

November 28, 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. The Pledge of Allegiance was led by Commissioner Wiese.

APPROVAL OF AGENDA:

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

OPPORTUNITY FOR PUBLIC COMMENT:

Sheriff Lunzman took a moment to introduce Deputy Josh Lee and Harry, the new drug dog for Brown County Sheriff Department.

ORDINANCE #260 – SECOND READING/ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to adopt Ordinance #260. Applicant John & Lindsay Peterson 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 1B of Lot 1 “Biegler Richmond Lake Second Subdivision” in the SW ¼ of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (37902 127th Street, Ravinia Twp.). All members present voting aye. Motion carried.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize the Chairman Sutton to sign the application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Stacy Gossman DBA: Head East at 5759 E. Hwy. 12, Suite #2, Aberdeen, SD – Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S ¼ of Section 15-T123-R63 of the 5TH P.M., Brown County, SD. All members present voting aye. Motion carried.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman Sutton to sign the application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Stacy Gossman DBA: West Bound at 5759 E. Hwy. 12, Suite #3, Aberdeen, SD – Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S ¼ of Section 15-T123-R63 of the 5TH P.M., Brown County, SD. All members present voting aye. Motion carried.

RETAIL (ON-OFF SALE) MALT BEVERAGE & SD FARM WINE LICENSE:

Moved by Commissioner Wiese, seconded by Gage to approve and authorize the Chairman Sutton to sign the application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Stacy Gossman DBA: Up North at 5759 E. Hwy. 12, Suite #4, Aberdeen, SD – Lot 1B, Gossman First Addition, Kesslers Outlot to Aberdeen in S ¼ of Section 15-T123-R63 of the 5TH P.M., Brown County, SD. All members present voting aye. Motion carried.

BROWN COUNTY BRIDGE INSPECTION REPORT:

Chelsey Sheridan and Michael Gutenkauf, from IMEG shared with the Commissioners their findings on the Bridge Inspections they did in Brown County. They inspected 60 Bridges in 2023 out of the 134 in Brown County. Brown County’s Average Sufficiency rating for 2023 is 83.8, which is higher than the State’s average. The bridges with a poor condition and low sufficiency rating IMEG inspects those annually, will post load limits until they will recommend closing the bridge. Commissioner Wiese commented that Dirk Rogers, Highway Superintendent does a good job juggling things around and staying ahead of the issues.

RICHMOND ROADS:

Dirk Rogers, Highway Superintendent met with the Commission to discuss options for the roads at Richmond Lake. Dirk shared that they posted traffic counters, and the numbers are consistent with the past reports. They are going to be replacing the Guard Rail, IMEG is designing with State Engineer specifications but just a lengthy process. For the wash boarding issues, Dirk suggested using bentonite, which can hold more water and should get rid of the wash board effects. From State Park to Co. Rd 13A was milled and 13A has always been gravel and would have a tough time asking for \$100,000 to supplement his budget to do pave this. Commissioner Wiese mentioned that if the guard rail is replaced and they minimize the wash boarding by the Bridge that would be an improvement. Commissioner Gage shared that in the traffic count reports that speed is also a factor. The speed

limit is 30 mph but people that are traveling these roads are driving 10-15 mph over the speed limit, so if they would slow down – that would help and not be a cost to the County.

HIGHWAY DEPARTMENT UPDATE:

Dirk Rogers, Highway Superintendent gave the Commission a Department Update. They are continuing to haul gravel and collect rip rap; mowing should be completed today.

COMBINED ELECTION AGREEMENT:

Auditor Heupel shared that the Aberdeen School District asked to update this agreement due to a change in their staff. Moved by Commissioner Wiese, seconded by Fjeldheim to approve and authorize Chairman Sutton and Auditor Heupel to sign the Combined Election Agreement. Commissioner Dennert commented that since we use Vote Centers, he would like us to look into adding the cost of the Rural Vote Centers in the future agreements. All members present voting aye. Motion carried.

RFP FOR TUCKPOINTING:

Judy Dosch, Building Superintendent had submitted an RFP Notice for the Tuckpointing Project that she wanted to get approved. Moved by Commissioner Dennert, seconded by Gage to approve publishing the RFP with a bid opening date of December 19, 2023. All members present voting aye. Motion carried.

FAIR CONTRACT:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to get approval for Gabby Barrett based on the Deal Points for 2024 Brown County Fair. Moved by Commissioner Fjeldheim, seconded by Wiese to approve the Gabby Barrett contract for the 2024 Brown County Fair. All members present voting aye. Motion carried.

BROWN COUNTY FAIR TICKET PRICES FOR 2024:

Rachel Kippley, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the Fair Board recommendations for the ticket prices for 2024 Brown County Fair. Tickets went on sale for Black Friday, which is at the 2023 prices. Looking at 2024, we haven't done an increase in three years, so looking to increase for 2024. There has been comments from the public asking for better entertainment, so by increasing the tickets prices that additional revenue would go towards the Entertainment Committee budget line item to get afford better entertainment. After this, they are not looking to increase ticket prices again for a while, plus adding the Sunday entertainment into the 3 and 4-day package tickets. Commissioner Sutton shared that this was discussed in length at the Fair Board meeting and some members felt it wasn't enough of an increase compared to ticket prices for concerts held in other venues such as Sioux Falls. Rachel shared that they have had about \$14,000 in pre-sales at the 2023 prices, which goes through December 25, 2023. Then in March when we start to sell again, it would be at the increased rates. Moved by Commissioner Wiese, seconded by Dennert to approve the following 2024 Ticket Prices (not including the individual night tickets at this time):

TICKET TYPE	2024 – PRE-SALE PRICES	2024 – WEEK OF FAIR
3 – Day General Admission	\$100.00	\$120.00
4 – Day General Admission	\$130.00	\$150.00
3 – Day Reserved	\$120.00	\$140.00
Carnival – Daily	\$30.00	\$35.00
Carnival – Week Pass	\$70.00	N/A
Rodeo – Adult	\$20.00	\$25.00
Rodeo – Child	\$10.00	\$15.00
Sunday Event - Adult	\$10.00	
Sunday Event – Child	\$0.00	\$0.00

All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Mike Scott, Landfill Manager asked for an Executive Session to discuss contracts: Moved by Commissioner Wiese, seconded by Gage to go into Executive Session for Contracts per SDCL 1-25-2. All members present voting aye. Motion carried. The Chairman declared the executive session closed with no action taken.

SOLID WASTE TIPPING FEES:

Mike Scott, Landfill Manager met with the Commission to discuss raising the Solid Waste (SW) Tipping Fees as of January 1, 2024. After some discussion on the SW Tipping Fees and Solid Waste Fees for rural container sites the following resolutions were

SOLID WASTE TIPPING FEE SCHEDULE – 2024

Commissioner Wiese offered the following Resolution:

RESOLUTION #50-23

WHEREAS, Title 3, Solid Waste Management System, Chapter 3.07010 of the Second Revision Brown County Ordinances, effective March 12, 1997, as amended, requires the Board of County Commissioners to establish the fees for use of the landfill.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Tipping Fee Schedule shall be effective January 1, 2024:

SOLID WASTE TIPPING FEE SCHEDULE
PRICES EXCEPT MINIMUM CHARGE DO NOT REFLECT APPLICABLE SALES TAX
ALL LOADS MUST BE TARPED AND SECURED
ALL WASTE MUST BE SORTED AND PUT INTO PROPER AREAS

Type		Fee
Appliances	Refrigerators, Freezers, Air Conditioners, Dehumidifiers With or Without FREON	\$12.50 per item
Asbestos1	Friable – Powdery or Dusty state, can be crumbled and reduced to powder by hand	\$ 5.00 per bag
Compost	Grass, Leaves and Light Garden Residue	FREE
Contsoil	Gas and Diesel Contaminated Soil (notification and analysis required before disposal)	\$30.00 per ton
Contsoilsp	Contaminated Soil Special (i.e., NW Energy, Coal Gasification)	\$38.00 per ton
MSWRB	Rubble waste placed in Unit 1	\$30.00 per ton
INDSW	Industrial Solid Waste	\$38.00 per ton
MSW1	Municipal Solid Waste – IN COUNTY (Paper, plastic, cardboard, carpet, upholstered furniture, mattress, box springs, etc.) (Check with Landfill for material not accepted)	\$38.00 per ton
MSW2	Municipal Solid Waste – OUT OF COUNTY (same as MSW1)	\$38.00 per ton
MSWCR	Rural container site collection waste	Assess per ton
MSWDA	Carcasses (notification required prior to dumping)	\$38.00 per ton
Rubble 1	Asphalt Shingles ONLY.	\$30.00 per ton
Rubble 2	Heavy debris, concrete, dirt, rocks etc.	\$30.00per ton
Rubble 3	Pallets	\$38.00 per ton
Mobile Homes – all sizes		\$400.00per unit
Scrap Metal	Metals	\$38.00 per ton
Sludge	Sump waste (analysis may be required)	\$38.00 per ton
Tires	Large quantities priced per ton	\$300.00 per ton
Tires Count	Car and light truck	\$ 4.00 per tire

Tire Shreds	Shredded tires (cell disposal)	\$38.00 per ton
Tree Chips	Wood chips from trees	\$38.00 per ton
Trees1	Trees less than 8 inches in diameter	\$30.00 per ton
Trees 2	Trees more than 8 inches in diameter (must be 8' or shorter in length)	\$30.00 per ton
Minimum Charge (except on per item fees) 4.2% Sales Tax included		\$ 5.00

The following items are accepted free:

Residential: Lead Acid Batteries, Waste Oil, Paint, Grass and Leaves, Propane Tanks

Dated this 28th day of November 2023.

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

SOLID WASTE FEE:

Commissioner Wiese offered the following Resolution:

RESOLUTION #51-23

WHEREAS, Title 3, Solid Waste Management System, Chapter 3.07011 of the Second Revision Brown County Ordinances, effective March 12, 1997, as amended, requires the Board of County Commissioners to establish the Solid Waste Special Assessment fee schedule for the following year.

NOW, THEREFORE BE IT RESOLVED, that the following Solid Waste Special Assessment fees shall be effective January 1, 2024 through December 31, 2024, for the Brown County Sanitary Landfill:

SOLID WASTE SPECIAL ASSESSMENT FEE SCHEDULE

(Assessment plus applicable sales tax billed with the Real Estate Tax Notice)

1. Households within Incorporated Cities or Civil Townships that require curb service @ \$40.00 per year.
2. Households within Incorporated Cities or Civil Townships that do not require curb service @ \$90.00 per year.
3. Condominiums taxed as single units within Incorporated Cities or Civil Townships that require curb service @ \$40.00 per year.
4. Condominiums taxed as single units within Incorporated Cities or Civil Townships that do not require curb service @ \$90.00 per year.
5. Apartment Units and Assisted Living Units within incorporated Cities that require curb service @ \$20.00 per unit per year.
6. Seasonal Lake Cabins @ \$55.00 per year.
7. Mobile Home parks, outside incorporated municipalities, which provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$40.00 per unit per year.
8. Mobile Home parks, outside incorporated municipalities, which do not provide or require lot side waste pickup during the entire assessment period, for deposit into a permitted landfill solid waste facility @ \$90.00 per unit per year.

Dated this 28th day of November 2023

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

MINUTES:

Moved by Commissioner Gage, seconded by Sutton to approve the General Meeting minutes of November 21, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following claims: Professional Fees: Brown County Treasurer \$18,875.22; CenturyLink-Lumen \$190.36; IAAO-International Assoc of Assessing Officers \$480.00; Lucy Lewno \$320.00; Mark Katterhagen \$27.00; US Bank Visa \$2,292.61; Valerie Larson \$27.00. Publishing: GateHouse Media South Dakota Holdings, Inc \$1,176.78; Groton Daily Independent \$112.03; US Bank Visa \$900.38. Repairs & Maintenance: 5D Transport, LLC \$4,387.50; Jason's Electric Inc \$306.12; K&S Plumbing, Inc \$331.04; Olson's Pest Technicians \$440.00; US Bank Visa \$4,145.05. Supplies: Aberdeen Catholic School System \$255.10; Amazon Capital Services, Inc \$227.78; Dakota Supply Group \$11.70; Lucy Lewno \$13.26; Mac's Inc-Capital One Trade Credit \$49.98; Marco Technologies, LLC \$10.26; Menards \$43.26; US Bank Visa \$16,178.48. Travel & Conference: Dennis Feickert \$13.26; Duane Jark \$132.09; IAFE-International Assoc of Fairs & Expositions \$900.00; US Bank Visa \$3,545.92. Utilities: Northwestern Energy \$1,856.07; US Bank Visa \$1,774.24. Bond Payments: Alan P. or Angela P. Bernard \$13,025.10; Amber L Sriver Subtrust Created Under the Peterson Land Trust 2022 \$19,537.65; Amber Sriver \$3,256.27; Angela Bernard Subtrust Created Under the Peterson Land Trust 2022 \$19,537.65; Angela Peterson Bernard \$3,256.28; Darwin H. or Mary J. Bettmann \$1,953.76; David and Jill Lehmann Living Trust \$16,281.90; Donald D. or Maxine E. Fischer \$1,953.75; FDM Revocable Living Trust \$16,280.80; Great Plains Bank \$19,537.65; Herman Schumacher \$8,140.95; James D. Gressett \$16,280.80; John Kippley \$3,256.28; Joop Antonius Hubertus Bollen \$16,280.80; Lynnette Durham \$6,512.55; Mark & Mary Volk \$6,512.55; Marlin Nilsson \$13,025.10; Plains Commerce Bank-Abdn \$248,449.21; Pyush Ramanlal Patel \$16,280.80; Robert M. or Lora M. Larson \$3,255.70. All members present voting aye. Motion carried.

HR REPORT:

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

- Resignation of Gabrielle Schneider, Brown County Jail Detention Officer; effective November 20, 2023.
- Resignation of Brett Wilson, Brown County Jail Sergeant; effective November 24, 2023.
- Transfer of Joshua Lee as PT Brown County Deputy Sheriff to FT Brown County Deputy Sheriff; effective November 26, 2023.

All members present voting aye. Motion carried.

ZONING ORDINANCES-SET HEARING DATE/AUTHORIZE PUBLICATION:

Moved by Commissioner Gage, seconded by Wiese to set hearing date and authorize publication for first reading of the following zoning ordinances to be held on December 19, 2023, in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Proposed Ordinance #262, applicant Don & Darlene Schumacher for the purpose of rezoning the properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current and future uses: Proposed Lots 1 and Lot 1, "Don and Darlene Schumacher Addition" in the SW ¼ of Section 17-T123N-R64W of the 5TH P.M., Brown County South Dakota (38314 133rd Street, Aberdeen Twp.); Proposed Ordinance #263, applicants Nicholas Huber & Brianna Hellwig for the purpose of rezoning the properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: "Sutherland's Outlot 1" in the NW ¼ of Section 25-T123N-R65W of the 5TH P.M., Brown County, South Dakota (13424 379th Ave., Mercier Twp.); Proposed Ordinance #264, applicant Thomas Moore for the purpose of rezoning the properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current and future use: Proposed Lot 1, "Monroe Addition" in the SW ¼ of Section 2-T128N-R65W of the 5TH P.M., Brown County, South Dakota (37824 101st Street, Palmyra Twp.). All members present voting aye. Motion carried.

PLATS:

Resolution #52-23

Commissioner Wiese brought the following resolution: "Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "B.J. OUTLOT IN THE NE ¼ OF SECTION 26, TOWNSHIP 123 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 Gage. All members present voting aye. Resolution adopted.

Resolution #53-23

Commissioner Wiese brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota that the plat showing: “MONROE ADDITION IN THE S ½ SW ¼ OF SECTION 2, TOWNSHIP 128 NORTH, RANGE 65 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provision of SDCL of 1967, Chapter 11-3, and any amendments thereof.” Seconded by Commissioner Gage. All members present voting aye. Resolution adopted.

Resolution #54-23

Commissioner Wiese brought the following resolution: “Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing “GROTON SUBSTATION THIRD ADDITION IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 122 NORTH, RANGE 60 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA” having been examined is hereby approved in accordance with the provisions of SDCL 1967, Chapter 11-6, and any amendments. Seconded by Commissioner Gage. All members voting aye. Resolution adopted.

Resolution #55-23

Commissioner Wiese brought the following resolution: “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing CHRIS AND SARA ALLEN FIRST RICHMOND LAKE SUBDIVISION IN THE NW ¼ OF SECTION 23-T124N-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 Gage. All members present voting aye. Resolution adopted.

Resolution #56-23

Commissioner Wiese brought the following resolution: “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing JOHN AND KATHLEEN ANDERSEN ADDITION IN THE NW ¼ OF SECTION 14-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 Gage. All members present voting aye. Resolution adopted.

Resolution #57-23

Commissioner Wiese brought the following resolution: “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing “HENDRICK SECOND ADDITION IN THE SE 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 Gage. All members present voting aye. Resolution adopted.

Resolution #58-23

Commissioner Wiese brought the following resolution: “Be it resolved by the Board of County Commissioners of Brown County, South Dakota, that the plat showing DON AND DARLENE SCHUMACHER ADDITION IN THE SW ¼ OF SECTION 117-T123N-R64W 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 Gage. All members present voting aye. Resolution adopted.

Commissioner Wiese motioned to approve plat of “Anderson First Addition to Mansfield in the SE ¼ of Section 32, Township 121 North, Range 64 West of the 5TH P.M., Brown County, South Dakota. Seconded by Commissioner Gage. 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 an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

EXECUTIVE SESSION:

Moved by Commissioner Wiese, seconded by Dennert to go into Executive Session for Contracts and Security per SDCL 1-25-2. All members present voting aye. Motion carried. The Chairman declared the executive session closed with no action taken.

OTHER BUSINESS:

Ross Aldentaler, State's Attorney Deputy shared with the Commission that he is still looking into the TIF Administrative Fees. Commissioner Sutton asked for an update on the policy for limited access. Ross stated that Minnehaha County just settled on their lawsuit so give it some time to see how that works out and he is looking into insurance and liability on the use of the Community Room downstairs.

ADJOURNMENT:

Moved by Commissioner Fjeldheim, seconded by Dennert to adjourn the Brown County Commission meeting at 10:39 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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