Tucker Anderson, State's Attorney Deputy to attend Statewide swearing in ceremony in Pierre, SD on September 29, 2023.
- Adelaide Mouna, State's Attorney Office to attend:
 - 23rd Annual Community Response to Child Abuse Conference in Sioux Falls on October 3-6, 2023;
 - 2023 SD Advanced Victim Assistance Academy in Mitchell on November 1-3, 2023;
 - SANE Courtroom Testimony in Sioux Falls on November 16-17, 2023.
- Lynn Heupel & Stephanie Jacobson, Auditor/Elections to attend the Election Workshop in Pierre on Oct. 17-19, 2023.
- Dirk Rogers, Highway to attend the following:
 - Local Road Advisors Conference in Sioux Falls on October 23-25, 2023;
 - NACE Fall Business Meeting in Chattanooga, TN on October 18-20, 2023.
- Matt Heupel & John Florey, Highway Staff to attend the Local Road Advisors Conference in Sioux Falls on October 23-25, 2023.

All members present voting aye. Motion carried.

LEASE AGREEMENT:

Moved by Commissioner Gage, seconded by Fjeldheim to approve and authorize the Chairman to sign the following Lease Agreements: Trent Loos for lease of Club House on October 25, 2023, for Across the Pond Radio Show. All members present voting aye. Motion carried.

HAY LAND LEASE RENEWAL ADDENDUMS:

Moved by Commissioner Fjeldheim, seconded by Sutton to approve the Hay Land Lease Renewal Addendum for lease of hay land located at Richmond Youth Camp and lease of hay land located at the Brown County Fairgrounds with Don Schumacher from January 1, 2024 to December 31, 2024. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Fjeldheim, seconded by Gage to go into Executive Session for Personnel and 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 Gage, seconded by Fjeldheim to adjourn the Brown County Commission meeting at 10:35 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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