

December 19, 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 Gage moved to approve the agenda, seconded by Wiese. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

District 3 Representative, Carl Perry shared with the Commission that the Exchange Club, which works with Americanism, Community, Prevention of Child Abuse and the Youth, gave out the following awards yesterday that are selected by their teachers and demonstrate good citizens both in school and at home: Roncalli Youth Citizen Award Winners: Gabi Marinez & Asher Keller; Holgate Youth Citizen Award Winners: Lasen Redinger & Maci Bruns; Simmons Youth Citizen Award Winners: Nilda Ortiz & Jeseh Oo; Christian Youth Citizen Award Winners: Natalie Fliehs. The Youth of the month kids are chosen based on school involvement through different activities, community service, church, etc. Roncalli Youth of the Month Award: Cason Hellwig; Central Youth of the Month Award: Axton Johnston and Christian Youth of the Month Award: Sophie Bosma. Mr. Perry commented that Brown County is in good shape with these good kids.

ORDINANCE #262 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #262. Applicant Don & Darlene Schumacher 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: “Sutherland’s Outlot 1” in the NW1/4 of Section 25-T123N-R65W of the 5th P.M., Brown County, South Dakota (13424 379th Avenue, Mercier Twp.). All members present voting aye. Motion carried.

ORDINANCE #263 – FIRST READING:

Moved by Commissioner Dennert, seconded by Gage to approve the First Reading of Proposed Ordinance #263. Applicant Nicholas Huber & Brianna Hellwig requesting to rezone 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 2, “Don and Darlene Schumacher Addition” in the SW1/4 of Section 17-T123N-R64W of the 5th P.M., Brown County, South Dakota (38314 133rd Street, Aberdeen Twp.). All members present voting aye. Motion carried.

ORDINANCE #264 – FIRST READING:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the First Reading of Proposed Ordinance #264. Applicant Thomas Monroe requesting to rezone 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 SW1/4 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.

FAIR CARNIVAL CONTRACT:

Rachel Kippely, Fair/Fairgrounds/Parks Manager met with the Commission to discuss the Fair Carnival Contract with Amusement Midway Providers (AMP, Inc.) it is the same people just a new name. The contract is a 2-year contract with a 3rd year option, so if no issues between them we will continue the 3rd year. The other changes they asked for was to go from five concession stands to eight concession stands but need to stay within the same space limits and they are increasing the ticket for one-day passes from \$35 to \$37, they have a card program they will be using. Rachel asked for the Commission to approve the Fair Carnival Contract: Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize Chairman to sign the Fair Carnival Contract. All members present voting aye. Motion carried.

SPECIAL EVENT/ENTERTAINMENT FAIR CONTRACTS:

Rachel Kippely, Fair/Fairgrounds/Parks Manager presented the contract for Randy Buker, Hypnotist for two one-hour performances on Wednesday through Saturday of the Fair for \$5000.00. Moved by Commissioner Gage,

seconded by Fjeldheim to approve and authorize the Chairman to sign the contract for Randy Buker in the amount of \$5000.00. All members present voting aye. Motion carried.

Rachel Kippley, Fair/Fairgrounds/Parks Manager presented the contract for Rowan Grace, competed on the Voice and is from Rapid City. The Special Events Committee did a poll on their website to ask people to vote between a couple different artists who they'd like to see, Rowan Grace was the top winner. She will be performing two one-hour performances on Friday and Saturday of the Fair for the total cost of \$6500.00. Moved by Commissioner Wiese, seconded by Dennert to approve and authorize the Chairman to sign the contract for Rowan Grace in the amount of \$6500.00. All members present voting aye. Motion carried.

EXPO ROOF BID DISCUSSION:

Rachel Kippley, Fair/Fairgrounds/Parks Manager wanted to discuss the Expo Roof Bid wanting to know if there is anything that can be done to make it happen or if it will need to be postponed. Budgeted \$300,000.00 but the bid came in at \$658,000.00. Some different ideas or options that were discussed is the Capitol Outlay Fund that they've been saving for a new project, unfortunately if would almost deplete this fund because was hoping to use it for grandstand or replacement of Home Arts Building at some point. Another option is to keep patching the roof, but cost is going to continue to go up. Other options discussed was to ask the other entities that use the facility to partner with them and ask them for help on the costs; naming rights: named Holum Expo in the early 80's due to a \$50,000.00 donation from Holum Charitable Trust – still honor this donation with a plaque or something – but offer the naming writes of the Expedition Center, would need to work the State's Attorney on this to see if we could do that; another option was to sell signage within the Expo to put signs on the wall; borrow the funds from somewhere else or set funds aside and budget for 2025. Commissioner Sutton agreed that the cost is going to continue to rise so we need to put our thinking caps on and figure out a way to pay for it. Sutton likes the idea of seeing if someone would be willing to partner with us and possibility of naming rights. After further discussion, Commissioner Wiese asked if the bidder had listed any provision as by when we needed to make the commitment. A comment was made that prices were going up in 2024, so Rachel figured we would need to know by the next meeting. Commission Sutton asked Rachel to contact the bidder to see if we have to decide by the end of the year take this project on, but they don't meet until January. Commissioner Wiese stated that this project is a good opportunity to start those conversations, plant the seeds now for something that is new and, in the future, kind of falls in the category of maintenance, which things sneak up on you, good to have the conversations to pursue it but good that we have some options that we can fund it and the cost won't get any cheaper.

Commissioner Fjeldheim asked if there is anything effected to change the naming rights from Holum Expo to something else, Rachel stated she has been looking to see if the Trust still exist and she hasn't been able to find anything and no paperwork states perpetuity, Commissioner Fjeldheim just wants to make sure there is nothing that prevents us from renaming it. Commissioner Sutton stated in the meantime contact the bidder for a drop-dead deadline and put it on the agenda for next week.

EXECUTIVE SESSION:

Rachel Kippley, Fair/Fairgrounds/Parks Manager asked to go into Exec for Contracts. per SDCL 1-25-2. Moved by Commissioner Wiese, seconded by Dennert 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.

FAIR CONTRACTS:

Moved by Commissioner Dennert, seconded by Gage to approve and authorize the Chairman to sign the Entertainment Fair Contracts for the 2024 Brown County Fair (names confidential until official press release). All members present voting aye. Motion carried.

EDWARDS LAND MANAGEMENT BOARD:

Ross Aldentaler, States Attorney shared that there is a utility company that wants permission to bore under or cross the Edwards Land Preserve. After looking at the agreement, it is debatable whether the board needs to approve it but to be on the safe side, we need to get the Board formed, agreement states it is to remain in an undeveloped state, utility crossing wouldn't be considered development. Board's purpose is to manage the funds that come in for improving the property. Commissioner Sutton shared that there is a Board in place, and he is the liaison to that Board, but they haven't met for over a year; he did reach out to Nathan Edwards to set-up a meeting to discuss this. Ross said to have the board meet and get a recommendation from them to either approve or deny

the request. Commissioner Sutton shared the only issue they have dealt with was someone wanted to build a picnic shelter overlooking the lake, so they walked the path and came up with the most logical location for it. Commissioner Wiese asked for informational purposes which utility and scope of work; Scott Bader, Planning & Zoning Director shared it was Northwestern Public Service (NWPS), wanting to bore a gas line from across the lake, they have permission from State GFP, not sure if they will need permission from Corp of Engineers but they are trying to loop their gas line together from around the lake. Scott stated he asked if there would be a valve above ground and NWPS stated it would be buried and nothing would be visible on the property.

AWARD BID FOR BODY AND IN CAR CAMERA SYSTEMS:

Jon Lemke, Chief Deputy recommended to go with LensLock at the \$152,745.00 for 5-year contract; they offer unlimited cloud storage and it's included in their price along with body camera refresh half-way through the contract. Commissioner Wiese asked that they discussed the options with IT, Sheriff, Dave Lunzman shared that IT went through each of the bids, and they didn't have any issues with the top 3 choices. Commissioner Wiese asked that if at the end of the contract, the unlimited cloud storage is then property of Brown County and Sheriff Lunzman stated that is correct. Jon Lemke shared that IT checked with LensLock that all the video footage at the end of the contract is property of Brown County, and they would work with the County to migrate it over to us. Commissioner Wiese also asked if there was a purge policy or if they would retain all of the footage for the 5 years; Jon Lemke shared they have retention set for a year then they purge but if the Sheriff's office wants something saved longer or indefinitely, they can go in and tag it and will save it until they go in and delete it. Sheriff Lunzman shared that LensLock works with CJIS and goes through the same testing they require of all their employees as well. Moved by Commissioner Wiese, seconded by Dennert to accept the bid with LensLock for a 5-year contract at the cost of \$152,745.00. All members voting aye. Motion carried.

BROWN COUNTY JAIL AND JDC INMATE HOUSING AGREEMENTS:

Sheriff, Dave Lunzman shared they decided to standardize the Agreements with other counties for housing of inmates for Jail and JDC; the cost would be \$100/day for Jail and \$350/day for JDC at this time and will reevaluate at a later date. Moved by Commissioner Fjeldheim, seconded by Wiese to approve and authorize the Chairman to sign the Inmate Housing Agreements with Walworth, Edmunds, Spink, Marshall, and Jerauld Counties at this time. All members present voting aye. Motion carried.

DOT AGREEMENT FOR GUARD RAIL AT RICHMOND LAKE:

Dirk Rogers, Highway Superintendent presented the Agreement with State DOT to replace the Guard Rail at Richmond Lake. The cost is \$200,000.00 and the County will be responsible for 20% of the cost or any other overage that will be done in 2024. Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman to sign the Agreement with State DOT. All members present voting aye. Motion carried. Representative Carl Perry shared that he has attended several meetings with Dirk, and he is always well organized and does a good job; he feels that the County is good shape with him taken care of our highways.

BID - TUCKPOINTING:

Time and place, as advertised to open, read and consider sealed bids for Tuckpoint project to Tuckpoint exterior masonry and sheet metal repair on the Brown County Courthouse to be completed on or before October 25, 2024. Judy Dosch, Building Superintendent shared that she asked for two alternate options The alternate option #1, includes patching the metal and painting and option #2 would be to patching and painting everything while they are up there so don't need to come back and do it again. One Bid was received from Building Restoration Corporation from Roseville, MN with a Base Bid of \$692,283.00 with Alternate #1 Option of \$28,550.00 and Alternate #2 Option of \$45,950.00. Commissioner Wiese asked what was budgeted and Judy shared she had budgeted \$800,000 for this project. Moved by Commissioner Wiese, seconded by Gage to defer the decision for one-week and give Judy an opportunity to review the bid. All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Gage, seconded by Wiese to approve the General Meeting minutes of December 12, 2023. All members present voting aye. Motion carried.

CLAIMS:

Moved by Commissioner Wiese, seconded by Fjeldheim to approve the following claims/payroll: Claims: Brick's TV and Appliance \$1,985.00; Certified Languages International LLC \$702.90; Christy_Griffin-Serr Law Office

\$7,211.64; Cogley Law Office, Prof LLC 7,211.64; CommTech Inc \$1,624.95; Dependable Sanitation, Inc \$36,118.40; Dohrer Law Office, PC \$7,211.64; Emergency Service Marketing Corp, Inc \$128.69; Faulk County Sheriff's Office \$12,240.00; Jerald M. McNeary \$7,211.64; Jeremy Lund-Siegel Barnett & Schutz, LLP \$7,211.64; John Noyes-Bantz, Gosch & Cremer \$7,211.64; Kuck Law Office \$7,211.64; Lewis & Clark BHS \$426.00; Saber Shred Solutions, Inc \$18,335.20; Sanford Health Occupational Medicine \$611.00; Sanford Health \$2,590.00; Satellite Tracking of People, LLC \$1,235.00; SD Dept of Revenue & Regulations \$2,898.40; Taliaferro Law Firm, PC \$7,211.64; Yankton County Sheriff's Office \$50.00. Publishing: Groton Daily Independent \$992.30. Rentals: Dakota Electronics \$90.00; Linde Gas & Equipment Inc \$49.70. Repairs & Maintenance: Artz Equipment, Inc \$42.40; B&B Contracting, Inc \$68,084.02; Double D Body Shop \$6,127.33; EcoLab Pest Elimination Division \$150.00; Graham Tire Inc \$166.05; HF Jacobs & Son Const. Inc \$290.82; Honeywell International Inc \$7,234.53; K&S Plumbing, Inc \$6,041.32; Lawson Products, Inc \$23.44; Olympic Sales, Inc \$668.14; Pheasantland Industries, Garment Division \$14.89; Pierson Ford Lincoln, Inc \$1,459.84; Pomp's Tire Service, Inc \$766.20; Steven Lust Automotive \$130.16. Supplies: A-1 Locksmithing \$32.50; Aberdeen Fire Rescue \$246.00; Advance Auto Parts \$1,216.47; Amazon Capital Services, Inc \$99.43; Avera LTC Pharmacy Aberdeen \$442.05; Bimbo Foods USA, Inc \$1,023.00; Century Business Products \$1,209.48; Cole Paper Inc \$496.50; Dakota Mailing & Shipping Equipment \$290.26; East Side Jersey Dairy Inc \$858.48; FedEx \$44.05; GovConnection, Inc \$174.85; Harr Motors \$200.00; JGE, Inc \$92.66; Karen Swank \$37.00; Kessler's \$94.35; LabSource, Inc \$501.30; Lawson Products, Inc \$277.69; Menards \$405.72; Midstates Group \$530.00; Midwest Card and ID Solutions LLC \$1,750.00; Midwest Pump & Tank \$201.17; Pantorium Cleaners Inc \$60.00; Pheasantland Industries, Garment Division \$179.50; Pitney Bowes Global Financial Services LLC \$1,046.10; Plumbing & Heating Wholesale, Inc \$26.79; Pro Ag Supply, Inc \$358.32; Runnings \$627.73; Steven Lust Automotive \$224.85; Thee Glass Doktor, LLC \$375.00; Thomson Reuters-West Payment Center \$1,894.62; Titan Machinery \$89.50; Tri-State Water \$35.00; WEB Water Bottling Company \$9.75. Utilities: CenturyLink \$1,156.83; City of Aberdeen Treasurer \$340.78; City of Hecla \$192.98; James Valley Telecommunications \$209.10; Northern Electric \$86.00; Northwestern Energy \$1,559.52; NVC \$3,797.29; Verizon Wireless \$4,393.12. Others: Safe Harbor \$476.50; SD Dept of Revenue & Regulations \$836,153.59. Payroll: Commission \$4,615.41; Auditor \$11,144.00; Treasurer \$16,374.22; SA \$32,898.95; Maintenance \$11,306.65; Assessor \$14,908.37; Register of Deeds \$9,932.80; VSO \$4,254.09; GIS \$2,643.52; IT \$9,124.46; HR \$4,698.75; Sheriff \$51,144.05; Jail \$63,576.34; Coroner \$613.60; Court Security \$7,507.59; JDC \$32,820.02; Welfare \$2,336.49; Museum \$11,560.93; Parks/Fairgrounds \$4,918.01; Fair Board \$4,107.21; 4-H \$786.80; Weed \$2,011.23; Planning & Zoning \$7,232.60; Highway \$53,783.35; Dispatch \$32,128.68; Emergency \$4,933.61; 24/7 Sobriety \$2,503.86; Landfill \$15,696.58; FICA \$24,780.93; Medicare \$5,795.58; Discovery_HSA \$1,739.78. All members present voting aye. Motion carried.

HR REPORT:

Moved by Commissioner Fjeldheim, seconded by Wiese to approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim: Request to fill Brown County Landfill Grounds Worker, PT. All members present voting aye. Motion carried.

TRAVEL REQUESTS:

Moved by Commissioner Gage, seconded by Wiese to approve the following Travel Requests: Dirk Rogers, Highway Superintendent to attend SDACHS Exec Board Meeting in Pierre on December 14, 2023; Kelsi Vinger and Karla Nelson, State's Attorney/JDAI to attend National Assessment Center Leadership Symposium in Las Vegas, NV on January 28-31, 2024. All members present voting aye. Motion carried.

AUDITORS REPORT OF ACCOUNTS FOR OCTOBER & NOVEMBER 2023:

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts of October 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$37,031,515.79; Total Savings Account Balances \$1,875,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$44,394,213.93. General Fund Cash and Investment Balances by Funds: General Fund \$17,806,799.52; Road & Bridge Fund \$671,456.94; Road & Bridge Fund-restricted \$423,243.27; 911 Service \$634,102.74; Emergency & Disaster \$112,496.99; Domestic Abuse \$755.00; Teen Court \$0.00; Grant \$32.11; SA Grants \$56,361.33; Truancy Court \$221.23; Richmond Youth Camp \$0.00; 24/7 Sobriety (\$6,482.34); ROD M&P \$103,268.54; American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$442,663.63; TIF Debt Service \$453,860.45; Landfill + cash change \$4,731,305.77 Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$17,563,649.31; Grand Total General Fund Cash & Investments \$44,394,213.93.

Moved by Commissioner Wiese, seconded by Dennert to approve the Auditor's Report of Accounts of November 2023 as follows: Total Cash and Checks on Hand \$7,700.00; Total Checking Account Balances \$25,407,908.79; Total Savings Account Balances \$1,125,447.42; Total Certificates of Deposit \$5,479,550.72; Grand Total Cash & Balances \$32,020,606.93. General Fund Cash and Investment Balances by Funds: General Fund \$18,574,864.76; Road & Bridge Fund (\$189,290.83); Road & Bridge Fund-restricted \$423,243.27; 911 Service \$570,603.21; Emergency & Disaster \$93,976.95; Domestic Abuse \$476.50; Teen Court \$0.00; Grant \$32.11; SA Grants \$56,894.99; Truancy Court 221.23; Richmond Youth Camp \$0.00; 24/7 Sobriety (\$10,119.15); ROD M&P \$104,365.55 American Rescue Plan Federal Grant \$0.00; Rural Access Infrastructure \$442,663.63; TIF Debt Service \$453,860.45; Landfill + cash change \$4,819,085.35 Landfill – restricted \$1,400,479.44; Trust and Agency Funds \$5,279,249.47; Grand Total General Fund Cash & Investments \$32,020,606.93. 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.

OTHER BUSINESS: None

EXECUTIVE SESSION:

Moved by Commissioner Wiese, 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 Fjeldheim, seconded by Wiese to adjourn the Brown County Commission meeting at 10:12 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor

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